

**Vanderburgh County
Board of Commissioners
January 2, 2001**

The Board of Commissioners of Vanderburgh County met in session this 2nd day of January at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Introductions and Pledge of Allegiance

Commissioner Mourdock: Good evening. We'll call the January 2, 2001 meeting of the Vanderburgh County Board of Commissioners meeting to order. First thing, as always, is our introductions. At the far right, we have joining us tonight and soon to be, I suspect, the Superintendent of County Buildings, Gary O'Risky; Out-going County Attorney, Joe Harrison, Jr.; Catherine Fanello; David Mosby. On my immediate left is Suzanne Crouch, County Auditor; and at our far left, Jane Laib, our Recording Secretary. Please join me in the Pledge of Allegiance.

Approval of Minutes

Commissioner Mourdock: We have one item to carry over from last year and that is the admission into the record of our minutes of December 18th. Obviously, we have an unusual situation here as far as the Roger's (Robert's) Rules of Order since I'm the only commissioner who was on the board at that time. Just for the record I'll ask the County Auditor to confirm the minutes that were submitted, since you were at the meeting, are to the best of your knowledge accurate and complete?

Suzanne Crouch: That is correct.

Commissioner Mourdock: So I will do the unspeakable and make the motion, second and say so ordered to the minutes of December 18, 2000.

Appointments & Election of Officers for 2001

Commissioner Mourdock: The next issue on our agenda then is the appointment and election of officers for the Board of Commissioners of Vanderburgh County. So I will ask my two new commissioners, is there a nomination for President of the Board of Commissioners?

Vice President Fanello: I nominate David Mosby for President.

Commissioner Mourdock: I will second. So with that, I will say all in favor say aye.

Unanimous: Aye.

Commissioner Mourdock: All opposed?

President Mosby: Inaudible.

Commissioner Mourdock: Not very easily.

Vice President Fanello: Two to one.

Commissioner Mourdock: That's the first thing you've learned, David. You can't say no. Second thing, formally, is to name a Vice President. Is there a nomination for Vice President of the Board of County Commissioners?

Commissioner Mourdock: I'll nominate Catherine Fanello.

Commissioner Mourdock: Alright and I'll second. All in favor say aye.

Unanimous: Aye.

Commissioner Mourdock: Opposed? Okay. In handing you the gavel, David, I will make a brief speech which is just to make three quick points. Four years ago when we had this bit of a transfer, it was kind of an unusual situation in that we're all reminded of the great experiment of democracy and how it works. It's a very humbling thing to be a part of all this. We all bring with us our certain partisan beliefs and yet we're all challenged at times when things don't work the way we hoped they would, yet we are also challenged to work together for the betterment of the community. I look forward to doing that with both of you. When I first came on this board, County Commissioner Rick Borries reminded me that most people will never, ever get a chance to testify to a committee of Congress or to even meet and talk to their Congressman or Senator. Even in a city the size of Evansville, probably very few people will ever get to talk to the Mayor. Every Monday night that microphone is open in the finest tradition of the Old New England town meetings. It is a challenging thing at times because the people that yesterday you took an oath to serve aren't always the most charitable. They aren't always the most polite, but when they go to that microphone, they do always deserve our respect. So I challenge you to do that. Second point, Pat Tuley said in a moment of frustration one time on this board that he never imagined a job where he was responsible for so much and ultimately in control of so little. You will learn that to be true. The fundamental point is, with that being the case, you always must go slowly to implement change. I don't think that anyone who's ever sat in these chairs for more than a few months hasn't had the experience of trying to head out the long limb of new ideas only to hear the sound of a chainsaw start behind them. You have to build support as you go along. Last but not least, I would add from my own vantage point, the thing I've learned most in the past six years is that there's a wealth of information within this building to help us do our jobs and we have to use it always. I hope this shocks both of you a little bit but I sat back this morning and did some quick calculating. When I came on the board there was 26 years of experience sitting in these three chairs. When Bettye Lou Jerrel came on the board there was 21 years of experience sitting on these three chairs. As the two of you come to this board for county government experience there's a total of six years and that means that we truly do have to work together and use every resource we can find. I look forward to working with you and doing that. Having done the official, we can put our name plates in and really get down to business. I will do this.

President Mosby: I guess I would like to start out by welcoming everyone to the Board of Commissioners meeting tonight. This being my first meeting and I have the past thirteen years experience on City Council but I know it's nothing like the County Commissioners so I've told Richard earlier that if I do something wrong to just rudely interrupt me and stop the meeting and we'll start over and try to make everything correct. I've asked the county auditor to do the same thing. Richard, I do look forward to working with you. I look forward to gaining all the information that I can possibly gain out of this building and from everybody in the public. I look forward to

working with past commissioners, Bettye Lou Jerrel, Pat Tuley, and Commissioner Borries, who has touted me on some things. I look forward to researching and going for all the information possible. I do look forward for anybody in this room or at any time in the public to call me, as I have on the City Council. I do return phone calls. I'm willing to go out on site and look at problems. I assure you that the public will never be shut out. I pledge to do the best job I can. I said that yesterday and I fully intend to uphold that.

Vice President Fanello: I don't have to give a long speech like that, do I?

President Mosby: It's up to you. You have your one minute, if you want it.

Vice President Fanello: I do want to say that I do look forward to working with everyone and I'm really excited. We are going to have a lot of big challenges this year, but I look for everybody's suggestions and advice and help. Hopefully, we can make this a smooth transition.

President Mosby: With all that being said, one other thing I'd like to do while we're on the subject of appointment of officers. We would like to make some appointments tonight to start tomorrow - as soon as possible. I'd like them to start today, but we didn't have a meeting yesterday. At this time, I would like to enter into the record the name of Phil Hayes who will be the new Vanderburgh County Attorney. Phil is with us tonight and will be assuming, I guess, his seat and working with Joe for the remainder of the meeting. Phil comes from 33 years experience as an attorney. Served, I believe, in the 94th Congress of the United States. Also served as a State Senator, a very good friend of mine and somebody I have a lot of respect for. I would like to enter Phil's name as County Attorney. Also, with us this evening on the far right, a gentleman I've knowed for a long time and I have all the respect in the world for and I know he'll do a great job as Superintendent of Buildings, Gary O'Risky who just retired after thirty plus years on the Vanderburgh County Sheriff's Department. Also, I see him sitting here this evening with his daughter and wife, I would like to enter into the record, Ralph Kissinger's name who will be going out to the Vanderburgh County Garage as Superintendent. I got to know Ralph and become good friends with him over the past few years. He comes from, I believe, about 23 years experience in the field of buildings and laborers. He worked for Bartley & Perigo at one time and was presently serving as superintendent for Phoenix Construction. I know Ralph will be very dedicated and do a great job at the county garage.

Commissioner Mourdock: Just by way of questioning, David, I know Mr. Kissinger and Gary O'Risky both have pink slips in here to formally do that hiring. Is there one for Phil Hayes?

Vice President Fanello: There should be.

Commissioner Mourdock: There is? Okay, I just hadn't seen it.

President Mosby: I told Tony about it and I think he completed it. Inaudible.

Commissioner Mourdock: Very good. I just wanted to make sure the record is complete. Just formally to do that, David, just helping you out if I may?

President Mosby: Go ahead.

Commissioner Mourdock: We need to officially do this by action so you actually need a motion from, I presume, Catherine on each of those appointments to go ahead and enter those into the record.

Vice President Fanello: Okay.

President Mosby: We have to do them one by one? Can we group them all together?

Commissioner Mourdock: We can if we have them all in here as consent items? If you have them all as consents, we can do them as consents.

President Mosby: We'll do them each. I enter the name of Phil Hayes for County Attorney. I make that motion.

Vice President Fanello: I'll second that motion.

President Mosby: I have a motion and second, all in favor say aye.

Commissioner Mourdock: Aye.

Vice President Fanello: Aye.

President Mosby: Aye. Superintendent of County Buildings, Gary O'Risky. I make a motion.

Vice President Fanello: I'll second that.

President Mosby: All in favor say aye.

Commissioner Mourdock: Aye.

Vice President Fanello: Aye.

President Mosby: Opposed? Motion carries. Vanderburgh County Garage, Ralph Kissinger. I would make that motion.

Vice President Fanello: I'll second that.

President Mosby: All in favor say aye.

Vice President Fanello: Aye.

Commissioner Mourdock: Aye.

President Mosby: I don't believe we need a motion to retain Steve Craig and John Stoll, do we?

Commissioner Mourdock: No.

President Mosby: That was going to be my other part. We will be retaining John Stoll in the Vanderburgh County Engineer's office and also Steve is with us too. We will be retaining Steve at the Burdette Park. Both fine gentlemen with a lot of

experience. We've no reason to make a change. One other motion I'd like to make and enter into the record tonight. As agent of record for insurance for Vanderburgh County when the contract comes up. I would like to name Dennis Feldhaus from ONB Insurance as the agent of record for Vanderburgh County.

Vice President Fanello: I'll second that.

President Mosby: Any discussion?

Commissioner Mourdock: Just procedural discussion not related to that one specifically. Technically the president should not be making the motions. The motion needs to be made and seconded and you rule by saying so ordered if you feel it is, in fact, appropriate to do so.

Vice President Fanello: So do I need to go through and make a motion?

Commissioner Mourdock: You will make a motion and I will second. You can simply say so ordered and that way we don't need to do the voice vote.

Vice President Fanello: I'll make a motion to appoint Phil Hayes as County Attorney.

Commissioner Mourdock: I will second.

Vice President Fanello: I'll make a motion to appoint Ralph Kissinger as Superintendent of County Garage.

Commissioner Mourdock: I will second.

Vice President Fanello: And a motion to appoint Gary O'Risky to Superintendent of County Buildings.

Commissioner Mourdock: I will second.

Vice President Fanello: And a motion to make Dennis Feldhaus the agent of record for insurance.

Commissioner Mourdock: I will second.

President Mosby: So ordered.

Commissioner Mourdock: We're rolling.

President Mosby: I'm gonna make your job hard tonight. You're gonna go home and be worn out. I believe that's all the motions we have to make. At this point in time, I would congratulate Ralph who is with us, Phil and Gary O'Risky. We look forward to working with you. I know that Commissioner Mourdock will be happy to meet with you and work with you.

Commissioner Mourdock: With Phil taking Joe's spot there, I said it the other night but again, Joe, we very much appreciate your fine service to the county. You've done a great job and you've helped us immensely.

Vice President Fanello: And I want to say thanks for coming by and helping us out.

Joe Harrison, Jr.: Is that the shovel?

President Mosby: I want to say thanks for your help between times.

Z Tuley - Board of Finance

President Mosby: Okay, moving right along here. County Treasurer. Request and appointment of Board of Finance.

Z Tuley: For the record, I'm Z Tuley the Vanderburgh County Treasurer. I have a copy here for everyone that I'd like to pass out. Those packages are the investment policy. They are for your review and for your approval. The Indiana Code, which I've also given you copies of, requires that we establish a Board of Finance. According to the very first highlighted section, the Board of Commissioners and the County Treasurer in each county together constitute a Board of Finance. Also what we are suppose to do at this annual meeting which is after Monday or the first Monday or on or before the last day of January is to appoint a president and secretary. In the past the president has always been the treasurer because they are the ones actually on the job, doing the investments, and taking care of payroll and such things. In the past, the secretary has been the auditor because she's already doing that job anyway so we didn't see any point in doubling up on that duty. The very last Indiana Code that I have highlighted for you states that the annual meeting the investment officer is to make a written report of the investigating officer local Board of Finance summarizing the investments during the previous calendar year. So I have also brought a year to date. If you would take that under review and I think we can get back together. I don't need—I don't know if you've seen the previous years. That's what is standing at this time. I've read it over twice today. I've read it over before today, obviously. I read it over twice and there's nothing that I'd consider changing at this time.

Commissioner Mourdock: Did I understand correctly, Z, that you were saying as county treasurer you would expect to serve as president of the Board of Finance?

Z Tuley: Yes.

Commissioner Mourdock: Just historically I was looking at the minutes from a year ago and I'll just read the second thing, "I would move that we maintain the same structure for the Board of Finance as in previous years which would be to have the president of the county commission serve as president of the Board of Finance.

Z Tuley: I believe that was done one year and one year only. I could be mistaken but I believe that was done one year and one year only.

Commissioner Mourdock: Okay. I just raised the issue.

President Mosby: I'm just struggling tonight but I'll be okay next week.

Commissioner Mourdock: Since she is asking us, basically, to take this under advisement anyway, I would suggest that maybe the county attorney take a look at it and make a recommendation back to us.

Z. Tuley: That's fine with me.

Commissioner Mourdock: It does not have big implications either way but I want to be accurate with what the record notes.

Z. Tuley: Also, I have a contract which was formally between an attorney for the collection of delinquent tax when we reach a brink where we just are not making any kind of progress at all. I have a contract, the former one, which was signed by the former treasurer, and I have a new one with one slight little revision as far as seizure money goes. If you would take a look at it as well and look it over. The treasurer cannot enter into a contractual agreement. I've also brought a copy of what he produced last year for the county. Can I leave this with you?

President Mosby: Leave that with Mr. Hayes. We'll have him look at it. I have spoke with Z earlier and she was in agreement with us taking this under advisement and acting on it at the next meeting.

GIS Agreement with Water & Sewer and Library Board

President Mosby: GIS Committee Agreement with the Water & Sewer Utility and the Library Board.

Roger Lehman: Roger Lehman, Building Commissioner and Chairman of GIS Technical Sub-Committee. We provided a copy of the agreement tonight. Unfortunately, the original is still with somebody who still seems to be on vacation. I couldn't track him down, but we will get the original. We do have a signed copy there that we would appreciate a signature for. This is for the library to provide the internet access service to the city/county enterprise GIS. There is no cost to the city or county. The library is absorbing all the cost of installation including the pipeline connecting our server with their server and including putting it on the internet. It's kind of an excellent deal, we believe, for the city/county and we request your approval.

Vice President Fanello: I would like to take a chance to get a little more up to speed on GIS before we approve it. I'm just going to ask that we table this for a week or two until...I think it would be a good idea for David to probably talk to some people too and get up to speed on what's going on. I don't want to make a decision that I might regret later.

Roger Lehman: I don't want you to either.

President Mosby: Do we need a motion to hold that?

Commissioner Mourdock: Yeah. I think we just need a motion to defer it for two weeks.

Vice President Fanello: I'll make a motion to defer it for approximately two weeks.

Commissioner Mourdock: And I'll second.

Roger Lehman: Thank you.

Commissioner Mourdock: Say so ordered.

President Mosby: So ordered. I guess when you have a first and second, you don't

really have a vote, do you?

Commissioner Mourdock: That's true. You'll find there are times that's a great advantage.

President Mosby: So if we don't get a second, we're in trouble.

Commissioner Mourdock: That's right. That's exactly right.

Any Group or Individual Wishing to Address the Board

President Mosby: Was there anybody wishing to address the board tonight before we go to department heads? Please state your name and address for the record.

Bill Cottun: I'm Bill Cottun. I'm the account executive for Systems and Computer Technology. We manage the Evansville/Vanderburgh County Government computer network. At the last meeting of the previous administration, I came before the commission to request a continuance of the guidance that the commissioners have provided to my office. We are a joint city/county office. We are a contractor. We try to maintain as much political neutrality as we're allowed. We need to really look to a single source or primary source on the county side as we look on the city side to the mayor's office for direction in the projects that we manage for the county. Without this direction we are—we would be lost to be very honest. The previous commission provided us with that direction and it was of incalculable importance to us to receive that. I ask that the commissioners continue that direction. I ask that you appoint a commissioner who will assist us in providing the services and identifying and requesting funding and those kind of things that are needed. If you could appoint an individual or as you wish a group that would give us that guidance it would be greatly appreciated and in certain need. With that, I thank you very much.

President Mosby: Any questions? Thank you very much, Bill. Any other individual wishing to address the board? Seeing none...

John Stoll - County Engineer

President Mosby: County engineer.

John Stoll: I've just got one item this evening. It's in regards to the Burkhardt Road project. Late last year a condemnation suit was filed on parcel 29 owned by Ron Gerhart. The condemnation was filed after negotiations hit a stand still. Mr. Gerhart was offered \$3,900 for the right-of-way and he never would accept that offer so Joe Harrison filed a condemnation suit. On December 20th, Joe and I met with Mr. Gerhart and Les Shively to discuss this. In that meeting, Mr. Gerhart and Mr. Shively had requested that we up the offer from \$3,900 to \$5,000 and we make some modifications to a driveway out there on the property. We'd already had Bernardin Lochmueller make the modifications to the driveway so that was no problem. I'm just here to ask for administrative settlement to up the offer from \$3,900 to \$5,000 and then the condemnation suit can be settled and we won't have to proceed with getting court appointed appraisers and all that. Based on the fact that the court appointed appraisers will probably cost us \$1,000 each and there will be three of those, it

makes sense dollar wise. So it's recommended that this be approved.

Vice President Fanello: I'll make a motion to approve.

Commissioner Mourdock: Just a question. The modification of the driveway, is that to the design? It's not something that you're looking to have county crews do on his driveway?

John Stoll: This will be part of the new driveway approach. It will be constructed as part of the project. Modification is being made to more closely conform to the driveway that he was suppose to originally install as a part of his development on his site. He did not put in a driveway in the location shown on his site review permit. This driveway more closely puts this driveway in where he was suppose to put it in the first place.

Vice President Fanello: I've got one more question. Are we sure this is a settlement? There's no further negotiations? This is it?

John Stoll: None that I know of. This, basically, is how the meeting was left. Once we got approval of \$5,000 plus we put the driveway modifications in that Mr. Gerhart would sign off on the right-of-way. The only other thing he had to do was he wanted his engineer, who's name is Reggie Heck, to review Bernardin Lochmueller's drawing for the driveway. The drawing that Bernardin Lochmueller did was a duplication of what Reggie Heck had done only since the plans were drawn in metric, they just converted Reggie's English drawing to metric. If this is approved, it's my understanding this suit will go away.

Vice President Fanello: Then I make a motion that we approve it.

Commissioner Mourdock: And I'll second.

President Mosby: So ordered.

Vice President Fanello: You've got that down now, don't you?

John Stoll: That's all I've got unless you've got any questions.

Commissioner Mourdock: I've got a couple, John. On the situations out on the west side that we've kind of carried over from the past year, Mr. Myers and the other name escapes me.

John Stoll: Batteiger.

Commissioner Mourdock: Where are we?

John Stoll: Batteiger we really haven't been able to take any shots on anything out there because of the snow. When I spoke with Mr. Batteiger, I told him what we would do as far as putting the pipe in under the road and we would stop just at the northwest corner of Peerless and Huckleberry. He was okay with that. I told him that based on discussions I had with Erik Bentle, the pipe wouldn't go in until mid to late January at the earliest. It's in the works but nothing really has been done as of late primarily because of the weather.

Commissioner Mourdock: How about the other one with Myers?

John Stoll: Myers. I haven't spoken to him again as of yet. I've got the minutes that were forwarded over and said something about the temporary easements and all that, but we don't have anything written up as of yet.

Commissioner Mourdock: Okay. Then the last one is more off the Oak Hill/Rode Road area. Edwards, was it?

John Stoll: Taylor. That one was awarded and CCC will be doing that work but we don't have a timetable on when they'll get started on that as of yet. There again because of weather.

Commissioner Mourdock: Will you get back to us next week on those couple on the west then. Realizing the snow is going to hold you up but we want to keep those moving.

John Stoll: The other two that you had given me in that letter on Upper Mt. Vernon and Red Bank.

Commissioner Mourdock: Yes.

John Stoll: I've got somebody that's going to look at it, but the snow had blocked any visibility of anything they could see as far as pavement problems or anything like that, but we'll get that taken care of as well.

Commissioner Mourdock: Please do and let us know on that one next week. Hopefully the snow will be gone by next week.

John Stoll: I hope so.

President Mosby: I'm just going to ask you a question. What discussion did you have on Myers?

Commissioner Mourdock: On Myers? He had indicated in a phone discussion to me that he was willing to give out additional right-of-way to the county. The problem was that he wanted us to work on property that we do not control. We've had a fixed policy, at least in the past several years, where if we don't have the right-of-way, we're not going to get on someone's property and basically use county resources off our own right-of-way. So he said to solve his problem, which was to have more of a grade in the ditch, if it meant giving more right-of-way, he was agreeable to do that. Is that summed up correctly?

John Stoll: Right. He had wanted the ditch to be piped, and we felt that he could probably get it to drain properly if it was just re-graded. Either way it would take temporary right-of-way to do that work.

President Mosby: So we don't have right-of-way?

John Stoll: No.

President Mosby: Looking at it, the waterline is beyond the ditch. I'm thinking there has to be a utility easement there to get to the waterline.

John Stoll: There is a utility easement out there.

Commissioner Mourdock: Even though there is a utility easement, that has nothing to do with us. Just because—

President Mosby: I'm just figuring there has to be municipal easement—I don't know.

John Stoll: We couldn't find any documented right-of-way. Like Richard was saying, the previous commissioners or more the county attorney had said that if we couldn't find a documented right-of-way that the only thing we could assume that we could get on would be to the edge of the pavement. That was the only thing we could stake a claim to.

President Mosby: In talking to him, he does not have a problem signed the easement over. He's more than willing to give up the easements.

Commissioner Mourdock: And that's really the question that remains is how much additional easement needs to be surveyed in and then have him sign that over to us to do what we need to do to get it to grade.

President Mosby: Thanks.

Mark Taylor - County Highway

President Mosby: County Highway.

Mark Taylor: You've got our reports from the last two weeks.

Commissioner Mourdock: They're in the back. How have the calls been on keeping the roads clean?

Mark Taylor: We've been keeping up pretty good then we had a couple trucks that went down. We should have a full fleet up by end of shift tomorrow. We had a plow frame buckle in when we hit a water works cut that was covered in the snow and ice. The transmission on truck number 36—the mechanic thinks it's a modular. We have no way of checking that. Clarke Diesel is the one that checks for us and they were on vacation today as part of their holiday. They are going to have a service technician out first thing in the morning.

Commissioner Mourdock: For what it's worth, I've only got one threatening letter which is pretty good.

Mark Taylor: We've had a few phone calls at the garage. We've also had a few calls telling us how good a job we've done too.

Commissioner Mourdock: That's good.

President Mosby: I can honestly say that it only took ten minutes after I was instated yesterday to receive my first few phone calls. I'd talked with Mark earlier and we discussed that. Two west side trucks broke down. Both trucks being on the west side, I can honestly say there were some rowdy people from the west side hills, but not a problem other than that.

Mark Taylor: We were compensating a one ton dump truck for two tandems. We were also pulling our trucks off the other routes and trying to get the job done the best we could. We should have our full fleet back up in force by the end of tomorrow barring no further problems. We are going to have salt delivered tomorrow and should have a full barn after tomorrow. Hopefully, we'll be sitting pretty.

Commissioner Mourdock: Hopefully, the worst of winter is past.

Mark Taylor: I agree. That's all I have unless you have questions.

President Mosby: Thanks a lot.

Philip Hayes - County Attorney

President Mosby: County attorney.

Philip Hayes: I have, believe it or not, just a little bit to speak about and that is from speaking to Joe Harrison on a couple of occasions and he was kind enough to bring over, by hand today, the lease agreement which you are all aware of that is expiring between Vanderburgh County and the Harts concerning the Safe House facility. That matter may be considered submitted for your information. According to Joe's letter, the attorney for Mrs. Hart is wanting to extend the time to exercise the lease agreement even though the election may very well be late, it's understood that this facility is going to continue to be needed to be used according to the information that Joe gave me. I wanted to let you know that this lease agreement is in our hands and available. I will submit copies if you don't already have it in front of you.

Commissioner Mourdock: I have not seen the contract.

Philip Hayes: This came over late this afternoon and it was a matter of trying to catch up on that. I'm informed that counsel for Mrs. Hart, the current landlord, is not available right now because of the holiday vacation period.

Commissioner Mourdock: Did I understand you that the lessor wants to extend the time for the election of the lease or extend the term?

Philip Hayes: Exercise of the option. There's a 60 day period in front of that. The expiration is February 28, 2001 so we are already into the 60 days without an exercise, but I think that Joe Harrison told me that he had been attentive to that matter in the interim and had worked out an informal extension. No one expects the landlord to ask us to move. There have been extensive renovations and repairs done there at the county expense. I think all the parties are satisfied, and I think the sheriff is gone but the chief deputy is here. Am I basically recounting that correctly? Everybody's expectations are that they will be re-uping on this lease?

Eric Williams: To the best of my knowledge.

Philip Hayes: When counsel for Mrs. Hart returns, I will get together with the public safety people and make sure that all the terms are consistent with what their expectations are and report to you as a commission. I think there was one other matter that I ought to call to your attention. That's a January 2nd letter dated, in fact, today. It's in regards to the matter of the terms of the memorandum of

understanding between the plaintiffs in the jail inmate case which is called Kifer vs. DeGroote in Federal District Court. There's an extension of time that was worked out between the court, the county and the representatives of the plaintiffs and filed in court. Fundamentally, it is a status issue that again has to do with jail population and with the necessity to address those issues which we are doing and will follow up from Mr. Harrison's directions on that.

Commissioner Mourdock: Again, just as a bit of historical reference. Part of the terms of that agreement were based upon the county taking actions within a period of time after receiving the preliminary report back from our consultants, PMSI.

Philip Hayes: Right.

Commissioner Mourdock: So now that we've gotten that preliminary report back, we need to, as you were saying, Phil, continue to demonstrate that we are making progress to do away with the jail overcrowding.

Philip Hayes: Those are the only issues that I would report to you today. I know that you are familiar with the county ambulance contract issues. Three copies of which were forwarded as proposals from Mr. Key of AMR Ambulance. This contract has been assured to him to be considered in January. It would be the pleasure of the commission to undertake that.

Commissioner Mourdock: I would suggest that even though that's not a formal public hearing, we probably want to go ahead and schedule a date during January and put that on the schedule now so that when Gary makes up the agenda to make sure we know when that one's coming before us.

President Mosby: Two weeks long enough? January 15th?

Commissioner Mourdock: Okay. January 15th sounds good.

President Mosby: January 15th, Gary. Is that all, Phil?

Philip Hayes: Yes, thank you.

Gary O'Risky - County Buildings
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President Mosby: County Building, Gary. You can't quit.

Steve Craig - Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. First of all I'd like to thank the commissioners for keeping me on as the manager of Burdette. I assure you all that I will do a good job for you. I wanted to say hi to Gary. He said he was retiring, but he didn't stay not working very long. Really all I've got is an update on the O'Day Discovery Lodge. Nothing has been done in the last month or so. It's been covered with snow. We are sitting in a good position right now waiting for the lime

stabilization and the dirt to dry out. I'm wanting to start looking for an architect or something to work with on the design of the building up there. We have a concept drawing made up of the building right now. It's probably time that we need to start talking with somebody about the mechanical parts of it. If the commissioners have any suggestions on somebody they would like to use, get with me. I have no one that I've dealt with that I want to point out.

Commissioner Mourdock: Again, for historical reference and I'm saying that a bunch tonight, probably to the point of boredom. What we've done in the past with this type of project is basically put the word out publically that we are looking for an architect with a specific...let me rephrase that. With a general description of what we are looking to do. Typically then, architects, about a half dozen, will respond with specific projects they've done that are similar in scope to what we are doing. Then you can choose from there.

Vice President Fanello: So would he be putting together an RFP of some sort? Is that what you're talking about?

Commissioner Mourdock: It can be a very informal RFP. In fact, probably the best way to do it might be to talk to city/county purchasing and they have a fairly standard form that they could put out on the street as an RFP just detailing what the scope of the O'Day Lodge would be and then we'll get solicitations back for that.

Steve Craig: Tomorrow morning I'm having an operation done on my knee so I'll probably be incapacitated for about a week. I may be back at the meeting next week, but I just wanted to tell you that if anything needs to be directed at me, direct it towards my home. Do you have my weekly worksheets?

Commissioner Mourdock: Yes. They're in the back.

Steve Craig: That's all I have this evening for the commissioners.

President Mosby: Thank you, Steve.

David Ellison - Soil & Water Conservation District

President Mosby: Soil and Water.

David Ellison: Good evening, I'm David Ellison and I'm representing the Soil and Water Conservation District of Vanderburgh County. First of all, I've not had the opportunity to wish Commissioner Fanello and Commissioner Mosby congratulations. Mr. O'Risky and Mr. Hayes, it's going to be a pleasure to work with all of you. It's been requested by the past commissioners, including Mr. Mourdock, that we give a monthly report. If there's any additions or changes needed in these reports, we will try to satisfy your needs. I've just got a small report tonight. Mr. Duckworth, Director of Public Works and Transportation Services requested that we assist in investigating problems in Green Gate Subdivision on Outer Lincoln regarding problems in pipe drainage from the subdivisions detention pond ultimately to the municipal storm drain on Lincoln. It was found under our investigation that this pipe was laid zero to negative. Therefore, I think, as soon as we get the water running downhill, we will be able to correct that problem. Also, with Mesker Zoo Mr.

McGinn requested assistance from us regarding several soil and water problems at the zoo including the lake leaking from its outflow structure and erosion problems caused by excess water moving through the park. We are working with the city engineer's office to develop some solutions possibly with a drop structure and maybe with a rock chute we can correct that problem. If there's nothing further, again, we are looking forward to working with you and hope you the best in the new year.

President Mosby: Thank you.

Commissioner Mourdock: Just in our weekly reports we always receive a weekly report from Ms. Breetzke who's out there and also Mike Wathen. The monthly report that Dave was referring to is actually from their organizing committee - Board of Directors. Dave is on the Board of Directors and we are always glad to have one of the board members come in monthly to report the direction they are providing to their employees.

Ozone Officer

President Mosby: Okay. Ozone officer.

Commissioner Mourdock: The ozone officer, as she typically does, submits a report in writing and then she comes by about twice a month or quarterly. With all the reports filed, I would move that we accept into the record the various county office reports.

Vice President Fanello: Second.

President Mosby: So ordered.

Consent Items

President Mosby: Consent items. Employment changes.

Commissioner Mourdock: Our consent items typically consists number one of all employment changes - all the pink slips that come through. Also then, we receive weekly a lot of county travel requests, occasionally some smaller purchasing type items or scheduling requests from people within the various offices that often affect our budget. So that's what's in your packet. We always, instead of acting on them individually, act on them in mass.

President Mosby: That's what I was wondering, if I needed to go through?

Commissioner Mourdock: Just to clarify for the record, I know the one pink slip we have for Mr. O'Risky's position doesn't have a specific date in it and I understand why. I just want to clarify on the record that that date is open and what's happening there is his current employment would otherwise conflict with what his retirement schedule is.

Vice President Fanello: Do I need to make a motion just to accept?

Commissioner Mourdock: Please do.

Vice President Fanello: I'll make a motion to accept the consent items.

Commissioner Mourdock: I will say second.

President Mosby: So ordered.

Commissioner Mourdock: David, there is a lady who came in late. Do you wish to address us or do you have an issue to talk to us about this evening?

Unidentified: I was told the meeting started at six. I was sent this letter that says six.

Commissioner Mourdock: I'm not sure you're in the right place.

Unidentified: It says 307, County Drainage Board.

Commissioner Mourdock: It had a date for this evening though?

Unidentified: January 2nd. It's about Lake Placid Subdivision.

President Mosby: City Drainage Board meets tonight.

Philip Hayes: If you'd like to continue, I'd be glad to look at her letter and clarify that.

Scheduled Meetings for 2001

President Mosby: Where are we at? I'm looking for scheduled meetings.

Commissioner Mourdock: What we have on our agenda is, scheduled meetings, is basically a reminder to set the meetings that we do need to schedule annually. I understand that it is your request or it works better for you that we go ahead and have our regular Monday Commission meetings at 6:00 p.m. Jane, the auditor's office, has to advertise what our schedule of meetings will be so we need to formally go on the record to set those 6:00 meetings and have them advertised as such.

President Mosby: Now did Barbara have a concern?

Vice President Fanello: In Area Plan I talked with Barbara today and I just talked with Suzanne and Jane so, I guess, whenever we have the rezonings—

Suzanne Crouch: I think probably the easiest way to do it is there were two resolutions prepared and you will choose the one that has the 6:00. In that it also has the rezonings set at 7:00 which is when they used to be. I believe what you're referring to is Area Plan might have already sent out their notices for the January meeting for 6:30.

Vice President Fanello: In fact, what she was saying, it would be in April before they could really catch up.

Commissioner Mourdock: But that would be just on the third week.

Suzanne Crouch: So what might be the easiest way to do this is to approve the Resolution as it is and then give us permission to advertise those three meetings in January, February and March. Perhaps you could do the Commission meeting at 5:30 with Rezoning at 6:30 just on those three Mondays. If April is when everything is fine, we can go back to your regular meeting times of 6:00 and 7:00.

Vice President Fanello: That's fine with me.

Suzanne Crouch: So if you can make two motions. One to approve the resolution as it is submitted in your packet.

Commissioner Mourdock: And that resolution sets all meeting times at 6:00 p.m.

Suzanne Crouch: That is correct with Drainage immediately on the fourth Monday and then Rezoning is at 7:00 on the third Monday. If you can make that motion, for us to advertise those three Mondays where Area Plan has a problem with that schedule.

Commissioner Mourdock: I'll make the first motion as recommended by the county auditor.

Vice President Fanello: Second.

President Mosby: So ordered.

Suzanne Crouch: Then if you could give us permission to advertise the Commission meeting on the third Monday of January, February and March to be at 5:30 with Rezoning at 6:30, we will also do that advertising.

Commissioner Mourdock: I will so move that we advertise as stated.

President Mosby: Question. Where do you jump questions in at?

Commissioner Mourdock: Any time.

Vice President Fanello: You can't ask any questions.

President Mosby: So what you're saying is in January, February and March that the third Monday the meeting will be at 5:30 instead of 6:00?

Suzanne Crouch: That's correct. With the Rezoning at 6:30 and I believe that Catherine spoke to Area Plan and they have to send out notifications and they've already sent them out anticipating that the meetings would be at 5:30 and 6:30 so those are the only three Mondays we have a problem with.

President Mosby: My question to her was, why couldn't we just recess the regular meeting and reconvene after zonings?

Commissioner Mourdock: We might well have to do that anyway because it would be very unusual for us to get a meeting finished in that one hour.

President Mosby: I'm just thinking that we could end up confusing somebody if they

come down here at 6:00 and we start at 5:30. That's the only thing I'm thinking. If we start at 6:00 and aren't done at 6:30, we recess and reconvene.

Commissioner Mourdock: If we want to do that, I can resend the motion and I presume Catherine will resend her second.

Vice President Fanello: I resend my second. That's fine.

Suzanne Crouch: It's your pleasure.

Commissioner Mourdock: It would be unusual, as you can see this evening, for us to get a meeting done in an hour. It is likely that we would need to recess and reconvene. So I'll formally withdraw my motion that would have had us move the third Monday meetings in January, February and March up to 5:30, I would instead suggest that we have those meet at 6:00 as otherwise advertised.

Vice President Fanello: And I'll withdraw my second.

Commissioner Mourdock: Regarding scheduled meetings though, in our conversation when we had lunch one day, which of course we will never be able to do again, we talked about that fifth Monday meeting. Have you given any more consideration as we currently stand to meet every Monday.

Vice President Fanello: We're going to go ahead and advertise the fifth Monday then if for some reason we don't have anything, we'll just cancel them.

Suzanne Crouch: Can I jump in and confuse the issue here? If you would give us permission to advertise on the third Monday of January, February and March Rezoning at 6:30 because the Resolution is advertised at 7:00. The Commission meeting would be at 6:00 according to the Resolution, then you'd have to recess at 6:30 according to Area Plan's request. So we do need a motion giving us permission to advertise the third Monday of January, February and March Rezoning at 6:30.

President Mosby: If we are going to make that motion anyway, we can go ahead and do the 5:30 deal. No, that doesn't have anything to do with it.

Commissioner Mourdock: I will move as stated by the auditor regarding the scheduling of 6:30 meetings.

Vice President Fanello: I'll second.

President Mosby: So ordered. And the fifth Monday is covered?

Suzanne Crouch: Yes, in the Resolution.

President Mosby: I know we talked about not meeting, but I want you to have to come down. You're not getting any Mondays off. Any other scheduled meetings?

Commissioner Mourdock: I don't think so.

Old Business

President Mosby: Old business?

Commissioner Mourdock: The old business that I would carry forward comes in several formats here this evening. We've had a tradition for the last four years, which I think has been very helpful to the board, to the people who work for us and the public as a whole. We have, as commissioners, routinely used about the third Monday in January of each year to state individually what our goals are and objectives are as individual commission members. We've had those posted on the bulletin board that's sitting behind Catherine and Phil. The reason for doing that is twofold. Number one to remind ourselves what our priorities are and number two so we have a way of routinely checking back and seeing how we are progressing towards what we view as important. I, individually whether the board does this or not, I'm certainly going to put mine on that board again because as a minority member there are certainly things that I want to see us continue to move forward on. I strongly suspect that all three of us may have in common some of the goals that we'd like to see achieved. So having said that, I'm certainly willing to discuss this further, but I think it's important that two weeks from tonight - or two weeks from last night- that again, we come prepared to say what our goals are, what are objectives are and put some timetables together so we can let the public know where this commission is headed.

Vice President Fanello: I agree with that and would be more than willing to submit my goals.

Commissioner Mourdock: Two weeks from tonight then.

President Mosby: I don't have a vote.

Commissioner Mourdock: Another old business item. Traditionally, we have a lot of boards to fill beyond the several positions we talked about here this evening. We've not had any discussion about those. I don't know whether you're ready to act on those or not, but it's certainly something we need to be thinking of fairly shortly.

Vice President Fanello: I would say by the second or third Monday we should be able to make some of those appointments.

President Mosby: I would say in the next couple weeks, I would be ready.

Commissioner Mourdock: Regarding specific service that each of us provides in addition to those for instance the Burdette Park Board where we may assign people, it's my understanding that you would like me to continue on at Area Plan which meets tomorrow night?

Vice President Fanello: Yes.

Commissioner Mourdock: So I'll go ahead and do that. Have you given any other thought or are you ready to discuss other appointments for the three of us as far as where we need to go?

Vice President Fanello: I think we could probably discuss a couple of those tonight.

I have in mind—

President Mosby: We can go ahead and discuss it. I mean—

Vice President Fanello: I don't have my list with me.

President Mosby: I do. I brought it with me. You had discussed Area Plan and that was fine with us. If you want to take that on, we'll vote on these. Can we vote on these together?

Commissioner Mourdock: I don't even know that it's even necessary to vote on them just as long as we know who's doing what. You heard Bill Cottun make a comment about someone serving on the SCT Data Board. Those types of positions. Again, by way of reference, what I've been working on is with the GIS group, Soil and Water Conservation District. I try to get to one of their meetings quarterly although I've been less diligent than I should with some of their meetings. The Community Corrections group, I'm currently serving on as a—not as an official board member, but I have been working with the sheriff and Eric Williams on some of the jail and community corrections issues. I'd like to continue to do that. What did I leave out? Oh, Area Plan. Vision 2000, generally the president of this board serves on that board. The Evansville Area Retarded Citizens, EARC, traditionally had a member of this board serve with that. What am I leaving out, Rick? You've done this for more years.

Suzanne Crouch: Alcoholic Beverage Commission.

President Mosby: Not a commissioner though.

Commissioner Mourdock: EUTS, thank you. EUTS is though. The Advisory Board typically has a commission member on that.

President Mosby: I'll tell you what. I'm going to go through here real quickly. Area Plan would be you. Central Dispatch will be me. Data Processing will be Catherine. Community Corrections, is that the one you mentioned?

Commissioner Mourdock: Yes.

President Mosby: Yeah, here's your name. That would be you.

President Mosby: EARC, Catherine?

Vice President Fanello: I would like to take EUTS so I don't know if somebody else would like to do EARC?

President Mosby: It's Catherine. The president can state that, can't he?

Commissioner Mourdock: That can work. Did I hear Catherine for EUTS though also?

President Mosby: Yes, she will do EUTS.

Vice President Fanello: And, I guess, EARC.

President Mosby: Right.

Commissioner Mourdock: Then as I mentioned, Vision 2000 is typically the president of this board.

President Mosby: Okay, I'll take it. License and Disciplinary Board. It shows Bettye Lou.

Commissioner Mourdock: That's not one that we committed necessarily one position to. Just tried to work them out somewhat evenly.

President Mosby: Okay, and Vision 2000 will be me. You say we haven't committed to this, License and Disciplinary?

Commissioner Mourdock: No, we have not committed to License and Disciplinary Board as a given. For instance, the president of the commission would automatically do that. A commissioner needs to do it but by position we've never designated who.

Vice President Fanello: You can do that.

Commissioner Mourdock: Again, just kind of breaking them up evenly. I've got three, Catherine's got two, and I've got you for Vision 2000 at this point and only that one.

President Mosby: Dispatch.

Vice President Fanello: And Central Dispatch. I've got three: Data Processing, EUTS, and EARC.

President Mosby: I've got Dispatch and Vision 2000. You have—

Commissioner Mourdock: Disciplinary Board, the way it sounds.

Vice President Fanello: And Disciplinary Board.

President Mosby: You worked that one right in.

Commissioner Mourdock: Then it's three, three and three.

President Mosby: I'll take Disciplinary Board. Okay, worked that one right in.

Vice President Fanello: Which one did I miss with you, Richard?

Commissioner Mourdock: I've got Soil and Water Conservation District, APC, and Corrections.

President Mosby: As I said, we will have other appointments ready in the next week or two. We might make some next week and some the following week.

Commissioner Mourdock: And some of those, obviously, require a Democrat appointment and a Republican appointment there so stated, so if there are some of those that I need, please, Gary, if you would give me a call.

Vice President Fanello: Do you—which ones are those? I know the Board of Review requires a Democrat and Republican.

Commissioner Mourdock: Board of Review certainly does. Historically, I think we've done that with Burdette Park. Those are the two that come to mind.

President Mosby: How many people are on the Burdette Park Board total?

Commissioner Mourdock: Did Steve leave? Five?

Steve Craig: Inaudible.

Commissioner Mourdock: So there's three from the commission?

President Mosby: Yeah, there's three on here from the commissioners and two from the county council?

Unidentified: Yes.

President Mosby: And our three have to be divided?

Commissioner Mourdock: They don't have to be, but traditionally they have been. In this case I would expect there would be two Democrat appointments and one Republican. If you want me to give you a Republican name or two, I'd be glad to do that.

President Mosby: I figure that county council can come up with a couple Republicans.

Commissioner Mourdock: They might.

President Mosby: So that one, Burdette, and Board of Review we need to do. Is there anything else under old business?

Roger Madden - Evansville Father's United
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Unidentified: Can we bring up something on jail overcrowding?

President Mosby: Sure.

Roger Madden: Roger Madden, Evansville Father's United. Just talked to the deputy and he said he wasn't going to submit a weekly jail report. He just said it's overcrowded. You mentioned the federal lawsuit. Is this the same federal lawsuit that was in the paper back in 1993/1994?

Commissioner Mourdock: 1979 actually.

Roger Madden: Okay.

Commissioner Mourdock: Just to clarify what you said, Roger. I think what Eric meant was he wasn't going to verbally give a report but he has submitted it.

Roger Madden: Well, I'm also an ex-cop, U.S. Air Force, B.S. in Law Enforcement. I've done a lot of research in the last 20 years. If you look at the cause and effect, in 1990 the Secretary of Health and Human Services, Louis Sullivan, said 70 percent of juvenile delinquents grew up in homes without a father and that's where a lot of the crime was coming from and things like that. He said that there was no substitute for paternal affection and discipline. In 1988, two years earlier, a study was done nationally that shows that there was a 77 percent denied visitation rate. I think that 77 percent denied and 70 percent of juvenile delinquents in jail is not a coincidence. If you want to get down to the point of...we had that 30 billion crime bill. If you knock 70 percent off that, you're down to 9 billion dollars. Saving 21 billion. I mentioned to the deputy that prevention is a lot cheaper and safer than correction. He agreed. I know when I was a cop it was air force, nuclear weapons, and things like that. It was a little safer. We still had the furs and guns and housing and all that. We want to keep our people safe, the public, our cops, etc., etc. If you guys could, I know I've brought this up before, if you could get the prosecuting attorney to start enforcing the visitation rights, I think you'd have a whole lot less juvenile delinquents, a lot safer community, and you might not have to build a larger jail. It's going to take awhile to turn it around. It's been going on for four years, but if they get a little more equal protection, I think we could save taxes, lives, etc., etc. Just on the safety factor because I know—on the safety factor the last statistic I heard was 400,000 rapes per year. You knock 70 percent off that and you're down to 120,000 which is way too many, but you just saved 280,000 victims just because of equal protection under the law. Catherine, I gave you the information, did you get a chance to look at it?

Vice President Fanello: I did look at it.

Roger Madden: Anything, any comments, etc., etc.?

Vice President Fanello: I don't have any comments on it at this time. I mean, have you talked with the sheriff's department about it?

Roger Madden: Yeah, for a couple years.

Vice President Fanello: And the prosecutor?

Roger Madden: Ten years...actually eight years.

Vice President Fanello: Unfortunately, I can't tell the prosecutor what to do.

Roger Madden: No, but if you people would look at it and maybe—

Vice President Fanello: I'm sure we will take it into consideration when we are looking at this issue as a whole, but—

Roger Madden: Just equal protection. Common sense, you know, goes a long way. Any questions?

President Mosby: I don't have any at this time. Thank you very much.

New Business

Commissioner Mourdock: A general related topic though, and I guess this is under

new business as well, certainly not something to act on this evening. I know it was certainly an election issue as far as PMSI and what we do with them. I would certainly hope that within the next two weeks, at the very latest, that we're able to discuss that item and have some consensus or at least have a vote as to where we go forward. I hate to see us lose any momentum with our jail progress. Again, I offer this somewhat instructionally. We've been getting a great set of statistics every week from Eric Williams in the Sheriff's Department. When I look at the one that's titled Vanderburgh County Sheriff's Office Detention Division, it usually has about 40 pages. To me the key numbers on that are always the very last numbers issued which are the Total Inmates In Custody - 304 for this particular one, Mean Days In Jail - 65, and Maximum Days In Jail - one person has been there for 736 days.

Philip Hayes: Is that not a federal custody matter?

Commissioner Mourdock: Yes, it is. He's a U.S. Marshall case.

Philip Hayes: Under the U.S. Marshall Service? So, basically, a tenant of the federal government.

Commissioner Mourdock: Right. The fundamental point with those numbers is that they've gone down dramatically in the last 18 months or so, and we need to continue tracking those numbers to make sure we can bring them down to make that jail show progress, less on federal judge orders, build a new jail. We don't want that to happen. I don't think anyone does. So I would encourage you to look at that information when it comes in. Gary, I had Tony weekly keeping those data charted and graphed for us simply because a picture is easier to understand than all the numbers, so I'd ask you to continue that as well.

President Mosby: I can't make a motion, but I can start a discussion.

Vice President Fanello: Okay, why don't you go ahead and start discussion.

President Mosby: I had been contacted by a gentleman from Barnes and Thornburg, Rick Hall or Rich Hall, whatever. I did get an opportunity to speak with him at the Commissioners Conference up in Indianapolis. I was made aware of the contract that we had with this commission. I've also had a chance, opportunity, to speak with Tom Pitman from Baker and Daniels out of Indianapolis who is a well reputable firm. He submitted a lot of information to me. At this time, I will let Catherine make a motion.

Vice President Fanello: Just to follow-up on discussion, I would like to make a motion that we terminate the contract with Barnes and Thornburg. Tom will be here at the meeting next Monday night. He is suppose to have an agreement for us to review. We will be submitting...he'll have an issues agenda and kind of a time line of where we are gonna go, but we do plan to discuss by the second and third Monday what our agenda and time line is.

Commissioner Mourdock: The contract you're looking to terminate with Barnes and Thornburg—

Vice President Fanello: Is as bond counsel.

Commissioner Mourdock: Pardon?

Vice President Fanello: The bond counsel contract.

Commissioner Mourdock: I was just going to say that's for bond counsel for what we were hoping to do with a new jail or whatever we're going to do.

Vice President Fanello: We'd like to present the contract on Bakers and Daniels.

Commissioner Mourdock: Obviously, this is one of those situations where you can make a motion, Catherine, and David, you can say second and so ordered if there is otherwise not a second. Not having seen the contract with Baker and Daniels, I would request that before we terminate Barnes and Thornburg, since I had seen that contract, I would at least like to see the contract from Baker and Daniels to see what sort of parity there is there. Yeah, Phil?

Philip Hayes: With your permission, having been notified by Commissioner Mosby that Baker and Daniels had forwarded correspondence concerning submission of a retainer agreement, I talked to Joe Harrison this afternoon and then I was able to reach the managing partner at Barnes and Thornburg who is also the signatory on the retainer agreement dated October 16, 2000 - just six weeks ago - and that was Robert T. Grand. We discussed that and that is was the sense of Commissioner Mosby, at least, that this issue would be brought forward to go ahead and terminate the contract and it would be the intent to enter into a similar professional services agreement with Baker and Daniels according to the same or similar fee arrangement. Bob Grand was agreeable to that, understands the discretion of the body very well, and of course, understands the competence of Baker and Daniels who are also players in these issues. Bob Grand is a very accomplished public lawyer with a good reputation. His predecessor, managing partner at Barnes and Thornburg, has been very good but he's in Kosovo and that's Ed Delaney. He was unavailable to talk to the two of us. In any event, Mr. Grand was very gracious about this and very professional and wished us well. He will be submitting a bill and expects to do so. My sense of the issue would be that we will expect to see, within the next couple of days, a retainer agreement very similar in the general terms that they always are. Probably very close word for word. I then talked to Mr. Pitman at Baker and Daniels who's the signatory of the letter dated today by fax to Mr. Mosby. He said that he would be able to get such a retainer down to us very quickly. My feeling about it from a purely legal counsel standpoint is that if you want to hasten the refocusing of the county commission on this issue, move immediately to the legal matters, move to an agenda being set out for receiving proposals, interviewing, whatever you intend to do with regards to architects, with regards to construction management, with regard to all of the issues that go into design and build, site selection. You may as well go ahead and act on it now. I appreciate the conservative aspect of holding on to contracts and keeping one in force until...but we're not going to get anymore work there. We will get a bill. He told me it's probably a couple thousand dollars for the six week period that you've had. Two weeks after - or three weeks after they signed it, they started polishing up the slide knowing that they'd probably not be around. I don't think they've devoted a whole heck of a lot of time in it. He did tell me that they've been doing some Barrett Law work and explained the fee arrangement there. It was very favorable to the county and I know that you'll want to consider them continuing with some of that work. It's not questioning their competence. I think it's more a matter, from what I understood, simply a matter of confidence in counsel. Have I already talked too much already?

President Mosby: I think so.

Commissioner Mourdock: I certainly understand that it's in this board's discretion if it wants to do so tonight to do so. I understand that Baker and Daniels is certainly a very qualified firm. My only point is simply this, as you said Phil, it will be a few days before we even get that agreement back in from Baker and Daniels. While—

Philip Hayes: It will need to be put on the agenda.

Commissioner Mourdock: It needs to be reviewed. It seems to me that those two things could logically and should logically be done at the same time. If we are going to terminate one then, I think, I'll bang the gavel here as a minority member, I would at least like the privilege of looking at the document.

President Mosby: We can dissolve one and act on the other one next week.

Philip Hayes: If you like, what I can do is go ahead and confirm this discussion. That's it's the intent to terminate pending the signature on another approved.

Commissioner Mourdock: That's fine.

Philip Hayes: That will work from a legal standpoint. I'll take your lead on that and do it. That will work.

President Mosby: Are you going to make a motion?

Vice President Fanello: Make a motion to terminate?

President Mosby: Yes.

Commissioner Mourdock: I thought we were just saying that we were going to wait one week to do it.

Vice President Fanello: We were just going to wait and terminate Monday night after he's had a chance to read the new contract.

Commissioner Mourdock: So we'll deal with them both next week.

Philip Hayes: Right. You want to instruct me to go ahead and begin the notice process? If you like, I can do that since it's terminable just by notification.

Commissioner Mourdock: I'll go ahead and make the motion then that you start that process. That's fine. The formal action will be next week.

Vice President Fanello: Tom will come down and speak to us and I think you'll feel very confident. He's done some jail projects throughout the state and is very knowledgeable. I was really impressed with him. I'll have him come down—

Commissioner Mourdock: It's good to know that he's done jail time.

Vice President Fanello: I'll have him come down Monday night and give a little

presentation.

President Mosby: Any other new business? No? Anybody like to speak? Motion—I can't make a motion.

Commissioner Mourdock: I move that we adjourn.

Vice President Fanello: I'll second.

President Mosby: So ordered.

Meeting was adjourned at 6:45 p.m.

CONSENT ITEMS:

Employment Changes:

Public Defender	Prosecutor	Commissioners
Superior Court	Pigeon Assessor	Coroner
Center Assessor	Circuit Court	Drainage Board
County Buildings	County Highway	Sheriff
Community Corrections	Recorder	Assessor
Property Tax Board of Appeals		

Travel Requests:

Health

County Clerk:

Submit Monthly Report

Treasurer:

Submit Monthly Report

Weights & Measures:

Submit Monthly Report

Commission Office:

Declare Surplus

Sheriff:

Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Joe Harrison, Jr.	Suzanne Crouch	Jane Laib
Gary O’Risky	Steve Craig	Eric Williams
John Stoll	Mark Taylor	Philip Hayes
Roger Madden	David Ellison	Roger Lehman
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Jane Laib

**Vanderburgh County
Board of Commissioners
January 8, 2001**

The Board of Commissioners of Vanderburgh County met in session this 8th day of January at 6:04 p.m. in Room 307 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call to order the Board of Commissioners' meeting of January 8th. Starting to my right, oh, I'm sorry, thank you. We have Tammy McKinney, who is the new part-time secretary in the Commissioner's office; Phil Hayes, the Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Jane Laib. If everybody would please stand, we'll say the National Anthem.

Vice President Fanello: No, the Pledge of Allegiance.

President Mosby: Pledge of Allegiance, I'm sorry. I thought Eric was going to sing it.

Vice President Fanello: That's good because I can't sing. That kind of told me how many people knew the National Anthem.

Approval of Minutes

President Mosby: I need a motion to approve the minutes of the January 2nd meeting.

Vice President Fanello: I'll move approval of the minutes from January 2nd.

Commissioner Mourdock: I do have one slight correction, Jane. On page 25, I think it's line seven, if you would. There was discussion about Baker and Daniels and Barnes and Thornburg and I said something about having parity meaning p-a-r-i-t-y and it was written as parody p-a-r-o-d-y. I don't think that was quite the intent. With that correction I will second the motion.

Jane Laib: You must have mumbled.

Commissioner Mourdock: That's probably right.

President Mosby: Motion and second. So ordered.

Jerry Bryan - APA013-2001 Tires & Tubes
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President Mosby: Purchasing. I think we have Jerry with us.

Jerry Bryan: Good evening, Commissioners. I'm Jerry Bryan, City/County Purchasing Director. I have before you in your packets an agenda request for permission to bid and advertise the annual tires and tubes bid. This is an annual bid and it's now time for its bidding. I'll advertise on January the 17th and 24th and come before you on the 13th. This is a large bid, it's about \$240,000 and 5,000 items. These are all the tires used by all the equipment for the city and the county. I ask you to approve these dates, please.

I'll move approval to bid and advertise on January 17, 2001 and 24, 2001 and open the bids on February 13, 2001.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Joe Harrison, Jr. - ABC Permit for the Centre
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President Mosby: Joe Harrison, Jr., approval and the permit for the Centre.

Joe Harrison, Jr.: Hi, Joe Harrison, Jr. I'm here regarding the alcoholic beverage renewal permits for the county for the Centre. They have two permits; one is a 219-3 and the other is a type 220 permit. The permits were actually approved, I think, a year or so ago and this is the annual renewal. I have the documents, I think, in the signature file. Commissioner Mosby will need to sign off in two spots where indicated and, I believe, initial in two spots. Then there is another document called a Request for Extension and it also needs to be executed by you as well. I've indicated to the Auditor's office, Jane, that I would come over tomorrow and pick those up and get them up to Indianapolis as soon as possible so they can proceed ahead. Their current license permits expire in the middle of February so we just need to get those up there and make it so that particular activity is allowed over in the Centre for the next year.

Vice President Fanello: I'll move approval of the renewal application extension request for the ABC permit for the Centre.

Commissioner Mourdock: Second.

President Mosby: So ordered. Thank you, Joe.

Judge Wayne Trockman - USI Contract for Day Reporting Program
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President Mosby: Judge Trockman, contract with USI for a day reporting program.

Wayne Trockman: Good evening, Wayne Trockman. Thanks for having me. As the Commissioners know, I applied through the community corrections...amended the

Vanderburgh County Community Corrections Grant asking for the Indiana Department of Corrections to fund a new drug treatment program for non-violent offenders in Vanderburgh County. That grant amendment was approved by the Department of Corrections early this fall and has been in the process now of being signed by all the appropriate state parties including the State Auditor and State Attorney General. I was informed, actually this morning, that on Friday the contract or the grant application has now been fully signed and fully signed originals is being sent back. Hopefully, that program is going to be up and running later this month. I'd hoped it would be up and running by January 1, so we are slightly delayed. When I wrote that grant, one of the items that I put in the grant application and requested funding for is the opportunity to engage an outside firm or individual to study the program and what we're doing. Try to determine what we are doing right. What we are doing that's working and, quite honestly, what we might be doing that's not working. In that regard, we contacted Dr. Raymond, who is head of the Political Science department at the University of Southern Indiana, who is very interested in taking on that project. We met with him several times and defined what we were interested in doing and he gave us his ideas. I put together a committee which has been meeting regularly since the grant application was initially approved. At least, by the Department of Corrections. Dr. Raymond has been attending all those meetings. The letter that I've sent copies to you of, and I have the original, is a contract between the Court, actually, and the University of Southern Indiana for the payment to USI of a total of \$9,000 through June of 2002 in order to perform this study. I really think, and I'll ask this question of Mr. Hayes, that this probably ought to have a signature line for the Commissioners? Maybe a signature line could be added before we send it back? I certainly don't have...even though the money is coming from the state that will be used to pay for this. That money will go into the county's general fund. I certainly don't have the authority to obligate the county, and wouldn't, for the payment of this \$9,000 to USI for the study. The purpose of being here tonight is to ask for 1) approval to enter into this contract for the county and the court to enter into this contract with USI and 2) for the signing of that contract by the Commissioners even though a signature line hasn't been prepared.

Philip Hayes: At the Commissioners discretion in this matter, as long as there are funds available and you know where the payment is going to come from, they can signify their authorization here and then the President of the Commission can sign on behalf of the Commission. That would be appropriate. Yes, in that sense adding a signature...all three won't have to, Judge, I don't believe. If they take official action and signify that -- Mr. Mourdock is that correct?

Commissioner Mourdock: Yeah, that would be normal for us to add a co-signature line and do it that way. That would be fine. I do have one other question though and it is somewhat of a liability question. In the information that's provided to Dr. Raymond at USI and potentially students who might be working for him, the way this is drafted, is there any or should we have any concern about the specifics of information being released in regards to any privacy rules?

Wayne Trockman: We've prepared several documents that would be signed by any participant in the program and one of the agreements that they make or one of the conditions of entering the program is that they understand that this information will be used by the University of Southern Indiana and will not be treated as confidential for those purposes. So they will acknowledge that before entering the program. Also, I did budget through the Department of Corrections a total of \$12,000 for this study. I'm asking to obligate the county for \$9,000. I thought that some amount ought to be retained as a contingency in case, when we get into this project, we want

to do something a little different.

Commissioner Mourdock: But all funding from this will ultimately be coming from the state grant anyway?

Wayne Trockman: Yeah, \$12,000 is designated in the state grant for this study. What I'm asking is to obligate the county for up to \$9,000 with USI. I've got the two originals here. I can give those to you now, if they are approved, or I could take them and add a signature line and return them to your office.

Commissioner Mourdock: It would be just as easy to give them to Tammy and she can go ahead and add that signature line to them and we can go ahead and act on them this evening. I don't have a problem with that.

Vice President Fanello: I'll move approval to contract with USI for the day reporting program.

Commissioner Mourdock: With the stipulation that we get that signature line added, I will second.

President Mosby: So ordered.

Wayne Trockman: Thank you.

President Mosby: Thank you, Judge. I'll let you leave them with her.

President Mosby: Follow up question, Judge. I presume the data that USI produces is going to go to the courts? You'll make some copies available here too, as far as what the stats are?

Wayne Trockman: Yes. As soon as that is done and I think that we are talking about some interim reports also, I'll make those available to the Commissioners and Council. I really want this to be a project...and that's why I put together a committee that consists of members from all walks of the community. I really want this to be a community based project, and want as much criticism and (inaudible) as possible of the program for the betterment.

Commissioner Mourdock: I'm sure you'll get the criticism.

President Mosby: Thank you very much, Judge.

Tom Pitman - Baker & Daniels

President Mosby: Next, we have Tom Pitman with the law firm of Baker & Daniels.

Tom Pitman: Thank you very much. I appreciate the opportunity to appear before you this evening. My name is Tom Pitman. I'm a partner at the law firm of Baker & Daniels. I'll tell you a little bit about our firm. Baker & Daniels is the oldest law firm in Indiana, dating back to the 1860's. We have nearly 300 lawyers in our firm making us, I believe, the second largest firm in the state. Excuse me. We have

offices in Indianapolis, South Bend, Ft. Wayne, Elkhart, Washington, D.C., and Peoples Republic of China. We are one of only about four or five law firms in Indiana that do bond counsel work. Let me tell you a little bit, if I may, about our practice group. We have six partners and five associates who devote all or substantially all of their time to tax exempt bonds. I am privileged to serve as Chairman of the Public Finance department of Baker & Daniels and have devoted substantially all of my practice to tax exempts in the last 16 years. Our firm was most recently honored to be the firm to make the presentation of public finance at the Indiana Association of County Commissioners. I know some of you were there. We were the only firm to do that. It was a presentation to brand new Commissioners and also existing Commissioners. Our firm has, in recent years, done bond counsel work in counties all over the state. I'll name some - not all: Marion County, Lake County, Allen County, Clark County, Hamilton County, St. Joseph County, Delaware County, Owen County, Clay County, and several others. In recent years, we've done bond counsel work on jail projects specifically in several counties and I'll name some: LaPorte County, Warrick County back in the late 80's, Kosciusko County, Greene County, Johnson County, Noble County and others. This is an area where a fair amount of technical expertise is called for. The emphasis that our practice tries to place on what we do is really service orientation. We'll work closely with you, if we're privileged to work with you. We'll focus ourselves on some service goals. Let me walk through some of those. First of all the result. You start off with a desired result in mind and we try to keep that in focus throughout the project, so at the end of the project we can say to ourselves that we helped you achieve your desired result. Timeliness is always an important factor of service. Our goal will be to exceed your expectations on timeliness. We try, instead of being reactive, we try to jump in there with you and help you drive your project to fruition. Certainly, we try to bring a good attitude to the process and make it enjoyable to work with us. We try to look for ways to make your job easier and anticipate your needs. We try to apply creativity to the projects we do. We are sensitive to the need to have really excellent communication throughout. So that really is our focus - service. We have submitted a written proposal for bond counsel services for your jail project. Obviously, we would definitely consider it a great privilege to be your bond counsel on this. What we know to be a very important project for the county. I would be happy to answer any questions, if you have any.

Commissioner Mourdock: Just a couple. You are aware, I know, that we had another firm contracted, technically, I guess, to this moment we still do. You're kind of stepping into pick up the work they did. In your proposal there are only two items that I do not see specifically listed and I just want to make clear by inference that they are otherwise included and go on the record here saying that you also will be providing these services. You mentioned just a moment ago about timeliness. One of the things that impressed me with the previous proposal that came forth was to give us a time line in prompt fashion as far as how they see this entire program rolling out.

Tom Pitman: Yes.

Commissioner Mourdock: So can I presume that even though it's not specifically listed, you'll be doing that?

Tom Pitman: Absolutely. In fact, in hopes of being able to serve you, I've already started trying to put that together. I actually have a fairly long graph even now so that would be one of the very first things we'd produce for you.

Commissioner Mourdock: Okay. The second item, and it's not specific in yours and this may or may not be a factor depending on what this board ultimately decides to do, but there's a potential that a new jail that we build might be done through either the private sector or through the Building Authority here or through some other means, your firm will provide us legal counsel regarding the bonding issues and review of those types of entities? Is that safe to assume?

Tom Pitman: Absolutely.

President Mosby: Questions?

Commissioner Mourdock: Those were my two questions. Before we formally move to act to accept Baker & Daniels, I think it's appropriate at this time, as I said last week and I appreciate the two of you granting me my wish here with this one last week, but I would move at this time then that we formally give notice to Barnes & Thornburg of the cancellation of the bond counsel contract that was issued to them on October 16th.

Vice President Fanello: I'll second.

President Mosby: Motion and second. So ordered.

Vice President Fanello: I'll move approval that we accept the contract with Baker & Daniels to be bond counsel for the Vanderburgh County Jail project.

Commissioner Mourdock: That is pursuant to the letter they've given us dated January 5, 2001 with the several points of clarification in my questions a moment ago. I will say second.

President Mosby: I have a motion and second. So ordered. Thank you very much.

Jane Laib: Do we have an original in the signature file?

Philip Hayes: The original document, Mr. Pitman has, I believe. If I can have that, I will go ahead and submit that.

Tom Pitman: Thank you very, very much.

Philip Hayes: Thank you. We appreciate it.

Vice President Fanello: Tom, have you met Sheriff Ellsworth?

Tom Pitman: No. Yes, I thought you said Sharon.

Vice President Fanello: He probably looks like a Sharon.

Commissioner Mourdock: Mr. Pitman, before we move on to the next item, I would ask that you be sure to keep me in the loop with all these things. I understand the way the system works, but I'd still like to know what's going on.

Tom Pitman: Okay.

President Mosby: I guess that's all.

Suzanne Crouch, Auditor - Permission to Advertise

President Mosby: Next, we will have Auditor for permission to advertise Rezoning meetings.

Suzanne Crouch: We would like permission to advertise Rezoning meetings. Last week, you all had moved that the meetings be held the third Monday in January, February and March at 6:30 and two of those Monday's are holidays so Area Plan has asked that in January the meeting be moved to January 22nd, the following Monday. In February it would be moved to the Tuesday following the Monday meeting, and in March it would be held on the regular third Monday of the month. Based upon that information, we've submitted a new ad to you all and ask permission to advertise.

Vice President Fanello: I'll move that we give the Auditor permission to advertise the Rezoning meetings in January, February, and March at 6:30.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Suzanne Crouch: Thank you.

President Mosby: Thank you.

Any Group or Individual Wishing to Address the Board

President Mosby: Was there any other group or individual wishing to speak under action items? We will move on to...I'm sorry.

Commissioner Mourdock: Let me make a point of clarification, the Auditor just asked me about the notice to be given to Barnes & Thornburg. Since I did formally make that motion that we go ahead and terminate, we'll need to prepare a letter. Obviously, since we've already had the motion and approval, it needs to be signed. If we could get that done as soon as possible then Jane will go ahead and prepare it and get a copy of that into the record.

Philip Hayes: I take it that you would like for me to go ahead and draft that for...

Suzanne Crouch: Perhaps for next Monday's meeting, you could even put it as a consent item.

Philip Hayes: Frankly, under the terms of the contract, it's terminable under at notice and I think you've effectively terminated. What you really have is a secretarial job which I'll be glad to undertake, if that will suit everyone. I think it will suit Barnes & Thornburg.

Commissioner Mourdock: There's two concerns. Number one, the legal notice, we've effectively just done. The second part though is to get a draft of whatever that is into the record which is why I bring it up now so Jane gets a copy of it for the record.

Philip Hayes: Correct. We'll do that. I can submit that, Jane, to you tomorrow if that's good enough?

Jane Laib: Sure.

Richard Helzerman: My name is Richard Helzerman. I've come to speak to you about overcrowding in the jail. I'm President of Dictionary Data, Inc., a data processing consulting company; I have over 30 years experience analyzing system problems; I'm also the Pastor of the Seventh Adventist Church in Newburgh. I've been acquainted with many of the jail problems because several of the inmates have attended my church. Before trying to solve a problem, it is a good idea to attempt to analyze it by asking four questions: 1) what is the problem? 2) where is the problem? 3) when did the problem occur? 4) what is the extent of the problem? The first question, "What is the problem?" The answer is the number of inmates. As of the 3rd of January, 284. That exceeds the capacity of the jail which is 268. The second question, "Where is the problem?" The answer is the county jail, not the juvenile detention or the Safe House. The third question, "When does the problem occur?" The answer is since 1979, over 20 years, there's been a problem with over crowding in the jail. The fourth question, "What is the extent of the problem?" The answer is the population of the jail has reached 430 which was 174 over its capacity. At the current time, the population is relatively stable around 300 which is 38 above capacity. The reason for the drop is the judges are resisting requests for delaying trials which use to be routinely granted. Now, if we analyze this inmate population, we can identify 13 categories of prisoners. The sheriff's department provides a daily report to interested persons called Inmate General Information Confinement Report. The last page of this report consistently shows that a very large proportion of the inmates fall into one category, Pre-Trial Felony. In the January 3rd report, 145 out of 284 inmates or 51 percent fell into this category. This simple analysis shows the problem of overcrowding is caused by the large number of people waiting for their trial. Any change in procedure or policy that would reduce the time people spend in jail awaiting trial has the potential to solve the problem of overcrowding. If we analyze these inmates awaiting trial now, since we've narrowed the problem down to that group, we need to look at whether they could receive bond or not. Ninety-nine of the 145 could be released on bond. If those 99 were rich enough to raise their bond, the population of the jail would be 185 and the jail would not be overcrowded. English common law back to the 1500's as well as both the U.S. and Indiana Constitution forbids unreasonable bail bond. If we analyze the inmates awaiting trial according to the number of days in jail, we find that 60 of the 145 have been in jail longer than 70 days. If the system had given them a trial within 70 days, those 60 would not be in the category of pre-trial felony, and the population of the jail would be 224, and the jail would not be overcrowded. Indiana law rule four requires a trial within 70 days for inmates who request a speedy trial. Now from this analysis, I conclude that the overcrowding is caused by two system failures. Either one of which if fixed would eliminate the problem. The first is failure of the system to set a reasonable bond. The second is failure of the system to provide a speedy trial. Both of these are fundamental human rights that are guaranteed by the Constitution of the United States. The right to reasonable bond is promised by the Constitution of Indiana and the right to a speedy trial is recognized by Indiana law. You, the County Commissioners, as well as the County Council Members, the Prosecutor and the Judges have all taken an oath of office to support and defend the Constitutions, both of them, U.S. and Indiana. The assistant prosecutors, public defenders and other defense lawyers are all attorneys. The law of Indiana requires lawyers to support the Constitution. All the individual people who are employed by

the system are under obligation to support the Constitution, but the system fails to deliver these two very basic fundamental Constitutional rights. During the last year, I've appeared before the Commissioners and made many offers to eliminate the problem of overcrowding. Tonight, I will briefly outline three additional offers that should eliminate the overcrowding. The first offer to eliminate jail overcrowding in four months. You give me a dollar down and authority to interview the above identified people in the system and access to the various filing systems including read only access to the court and jail computer files - that's your part. If the population of the jail falls below capacity, you pay me a one time payment of \$32,000 and begin paying a monthly retainer of \$4,000 as long as the population stays below capacity or until the new jail becomes available. That's the first offer. The second offer is to administer a pre-trial conditional release program whereby any defendant who could be released if he could raise his bond, would be released on condition that he have a known address and that he stay there except to go to work, church, shopping or other identified appointments. He must call from a telephone with caller I.D. enabled. Before leaving and after returning from these appointments or once a day if there are not appointments. A log of all calls will be provided to the court it's next business day. The cost of this service would be \$3,000 per month, plus \$6.00 a day per person. A third offer is to re-engineer the information flow of the criminal justice system so that all the necessary information is made continuously available on a need to know basis to the police, prosecutor, judge, and defending lawyer so that depositions, pre-trial hearings, plea offers, trials and sentencing can be scheduled speedily. This cost would be \$7,000 a month for twelve months. You can solve the problems yourselves without any expense to me or very minimal expense to me and I'll give you three suggestions of things you can do that I believe would eliminate the overcrowding. The first suggestion is to release defendants on their own recognizance if they sign an agreement to enter a guilty plea and be sentenced to the minimum allowed by law if they fail to appear for trial. The County Attorney should prepare sample filings and assist with the first several cases. The second suggestion is to require the public defenders, whom you pay, to automatically file a request for speedy trials for all their clients. Currently, the discourage defendants from requesting speedy trials because of their heavy caseloads. A third suggestion is to require the public defenders to request that their clients be released on their own recognizance. A Federal Court has ruled that no man should be denied release because of his indigence. Now all the people that are in jail with public defenders have been determined to be indigent. I believe that the reference *Bandy v. U.S. 82 Southern Court* blah, blah, blah. The County Attorney should actively assist the public defenders with the first few cases until they get used to the fact that this is the thing. A new jail will require several years to put into place. Whether or not one is built, some action should be taken right now to eliminate the overcrowding by reducing the number of inmates in the category of pre-trial felony. I've attached to my thing here several of the last pages on this inmate report to show you that the January 3rd is not a fluke because of the holidays or something. The numbers are down because of the holidays. On this page you see that 145 of the 284 in custody are pre-trial felonies, that's what the PREF means. There were 60 on this particular report that were in jail over 70 days. If you subtract 60 from the 284, that's 224. The capacity of the jail is 268 so you are way below the limit. The second one is December 7th meeting or the seventh report, again you see there is 156 in the pre-trial felon which is over half of the 304 people in the jail. On this report 55 were there over 70 days. If you subtract the 55 from the 304, you get 249 and that is below the capacity of the jail. The jail would not be overcrowded if they got their trial within 70 days. The third one goes back to October 25th. Again, you see 159 of the pre-trial felons. Again that's over half of the 301 in the jail. In this report, 48 of them were there over 70 days. If you subtract the 48 from 301, you get 253 which is below the

rated capacity and the jail would not be overcrowded. The next thing I have is a copy of a couple pages out of a book called *The Great Documents of Western Civilization*. Here on page 124 it says that, "the Declaration of Rights which for the first time codified in English liberties which was passed in February 1689. The Declaration of Rights as most English Constitutional documents was not intended to make new law, but to reaffirm old law." In other words, these principles were old law back in 1684. The Declaration was subsequently reenacted and became the Bill of Rights, a fundamental part of the English Constitution. Many of its provisions were adopted verbatim into the American Constitution written a century later. The thing on page 125 is the indictment of King James II where they gave a trial and beheaded him and this was one of the things that he was beheaded for – number 10, "Excessive bail hath been required of persons committed criminal cases to elude the benefit of the laws made for the liberty of the subjects." The conclusion of the Declaration is on the next page – item number 10, "That excessive bail ought not to be required, nor excessive force imposed, nor cruel or unusual punishments inflicted." Now this principle of a reasonable bail is an ancient, ancient principle that our society, and you in particular, this system is violating. On the next page, I've gathered together copies of Indiana law and the Constitution of the United States Constitution to back up what I've said. Article 15 of the Indiana Constitution says, "Every person elected or appointed to any office under this Constitution shall before entering on the duties thereof take an oath or affirmation to support the Constitution of this state and of the United States. Indiana law concerning lawyers – I see 332113 Section 3, "It shall be the duty of an attorney to support the Constitution and laws of the United States and of the state." The Indiana Constitution Section 16, excessive bail or bonds and cruel or unusual punishment, Section 16, "Excessive bail shall not be required; excessive fines shall not be imposed; cruel and unusual punishment shall not inflicted." That's phrase for phrase exactly what was in the 1689 Declaration of Human Rights. The right to bail for an un-bailable offenses in Section 17 says, "Murder or treason shall not be bailable." There are only eight people in the pre-trial felony case that are accused of murder. All the rest of them should have a reasonable bail – they don't or they wouldn't be there. Now it's very interesting, Section 18, the penal code shall be found on the principles of reformation and not vindictive justice. I'll talk to you about that another time. U.S. Constitution says you have a right to a speedy trial. Finally, on the last page, I have Rule 4, Rules of Criminal Procedure, Rule 4.

Vice President Fanello: I'm going to stop you for just a minute. Have you given this to the judges at all because I have absolutely no power whatsoever to do either one of those three suggestions?

Richard Helzerman: You have authority...the authority is not to the judges. The thing that I'm asking you to do – on the suggestions, you mean? – that the public defender requests to the judge, and the county attorney give legal aid to the public defenders who are too busy to do legal research and are not really giving it. You could authorize the county attorney to do that. We are saying that they request it of the judges. Now, if you write a letter to the judges – please give Richard Helzerman an hour of your time – so I can talk to them. I've call both Heldt and head of the Circuit Court, their secretary and I've called the secretary of the Superior Court and asked for an appointment. They have not returned my call. At this point, I need something more to get beyond that thing. I'm happy to talk to them, but I can't force them to talk to me either. If you would write an open letter to these people and say, "Please talk to Richard Helzerman. Give him an hour of your time." I'm willing to attempt to work through them. They could handle this all by themselves, if they

would but the fact is that they haven't and you're stuck with the problem.

Vice President Fanello: Unfortunately, I can't force a judge to do something and neither can these other two commissioners. All the suggestions you're making – I understand the suggestions you're making because I sat in on the Commissioners' meetings for the past year while running for election. I sincerely understand what you're saying, but those have to be things that the judges take into their hands. I can't tell the public defenders what to do. I can't tell them to release defendants on their own recognizance: it's not something we have the authority to do. Judges are elected officials and if they're not returning your call then you need to be making the initiative to scream and shout and talk to them. They are elected officials too, and they are accountable for what they do. The power that this Board has is to build or provide an adequate jail facility. I can't tell, David can't tell, and Richard can't tell the courts what to do or how to move their cases along or how to prosecute their cases or who to release.

Richard Helzerman: You have the ultimate authority and ultimate responsibility for all the things that occur in the county. A judge just came before you today and asked you to do something for him.

Vice President Fanello: Because he can't legally contract.

Richard Helzerman: Because he can't do it, okay. Anytime somebody asks you for something, now you did not ask him for anything in return.

Commissioner Mourdock: That's not accurate, Mr. Helzerman. He had been here prior to this board convening and he had been here last year. In fact, the Drug/Court Program is something that kind of worked through the community process and this board was, ultimately, a part of . So he did, in fact, come here previously. Tonight was not a one shot deal where he just walked in and threw a contract on the table. Let me take that a slightly different route because basically what you're asking us to do, from your own point of view, is to have a contract. You would like to have the sum result be what happened here tonight with Judge Trockman. You would like for some judge to come forward and say – just as Judge Trockman did using USI as the contract agent or do the work, if a judge came in here to us and said, "We've spoken with Mr. Helzerman just as Judge Trockman did with USI and now we have a contract and would like for this board to act on behalf of the county to sign it." We would certainly consider that, but the initiative started in that building with Judge Trockman, with communication he had with USI to define the scope of work. If that conversation took place between you and Judge Trockman or Judge Heldt or Judge Bower or anyone else over there, then this board could certainly review it.

Vice President Fanello: I sincerely don't want to see you waste your time asking us to do things that we don't have the authority to do. The court system has the authority to run their court system and we don't. All we have the authority to do as commissioners is to provide an adequate jail facility and that's it. I'm not saying that I won't be pro-active in leadership in making my opinions known to the judges and I certainly want to work with them, but I can't tell them what to do.

Richard Helzerman: I don't perceive any of these as asking you to give any kind of control type of things to the judges, but the public defenders are employees or part-time employees of the county. They are under a board which is under you, and you have the authority to make rules and procedures and things that the public defenders should do. What I'm asking for or suggesting here is that you pass a

resolution that says that the County Council wants or requests that the public defenders will file a request for a speedy trial on behalf of their clients and that they will request of the judges if they are indigent, which they all are, that they get their legal right to a reasonable bail. I'm not saying you have the authority to fix all this stuff...any little thing that you do that will reduce the time that people are in jail waiting for their trial or speed up the trials will relieve the problem of overcrowding. There are many, many different things that can be done. It's not, I mean, this is something that you as a body...if you request it, that gives it some kind of authority or whatever. There are many analysis problems. There are many system problems in the juvenile justice system that needs systems analysis work. I thought that the previous consultant was going to do some of those things, but I didn't see much evidence of it in their report. Basically, everything is delay, delay, delay. I'd like to ask you to go sit for a day or a couple hours in some of these court rooms, Monday mornings, and just listen to what's going on. I'd like to ask you, like I asked the other commissioners, to visit the jail. The sheriff has promised me that he'll give you a tour.

Vice President Fanello: I've made a visit.

Richard Helzerman: I'd ask you to sit – pull out one of those cots that the overcrowded people have to sleep on and put it next to the toilet in the middle of the cell and just lay there for three minutes – even with the lights on – and imagine what it would be like to be there all night with people stumbling over you all night when they go to the bathroom. This is what I'm asking you to ask them. To put a declaration of intention that these things...if the fundamental human rights were met, you would not have a problem of overcrowding in the jail.

Commissioner Mourdock: Which is why, exactly, we're dealing with the situation as we can. We have another item for discussion that will be coming up here in a few minutes under old business as far as the consultants you spoke of a minute ago, PMSI. We are trying to move the system forward. All of us are, I'll use the word and at least it applies in my case, frustrated that this situation isn't moving more quickly. We do understand the constraints the sheriff's department is presently working under with the jail. We understand the constraints that we have as far as what we can do within the entire criminal justice system. Those parts of it we can deal with; we are attempting to deal with. With that, I appreciate the information you've put together for us, Mr. Helzerman, and we will, obviously, as we always do, add it to the record. I would encourage you, again, to try and talk with the judges and if they're not returning your phone calls, you have every right, as a free citizen, to make that information available to everyone. As Catherine said, they are elected officials and their job is not just to serve those that come to the courts but to serve all of us. If they're not returning your phone calls, scream it to the rooftops.

Vice President Fanello: I'm going to ask Richard to clarify one thing on the public defender. I don't think this body has – can you clarify this body's power?

Commissioner Mourdock: Yes. We have appointments to that board, but obviously they function under the laws of Indiana. In a more technical sense, could we as commissioners send them a letter to say that they look at something? The answer is yes, we could do that. I think their first reaction would be that's presumptive of three commissioners who are not attorneys to speculate as to what the attorneys should be doing. Our bigger role, in my estimation, is to do what we are doing which is trying to upgrade the facility. As far as actually telling that board what to do or

what not to do, they would probably put as much weight on a letter that they received from us and they would from Mr. Helzerman or anyone here.

President Mosby: Any other questions? Thank you very much.

Richard Helzerman: Thank you.

Vice President Fanello: Thank you, Richard.

Troy Tornatta - County Council

Troy Tornatta: Troy Tornatta, Vanderburgh County Councilman At Large. Just kind of wanted to bring the closeness back here between the County Council and the County Commissioners and say that I'm going to try and be at the meetings – Commissioners meetings – and I'm going to try, if I can, to get everybody to participate on the Council to bring things a little closer between the two groups. I think we've had some discussion and I think we've had some mis-communication between the two groups. I'd like to eradicate that by being present or having somebody present to clarify some things if we have any questions. I'd like to apologize to Catherine, who made a goodwill gesture in coming to our last council meeting and kind of got jumped on a little bit. We'll just leave that one there.

Vice President Fanello: It's because I'm so short.

Troy Tornatta: That's right. Anyway, I think it's very important that we each work together and this is my goodwill gesture along with the County Council as to saying that we're ready to move forward and ready to do whatever it takes to get this process in motion. Thank you very much.

President Mosby: I appreciate that, Troy. I will say that I intend to attend some of the County Council meetings. I intended to be there the other day, but unfortunately, I had to work – maybe to my benefit from the way it sounds. I do look forward to the dialogue with the County Council and attending some of your meetings. Any other group or individual under action items?

John Stoll - County Engineer

President Mosby: Department head reports – county engineer.

John Stoll: First, I've got a change order on the Lynch Road and I-164 project. This results in an increase of \$9,746.89. The reason for the change order is to change a couple of line items that were in the contract incorrectly. One was the rumble strips that were put on I-164 notifying motorists of the construction zone were called out in the contract to be 100 millimeters in width and they should have been 200 millimeters. Another item that should have been in the contract was settlement plates due to placement of all the fill out there for the project. That was just omitted from the contract. Of this \$9746, twenty percent will be Vanderburgh County's cost. It's recommended that the change order be approved.

Vice President Fanello: I'll move approval of the change order.

Commissioner Mourdock: Second.

President Mosby: I have a motion and second. So ordered.

John Stoll: The only other item I have was in regards to Mr. Myers property out on the west side. I wrote up a temporary easement that I forwarded to the county attorney for his review. I just gave it to him this evening so he hasn't had a chance to look at it as of yet. Once Phil has reviewed it and approved it, I'll go ahead and send it to Mr. Myers.

Commissioner Mourdock: Appreciate it. One other question, John. Sometime ago we had a discussion on Inglefield Road just west of the railroad tracks near the Wilner business about some drainage problems there. There was to be a survey done. You were going to check some elevations. What's the status of that?

John Stoll: The survey was done and showed that a pipe needed to be installed out there. The pipe needs to be on the railroad right-of-way and we were never successful in getting the railroad to even get back with us – much less put a pipe in. If I got with Ralph's crews, we'd be working on railroad right-of-way because the pipe actually needs to be close to the tracks rather than out in front of Mr. Wilner's property.

Commissioner Mourdock: Is Mr. Wilner aware of that difficulty?

John Stoll: David Franklin, in my office, had talked to him and somebody from the county garage, Erik maybe? Do you know, Mark?

Commissioner Mourdock: Is it CSX?

John Stoll: Yes.

Commissioner Mourdock: Do we have any chains to rattle at them that we might be able to get that problem resolved? You don't have to answer right now – think about it. They are going to want something from us at some point and let's make a note.

John Stoll: That area...that stretch of track is just not too far south of where it breaks on what drains north and what drains south which further compounds it because unless you're looking at contour maps, it doesn't really look like it would go south. Bill Jeffers did some survey work and it showed that to go from the pipes in front of Mr. Wilner's property out across the street that there was only ½ inch of fall. It was going to be really tough to make it work without being on the railroad property.

Commissioner Mourdock: In the past few weeks when we've had some ice out there – just the way it puddles up is kind of hazardous at times. I know Mr. Wilner has always been worried about the water backing up on his property, but even more, we have a road hazard, I think.

John Stoll: I can try and track down somebody at CSX again and see what we can work out. A similar situation existed where a pipe needed to be put in on Stacer Road and that went on for years. Finally, it was done...was it ever finished entirely...the road on Stacer? The county crews had to go out and do the work on the railroad right-of-way. We've not had much luck in working with them.

Mark Taylor: Inaudible.

John Stoll: We'll give it a shot. That's all unless you have questions.

President Mosby: Out of curiosity, John, what's going on on the 5th Avenue Bridge?

John Stoll: They've poured the base for the retaining wall – they poured it Friday. They are starting to form up the retaining wall this week. We've been working with the consultants. The consultant has come up with a plan to jack the pier back into place once the excavation has been completed. They submitted a change order price today, and I want to get with the consultants before I bring it to you and see if they think it's a realistic cost because we don't have any prior experience in that so I'm not sure if this is a legit cost or not. Once I get with the consultants, which is Butler, Fariman & Seufert, and they give me an idea of whether or not this cost estimate is realistic I can bring a change order in. The way Weddle Brothers is approaching it is they are going to continue forming up and prepare to pour the retaining wall this week. I don't have a specific timetable as of yet on when they're going to do the excavation behind the pier but that should be coming up here shortly as well. The problem they may encounter would be whether or not the creek rises. That whole job site was flooded out for about a week and a half around Christmastime. Hopefully, we won't run into that again. If it does that will just further delay things out there.

President Mosby: Thank you. Any other questions?

Jane Laib: John, just for a matter of record – parcel six and parcel nineteen for Burkhardt Road, did we need to do anything about that?

John Stoll: I forgot about those. Two parcels of right-of-way have been acquired and the deeds are on the consent agenda so they just need to be accepted by the commissioners.

Commissioner Mourdock: I'll move acceptance of the two deeds.

Vice President Fanello: I'll second.

Ralph Kissinger - County Highway

President Mosby: County Highway.

Ralph Kissinger: First time up here for me. I've introduced myself to everyone on the Council, I believe, or the Commission, sorry. I guess you have my report? If you would, I have a short memo that I'd like to go over with you. Commissioner Mosby and I met, I believe, Thursday morning and he expressed some concerns about having enough backup trucks for when the trucks went into the shop for repairs and such. He also expressed some concern about having enough smaller vehicles to cover subdivisions. After our meeting, I took some initiative to have some price quotes drawn up which aren't ready yet for two more of the small one ton or one and a half ton dump trucks to be equipped with spreaders and plows so we can put them to use in subdivisions when bigger trucks can't get through. Also, there is a truck number 750 which is not on this – I missed it on the memo – It is, I would say, just about ready for a plow. The frames are extended, the hydraulics are there, it just needs to have some hydraulic lines ran to be equipped with a plow and spreader.

I'm getting some prices on that to put before you to okay for some bids. Also, the paving crew has requested a tri-axle dump truck. They said that if we could get a tri-axle in use, that it would probably increase our mileage by quite a bit per day on the paving just by turn around time. It's a matter of whether it would be cost effective or not. I would like to get the price quotes and bring them to your attention, hopefully, at the next meeting and let you have a chance to act on that. We had one truck out of service, one plow truck had the transmission out. Clarke Diesel took that truck and have completed repairs as of today. My Assistant, Mark, called as I left this afternoon and they said they would deliver that truck in the morning. That was a warranty repair so that will be no cost to us. The only other thing I have – I directed this to Mr. O'Risky, but I've been informed that he resigned his position, so I think I talked with Commissioner Mosby about Mr. Steckler with Tri-State Boiler. We have a boiler to be installed at the garage and that supplies all the heat to the garage area. The foreman has informed me that if we cut the heat back there, we are going to have problems with the hydraulics on the trucks if we have a snow emergency. So we are trying to put that off until maybe the middle of February when we have slightly warmer evenings and nights so that we don't have to worry about the garage freezing up during this process. Mr. Steckler has told me that he has already purchased the boiler package itself and he was wondering about some reimbursement. I told him that I would mention it to the Commissioners this evening, but I did not know what kind of action could be taken on that.

Commissioner Mourdock: Okay. That was a lot of information there, Ralph. Let me break it into a couple questions. First of all, on the memo that you mentioned – I did find it here in the packet so I'll give this one to Jane when we get done – obviously you're just asking this evening to begin to develop the specifications for some other trucks. I would encourage you to make sure that you work with Jerry Bryan of city/county purchasing on how those specifications come together.

Ralph Kissinger: I'm aware that anytime I do this...what I had the mechanic specify what he thought we needed. I'm just getting some ideas so I can approach you with the initial price estimates so that you, the commissioners, can put those up for bid.

Commissioner Mourdock: Or not.

Ralph Kissinger: Or not, exactly.

Commissioner Mourdock: Second issue on the boiler that you mentioned. We've had that one in progress for awhile – couple of months we've been talking about the work they are doing there – is your comment of this evening saying that work is basically coming to a halt so that you're not going to temporarily turn the system off? Is that what you're saying?

Ralph Kissinger: There has been no work actually done except he has prefabbed some piping and he does have a package unit that apparently has been delivered to his shop or warehouse facilities. As far as work at our garage, there's been nothing.

Commissioner Mourdock: But your comment tonight is simply to say rather than take everything out of service to put that in place, you want to wait and delay that for awhile.

Ralph Kissinger: Yes, exactly. I would like to wait, preferably until the middle of

February when we have a little more stable weather because we have those three, four and five degree nights, it could really freeze up some things in the garage.

Commissioner Mourdock: That's all the questions I have.

Ralph Kissinger: There was one thing missed on the memo. I took the initiative – from a management standpoint there's never been any safety directors at the garage. The first couple days just going out on the roads and also looking through the garage, there are several things that could be address – that need to be addressed. I have asked that my assistant become the management safety director along with Jack Crawford who's already in as the union safety director, if that's okay with the commissioners?

Vice President Fanello: I don't have any problem with that.

President Mosby: Any other questions? I think your question on this boiler deal was whether we could pay for the boiler? Have you ever run into that?

Ralph Kissinger: Since we're waiting to put this in, he asked me if he would submit a bill for the price of the package boiler itself, if we could give him a partial payment. You see, he had to pay for the package.

Commissioner Mourdock: The answer would be – what's the term of the contract? If the contract provides for partial payment then sure we can do that. If it doesn't provide for some partial payment, we certainly have the opportunity to do that if we want to but we're certainly not obligated to.

Ralph Kissinger: I understand.

Commissioner Mourdock: I don't know what the terms are.

Ralph Kissinger: Until the phone call and conversation we had last week, I had no prior knowledge that there was a boiler to be installed. I just found out about it.

Vice President Fanello: So who has a copy of the contract?

Commissioner Mourdock: I'm sure we have a copy out there somewhere as far as what was done. City/County purchasing should have one.

Ralph Kissinger: You'll have to excuse me for looking back. He's pretty well taking care of me right now in this transaction...transition period.

Commissioner Mourdock: Sure. Do you have any idea what the total amount of it was? It was well over \$5,000 was it not? It was seventy something, I'm thinking.

Ralph Kissinger: Yes.

Commissioner Mourdock: So Suzanne was asking me if there was a contract and it was less than \$5,000, we wouldn't have needed one.

Suzanne Crouch: No, no, no, it's under \$75,000 it doesn't have to be bid out. I didn't know if he signed a contract with Tri-State Boiler.

Ralph Kissinger: I'm going to have to try to find the file which I looked for and did not

find.

President Mosby: Who's the guy doing the job?

Ralph Kissinger: Steckler with Tri-State Boiler.

President Mosby: Okay, that's what you just asked – Tri-State Boiler. That's who it is.

Ralph Kissinger: Gene Steckler with Tri-State Boiler. Apparently he's the CEO or manager or something.

Commissioner Mourdock: I'm reasonably certain we did do a contract. Erik would have a copy of it as well as city/county purchasing would have one.

President Mosby: See if you can find a copy of that and we'll see what it says.

Ralph Kissinger: Certainly, I'll work on that tomorrow. Any other questions?

President Mosby: Any other questions? Thank you.

Philip Hayes - County Attorney

President Mosby: County Attorney.

Philip Hayes: By your leave, I'll report from this position. For the record, Jeffrey W. Ahlers, Esquire, Kahn, Dees, Donovan & Kahn, had taken the responsibility of a case called *Austin v. Vanderburgh County Sheriff Merit Commission and the sheriff*. It's a 1999 case filed in July. He has forwarded the courts summary judgement in favor of the county. He informs us by his letter that there will be a 30 day period within which the plaintiff may file an appeal. He will, if that appeal is not filed, close his file. We've reviewed that judgement in favor of the county and it indicates and excellent job on the part of our selected legal counsel at that time. Mr. Harrison has also been advised of this. That matter was apparently a conflict of interest that he had requested permission from Mr. Ahlers to take care of. We will submit a copy of the cover letter and judgement for the record of this meeting. We have forwarded a letter and submit copies of that for the Board of Commissioners and the Auditor to Mr. Harrison requesting that he continue his current responsibilities in a case called *Vanderburgh County v. Austin Crowe, et al.* That is a right-of-way matter and the defendant, Crowe, is a former client of mine and a I've further exercised responsibilities for certain family members of Mr. Crowe and Mrs. Crowe. So for the public record I've declined to be privy to any of the legal matters and have documented that this morning and forwarded that to Mr. Harrison. He's said that he will continue to do that. We've requested that he do so under an on-going arrangement, and I think he'll account for that. He's done work already and any further proceedings he will notify us of and we can properly authorize any work he needs to do, at your discretion.

Commissioner Mourdock: We probably need to formalize that with a motion. Who is the plaintiff, again?

Philip Hayes: The plaintiff in that matter is *Vanderburgh County v. Austin Crowe* and

also the Auditor and treasurer of Vanderburgh County.

Commissioner Mourdock: I would just move for the record then that Joe Harrison, Jr. continue on in the Austin Crowe case.

Vice President Fanello: I'll second.

President Mosby: I've got a motion and second. So ordered.

Philip Hayes: We'll distribute appropriate copies then to the offices. We have just simply for the record and on your agenda later on is the proposed 2001 AMR Ambulance contract and a copy of that in it's original form submitted to me for submission in the event that you wish to act in regard to that matter. It requires a signature. That was transmitted by Mr. Harrison. I think you've looked at that already at the last meeting, I believe. Subject to checking our record there – action is going to be necessary on that by January the 15, 2001. Finally, the Safe House lease option exercise original documents are available, if you wish to act on those this evening. That was the item that was held over for review. Mr. Delucio from Ziemer, Stayman, Weitzel & Shoulders who represents the interest of Mrs. Hart, the owner of the Safe House property and to whom the lease flows, has furnished those documents. We've reviewed them against the lease agreement and find them to be in order awaiting your wishes on that. They are available for the meeting tonight. Other than other routine matters which I'll be more than glad to discuss with you, items such as review of various appraisals before they are brought here, we have no further report to make.

Commissioner Mourdock: Probably, we need to formally set next week then for the AMR contract. Did I understand that that could be signed the 15th?

Vice President Fanello: Do we have a meeting? No, next week is Martin Luther King.

Suzanne Crouch: They have signed those contracts late before.

Vice President Fanello: So could we possibly make it for the next meeting?

Suzanne Crouch: The 22nd.

Philip Hayes: Yes, I understand that has been late before. There was a request by Mr. Harrison to Mr. Key telling him that the new board would consider the contract in January. That was agreeable in writing. I had simply noted that January 15 was a date, I think, that had been expressed here by the board.

Vice President Fanello: And next Monday is a holiday so we won't.

Commissioner Mourdock: And we do not meet on Tuesday.

Vice President Fanello: Just put it on the agenda for January 22nd.

Philip Hayes: January 22 agenda?

President Mosby: If Jerry calls you just tell him we have it on for January 22nd.

Philip Hayes: That's fine. I'll do so.

Commissioner Mourdock: On the other issue then for the Safe House, subject to your recommendation which I think I heard a minute ago, I don't know if there's anything else that we need to wait on with that particular extension?

Philip Hayes: I don't know of a thing, no. It's been reviewed and if it satisfies the...unless there are any questions on the part of the commissioners but my review shows the option is consistent with our obligation under the lease. It's for an additional one year term which will begin March 1 and end on the last day of February 2002.

Commissioner Mourdock: Okay. And the sheriff has reviewed that, since he's running the facility out there?

Philip Hayes: I can report with regard to the Safe House lease, I paid a visit to Chief Williams last week, Friday, it was either that night or could have been the first night of the meeting, but I think we brought that up at our meeting. I don't think there was anything else. Do you have a copy of it? I knew I gave it to you. It says here...okay, have marked areas of concern.

Brad Ellsworth: I reviewed that. I think that's how I spent Sunday night after the IU game.

Philip Hayes: I don't believe that, Sheriff.

Brad Ellsworth: There were a couple areas, I think, on page two, Counselor, that I had big question marks by.

Philip Hayes: Taxes and maintenance and repairs. Those were the items we asked you about.

Brad Ellsworth: That's the same questions we've asked over the last few years. It's the landlord's contention that the rent is low for the square footage. Like I said, when we took over in August of '99, it seemed a little odd that we were doing on the repairs out of there out of user fees, but that was the lease that was negotiated with Joe Harrison. Although it's probably not normal for the tenant to pay all those things, we're kind of between a rock and a hard place right now. I can't say that I agree with that, totally, but I don't know what else we're going to do at this point.

Vice President Fanello: I haven't had a chance to read the agreement yet, so if we could wait until January 22nd?

Commissioner Mourdock: That's fine.

President Mosby: We'll put it on for January 22nd.

Philip Hayes: Yeah, I think the issue on that is that we are into the period of time within which we were suppose to have made the option. The option is a 60 day prior to, so somewhat tortured. Everybody knew that there was a change in administration and we're occupying there. We don't know of any alternative immediate uses. No one is rushing down there to lease that. I think what the sheriff had mentioned to be was in the maintenance and repairs section, which I've reviewed, and it's the tenant's responsibility to maintain the interior and exterior of the improvements including all of the fixtures – the plumbing, heating and air...

Commissioner Mourdock: The roof.

Philip Hayes: A good deal of work has been put into that. A good deal of expense in order to keep it at a tolerable standard. One, tolerated by law for one thing and secondly, tolerated in terms of the fact that this will be unused at, hopefully, a very near turning point. So, I don't know of anything that has been complained of as not having been reasonable. There's nothing in the legal record that indicates that. I know from talking to legal counsel for Mrs. Hart that they simply wish to have the matter concluded within the period of time he has set. If you'd like to take a look at it?

Vice President Fanello: I'm sure by the next meeting.

Philip Hayes: Don't know of much that anyone can do about us keeping that. I think it's also a matter of goodwill, Mrs. Hart has told her counsel to let us do that.

President Mosby: Any other questions?

Gary Hohman - Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. First of all, I would convey Steve's regrets that he's not able to attend here tonight, but he's – even as big a man as Steve is, he can still be humbled by a surgical knife and has been – he's still not able to put in more than a full day. He has been in at work, but is still having swelling and soreness. In addition to our work report, that you have there before you, I'd like to make you aware that we will have, at your next meeting, available to you our goals and objectives for the year 2001 for your review and any suggestions, corrections, additions or deletions that you'd like to make to that. If you have any input that you might have on those.

Commissioner Mourdock: We look forward to getting those.

Suzanne Crouch: Gary, you might convey to Steve that the Build Indiana Fund has awarded \$50,000 to the O'Day Lodge. We received notification of that. That is money that you all had applied for.

Gary Hohman: Thank you.

Soil & Water

President Mosby: Soil and Water.

Commissioner Mourdock: They do not have anyone here this evening and the ozone officer has submitted her report. Soil and Water, for the record, has submitted their paperwork. They just don't have anyone here this evening. I'll move acceptance of all the county office head reports submitted.

Vice President Fanello: Second.

President Mosby: Have a motion and second. So ordered.

Consent Items

Vice President Fanello: Do I need to make a motion for the consent items? I'll move that we accept the consent items.

Commissioner Mourdock: And I think I'll second, I just have a comment and a question. I know with the change we are still trying to get our feet on the ground and I understand that. First of all, a request. You'll quickly come to appreciate as well, not very fair to the three of us. If we get a lot of these on our desk routinely just before we get started. We've always had it as a goal to have all of these done by noon on Friday. If they don't come in by noon on Friday, they don't make it in the packet. The more leniency we show towards the department heads in the building, the more likely we are to get them late on Friday and we aren't going to get to ask our questions and do the job we need to do. Whatever we resolve as far as how that's going to be handled, I think we need to keep that target – If they're not here by noon on Friday, they get held off for a week. Second question, just to be sure. I see on a couple of these that Sandi Deig initialed the front page signifying that from the Council side, the things here are covered in the budget and procedures are followed. I don't see her signature on each one of these so it may be some discussions need to get with Council. Do either of you know, has there been? Most of them have that. We just need to be sure that we get that done. If there is something that's not signed off on, be prepared to talk to Sandi and talk to Council. Having said all those things, I'll will second the motion to accept the consent items.

President Mosby: I have a motion and second to accept consent items. So ordered.

Scheduled Meetings

Commissioner Mourdock: Scheduled meetings. I just want to clarify, I don't believe we acted last week to formally advertise Executive Sessions, did we?

Suzanne Crouch: Yes, we did.

Commissioner Mourdock: Was it advertised?

Suzanne Crouch: It was advertised in the Resolution as it's been in the past. That is, we advertise one a month and then you can do the others as needed. Tony took care of advertising.

Commissioner Mourdock: Did we do it for the first of the month then or which Monday?

Suzanne Crouch: It doesn't say. You all can choose when your pleasure is or even if you want them.

Commissioner Mourdock: I understand. Just by way of example, if we wanted to have one next Monday, do we have to decide that and announce it tonight that it's next Monday?

Suzanne Crouch: Correct.

Commissioner Mourdock: That is the issue. I mean, if we are going to have them, we do need to state it.

Suzanne Crouch: Monday is a holiday.

Commissioner Mourdock: Except next Monday is a holiday, that's why I said it was hypothetical. Just wanted to make the point, if we are going to have Executive Sessions, we do need to advertise those at least a week before or have some blanket advertisement done. Again, for the record, the only thing we can talk about are county personnel matters, matters of real estate leasing or purchasing, pending or threatened legal litigation against the county, and one other item which I'm forgetting. So, if we see them coming up, we do need to advertise those ahead of time.

Suzanne Crouch: Actually we just send notice out. It's covered in the Resolution and then the Commissioners' Office would typically send notice to the media 48 hours in advance if there is an Executive Session.

Old Business

President Mosby: Old business?

Vice President Fanello: I've got a few board appointments, if we want to take care of some of those tonight. I'm sorry, go ahead. That way we can take care of you and you can get out of here. We won't torture you anymore.

Dennis Feldhaus: Dennis Feldhaus, ONB Insurance. I come before you this evening as a point of clarification. Last week I was appointed to represent the Commissioners as the agent of insurance for property and casualty. I come before you this evening to clarify that the agent of record appointment would also include that of life and health and medical insurance programs for the county. Also, by way of introduction, Dennis Woehler, an associate of ours at ONB Insurance is the expert in that field as opposed to myself. Dennis is here this evening and he has some documents that do need your signature this evening that would assign him as agent of record for the Welborn Health Plan and the Anthem Blue Cross Blue Shield plans which are the providers of the county's insurance. We would appreciate the opportunity if we could get your signature this evening.

Commissioner Mourdock: So he will be the actual agent of record for the health and life side of it?

Dennis Feldhaus: As an individual, yes. As an agency, it would be ONB insurance with Dennis Woehler as the agent.

Vice President Fanello: So I need to make a motion? I move that we let Dennis Woehler be the insurance record of agent...record of agent...insurance record of agent.

Commissioner Mourdock: Agent of record.

President Mosby: It's complicated.

Vice President Fanello: Agent of record for life and health.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and second. So ordered. You probably have some papers we need to sign.

Dennis Woehler: I've spoken to the outgoing agency, as well—

President Mosby: You probably need to do it on mike.

Commissioner Mourdock: Yeah.

Dennis Woehler: I've spoken to the outgoing agency, as well, and they've indicated a willingness to help facilitate this transition. Also, Dennis and I did kind of a walk through down here today. I know there are some existing problems with people who made changes and haven't gotten their cards so there are possibly some claims problems and so forth. Just wanted you to know that we will be getting on that right away and see if we can get things in order and make this a smooth transition.

President Mosby: Thank you very much, Dennis.

Vice President Fanello: Thank you.

President Mosby: Old business?

Vice President Fanello: Now some board appointments. I think we'll be able to take care of the rest of them by the next meeting. I move that we appoint Rick Riney to the Alcohol Beverage Commission.

President Mosby: Do we want to do these one at a time?

Commissioner Mourdock: Yeah, do you have quite a group of them?

Vice President Fanello: About six of them.

Commissioner Mourdock: Why don't we do them as a group.

President Mosby: List them together.

Vice President Fanello: Data Processing, Larry Chapman; Redevelopment Authority, Eric William, Kirk Knight, and John Stoll; Veterans Service Officer, Mark Acker; Reappoint Kraig Nance to the Board of Review; Reappoint Lori Bryant to the Domestic and Sexual Violence Commission.

Commissioner Mourdock: I will second the appointments as stated.

President Mosby: I have a motion and second. So ordered.

Jane Laib: And I'll need a copy of that.

President Mosby: Any other old items?

Commissioner Mourdock: Yeah, I have a couple items. First of all, last week we spoke briefly of what we wanted to do with the jail as far as PMSI. I prepared and gave to the two commissioners and Phil Hayes a copy of what I think the consensus was here last week which was, basically, to define PMSI's scope of services to get us to the point where we send out an RFP or perhaps even an RFI which would be a request for information form any architect who wanted to submit. I've not shared that information with PMSI. I thought it inappropriate to do so until this board acts. But, is that, in fact, the type of information that we are soliciting from them? If not, how shall we improve it, enhance it? If it is acceptable, then I would suggest that we go ahead and, I guess, start communication with PMSI to formally draft that into a contract or give it to Phil and let him begin to draft that – whichever.

Vice President Fanello: Does the sheriff...have you looked over anything or have any suggestions at this point?

Commissioner Mourdock: I did not send it to Brad which perhaps I should have. It went from being a nine or ten page scope down to about a page and a half and that includes my comments.

Brad Ellsworth: I looked at that after the IU game (inaudible). If that's something you'd like me to review, I'd be happy to.

Vice President Fanello: I would. Why don't we give him a copy of it and let him review, too.

Commissioner Mourdock: Okay. My second bit of old business, Brad, I was going to have you here anyway. I understand that you've made some progress on the grant request for community corrections? We're still on for our meeting on the 18th?

Brad Ellsworth: For the Community Corrections Advisory Board?

Commissioner Mourdock: Right.

Brad Ellsworth: We talked about – Julie Vox Arx was in today. We set some guidelines and some time lines down for finishing the grant. We've got a lot of work to do, but she reassures that it's not rocket science. We may have to call an early meeting in early February to have...we'll definitely have to (inaudible) at your meeting, I believe it's February – prior to the 15th what's your meeting before that?

Commissioner Mourdock: The 12th. Actually, it would be the 13th. February 12th is the Monday, but we'll be meeting the 13th?

President Mosby: The 12th is a holiday.

Brad Ellsworth: We'll probably be coming before this board at that meeting.

Commissioner Mourdock: You need to come a week earlier than that, Brad.

Brad Ellsworth: That's fine. The one two weeks before that, we will come before this board for your signature. We may have to call a special meeting for the Community Corrections Advisory Board to sign off on the grant application.

Commissioner Mourdock: But you're not suggesting not having the Advisory Board meeting on the 18th? That would be in addition to that meeting?

Brad Ellsworth: Right. At that point, we can update the Advisory Board on what's going on and where we are at.

Vice President Fanello: I'd also like for Tom Pitman to take a look at our suggestions, too, because I think you've indicated that you had some ideas about that as well. I guess we can get him a copy of the memo, if that's okay with you?

Commissioner Mourdock: Sure.

Vice President Fanello: Let him look over that as well and then wait until Brad can come back and make his suggestions, too. I think, in my mind, we are getting closer to along the lines that I'm thinking anyway.

Commissioner Mourdock: Again, the purpose of that was just to get us up to the point where we have the RFP's coming in the door and PMSI's only role defined in this document beyond that date is to help us review those proposals. If we chose to give them some other part of the work afterwards, we always have that option, but it's much narrower than it was.

President Mosby: Some of what I've read here was what Tom had discussed. That's why I want him to look at this.

Tom Pitman: (Inaudible - not at mike)

Commissioner Mourdock: Before you do that, Tammy, would you make a copy of one of these? I didn't even bring a copy.

Jane Laib: Was there one in my file?

Commissioner Mourdock: No, I don't think so.

Jane Laib: I'll need one, too.

Tom Pitman: Without having the benefit of seeing that, I did just want to throw out some sort of broad brush items that I'm going to encourage you to focus on early. Obviously, the size of the jail is going to be a critical decision that's got to be made, I think. That's going to be driven by the assessment of the need. The importance of avoiding future litigation by complying with relevant legal requirements addressing any overcrowding situation. I'm confident that your sheriff will be able to have a fair amount of input on that question as to what's appropriate and some of your local judges would have a point of view on that as well, I would assume. The size of the jail, maximum cost of the jail. Obviously, the cost of the jail is going to be impacted by the size. Not just by the size though; it will be impacted by the design, too. I think it's going to be important for the county to figure out what it's able to spend based on the various sources of funding that you may decide to piece together to finance the project. I'm going to encourage you to look at all the possible financing sources that might be available to you. I know your financial advisor will also play a significant role in that. Your auditor will have a lot to say on that. Another big ticket sort of decision that you'll need to make is to figure out what the possible locations are. What the pros and cons of various locations will be. You've moved a long way towards assembling a professional team with Mr. Hayes sort of as principle coordinator; our firm as bond counsel; as I understand it, the Crowe Chizek firm as

financial advisor. The selection of your architect will be a very, very major piece of the puzzle because of the experience they will bring will be very substantial. Obviously, there are half a dozen firms in Indiana that have tons of experience advising counties just like Vanderburgh on all the issues.

Tape Change:

Tom Pitman: In any event, I tried to brainstorm a little bit to try to develop at least a short list of big ticket decisions for you to make. Obviously, you're already thinking about all of those, but I thought I would try to help summarize to the extent that it's useful to you.

Philip Hayes: I might add, just before you leave the lectern, I've spoken to Joe Harrison last week and today and we intend to have a conference call with Mr. Falk who is the counsel for the Civil Liberties Union representing the plaintiffs in the Federal District Court case. I've talked to Mr. Pitman about that and we were sending a copy of the consent decree along to him for analysis. We probably will include him on a conference call to Mr. Falk. Joe told me tonight that he had...and he gave me a copy of his communication to Mr. Falk about our changes here. We will not change representation – that is to say, Mr. Harrison appearance will not be withdrawn in the Federal Court case because, frankly, we're not incurring any on-going expense. There's no reason to change that and disrupt anything because we think now that the most substantive part of that settlement is being able to have the financing, design, all of the legal and timetable in a very persuasive way set before the court so that the court can continue it's oversight and at the same time allow us enough leeway to be able to proceed in an orderly and economical, as well as legally complying manner, with the court decree. Just in terms of this dialogue is a little rough and I apologize for it. We've tried to pull things together in a way that will be clear. In coming over here, Tom's indicated that he can probably get me a bullet point suggested discussion draft of these procedures very quickly, possibly by tomorrow. I know he's worked on it since last week. We should be prepared to have a document in front of the commissioners that you can begin to use as a sounding board. Is there anything else, Tom? I don't know if I've omitted anything?

Tom Pitman: I don't think so. I appreciate it.

Philip Hayes: Thank you all.

Commissioner Mourdock: In regards to the discussion with Mr. Falk. Obviously, the thing from our prior consent decree and the amendment there to, the important thing they need to see is progress. One of the things in the document that I've prepared that's here before you is early on the establishment of a schedule. To me that is one of the first things, obviously, that has to happen to make sure that the ICLU folks are aware of that. If we have the schedule, at least, we're moving that direction.

Philip Hayes: The record...I think you've all made an adequate record in your eight day term so far. You got a good public record that you are anxious to do it. In fact, if the other deliberative body has felt that you proceeded too quickly without conferring, that might be a good piece of evidence that we're moving very fast.

Obviously, I'm joking about that.

Vice President Fanello: Tom, you will give us a draft of your suggestions to look at on a time line scale?

Tom Pitman: I'll have something for you tomorrow.

Vice President Fanello: And Sheriff, you will look over that and PMSI and by next meeting you will have something for us too?

Philip Hayes: I'm putting him in the loop.

Commissioner Mourdock: And shall I forward what's here onto PMSI at this point for them to, at least, review? Realizing that it is a draft form?

Philip Hayes: It might be appropriate...I don't see any reason why the people that have already worked on the report couldn't get it. I've had requests by telephone from various persons who represent firms and I've told them that anything that's a matter of public record already, I don't have a problem sending them. I think you, no doubt, will develop some kind of an invitation list of various services providers and others. From a legal standpoint I know of no impediment to your board deciding that you may want to send Commissioner Mourdock's memo or any members memo or report to them.

Vice President Fanello: I would like to hold off sending it to PMSI until the sheriff has given his suggestions. This is getting to the point that I'm thinking on.

Commissioner Mourdock: Let me clarify because I think we're speaking on several different topics here. What is in your hands, as far as PMSI. is again designed to get us to the point of having that formal RFP. Where we are actually going to give that to a number, I presume, of selected architects to begin the process. We could, if this board chose to do so, put out a general RFI which is simply a request for information from anybody who wants to send one into us. Any architect who wants to send one into us and then we could start winnowing through those to come down to the half a dozen, or let me be broader, maybe a dozen of those that we would then send out an RFP to. We just have to define the various steps of this and how we want to do it. To use the statement Brad used earlier, this isn't rocket science either. It's just having the right process in place so we're getting the right information from the right people at the right time.

President Mosby: I think what I'm thinking here, for just a minute, is that some of this stuff that I'm reading here is stuff that we talked about. That I'm not sure that we need PMSI or PSMI – PMSI. That's why I would like to...

Vice President Fanello: PMSI.

Commissioner Mourdock: Give me an example.

President Mosby: Construct a formal request for proposals.

Commissioner Mourdock: That would be the product of what, as I drafted that, that would be the product of what they would do. The reason it seemed to make sense to me to have them do that is because many of the points that Mr. Pitman made at

the microphone a moment ago, we've already spent some money and gotten some judgement back on. For instance, the square footage, the number of beds, those types of things. Again, that's just what my thinking is. I'm not (inaudible) with what anything beyond what my thinking is.

President Mosby: And I'm not either but after having a conversation with Mr. Pitman, I mean, if I'm wrong correct me, but this is some of the stuff you've done before, over and over, working on other jail projects.

Tom Pitman: If I could comment on that. Different counties do it differently. Our most recent project was the LaPorte County Jail. The financing for which closed two weeks ago. LaPorte County, for example, there was no construction management per se. What LaPorte County did was it first engaged an architect and then it had that architect do sort of a feasibility type study to figure out what was needed, then the architect designed the jail. So there wasn't a construction management process. One option available to you that could give you some comfort and help you better understand your options, if you wanted to do it, is just ask Phil and me to review with some other counties that have just gone through this. The various professional format, if you will, in terms of how much was needed by way of feasibility study. How much was needed, if any, in terms of construction management. So I would throw that out to you as a possibility. There would be a wealth of information to be shared on that. As I understand it, what you have so far is a preliminary, fairly detailed, preliminary study. If I understand correctly, what's at issue is on a forward going basis you would decide that you wanted to make available to you through services of whatever types of advisory firms do this type of work.

Commissioner Mourdock: You have not seen the summary report that we have, Mr. Pitman?

Tom Pitman: I have seen a...what have you given me?

Philip Hayes: The PMSI Report. You have seen that with its summary as well.

Tom Pitman: Right, which is fairly detailed. Obviously a lot of work went into it. I guess, a question I would ask too, is what have you already paid for? Are you entitled to...have you paid for services that are yet to be...do you know what I'm saying?

Commissioner Mourdock: Sure.

Tom Pitman: If you've paid for something, obviously, you want to get what you've already paid for, but I don't know—

Commissioner Mourdock: We've paid \$98,000 for what is a summary report which, I think, as a quote "Summary Report" has a great deal of detail in it. It is not to the point, nor was it designed to be the report that would take us up to issuing an RFP. To me, and you're right, counties do this a lot of different ways and there's an infinite number of ways of doing it.

Tom Pitman: Right.

Commissioner Mourdock: But to me, the main point here, and please don't be

offended personally or on behalf of Baker & Daniels, I don't want to reinvent the wheel. I don't think any of us want to reinvent the wheel from information we already have. So maybe the best thing to do is have you spend a lot of time looking at that summary report. Again, not to offend Baker & Daniels here, but we can spend a lot more with attorneys versus what we would be spending on an hourly basis with PMSI to put together some of this information.

Philip Hayes: With your permission, if I could ask Tom, was it the intent of...it's my understanding that it's not the intent of your scope of services to rehash the report. I don't even know if you need to read the report, but you have a copy.

Tom Pitman: I skimmed the report.

Philip Hayes: What we had discussed in my previous dialogue, I thought, was the orderly progress of these projects as viewed by the investment bankers, whoever they may be, and of course on the advice of our financial advisors and the orderly request for interviews, proposals, whatever else is necessary which would probably require a copy of the report be sent to them from services providers such as architects, engineers, construction managers. Then this body, legally, should interview them in some fashion or other to make a determination as to their recommendations of a facility based on the information that was gathered and summarized by PMSI. Is that...that's my understanding of our obligation as far as all of the legal aspects of this. In order for the bonds to be good, ultimately all of that foundation and all that record needs to be laid. Most importantly of all, not that the court...I don't understand the court's order and entry in the U.S. District Court to require that it sit as a super works board here or that the ACLU has a right to come down and do the construction management for us and test the mattresses here, but that they are going to have a general review of whether or not this process is meeting the test. Not only for progress in terms these many, many years before January 2, 2001, but gone on as previously been disclosed for 20 or more – 25. So, you have indicated that you can get us a bullet point discussion sheet by tomorrow. You had referred to a draft; is that the same draft you were referring to in your presentation?

Tom Pitman: Yes, and one of the things that I'll add to that just to throw in discussion of further professional consideration of further professional services by some sort of management firm such as PMSI. That's an issue before you.

Philip Hayes: Right. It would be on your bullet point suggested proceedings to take place.

Commissioner Mourdock: It sounds to me then like by the end of the day tomorrow or certainly before this group convenes next time, we're going to have a draft document from Mr. Pitman with a bunch of bullet points. You have the draft document that I've presented this evening with a bunch of bullet points and there needs to be a crossfire between those two bullet points as to who's going to do what.

Philip Hayes: Exactly.

Vice President Fanello: Exactly.

Commissioner Mourdock: You have a copy, again, of what I've prepared so I just want to see us meet two objectives: 1) not reinvent the wheel and 2) not pay more

for any particular service than we need to pay. I view, personally, I view the bond counsel's role in this as being specific to the bond counsel issues more than what I've drafted here with PMSI. I don't see those as being bond counsel issues. Again, I'm interested to see your comparing—

Tom Pitman: They're not bond counsel issues, but one of the things we try to do is take advantage of the experience we've seen other places to make sure you do things as efficiently for your project as you can do. That's why I threw out the...what I would like to do is have some of the folks I've worked with most recently remind me of exactly what the different services they purchased were. As I mentioned, I know in LaPorte County there was an initial feasibility study and there was an architectural contract.

Philip Hayes: Was there a lawsuit?

Tom Pitman: There was a lawsuit. There were Federal—

Philip Hayes: So they were driven to—

Tom Pitman: Yes, that's a format that was used and, if I may, I'll check with some of my other county attorneys. I have more or less involvement in this sort of thing but will provide such input as I can to you. Thank you.

President Mosby: Thank you.

Vice President Fanello: Just to clarify one of your bullet points on here, Richard. To construct a formal request for a proposal, are we looking at that as the ultimate detailed request for proposal more than a request for information?

Commissioner Mourdock: Right. To me the term RFI or request for information that is something we could actually do tonight, if we wanted to which is to put out a public notice to anybody who is an architect who's built or designed more than say three jails, that they send us information on their firm. Then, if we wanted to, would look through that and short list it down to 12. Those 12 then we would actually send the finished RFP to and say in that RFP, we want a jail that has this many beds for men, this many beds for women, that is of this particular modular design, have all those important buzz words in it and then that would go to those 12 who would be the formal respondents. That's the way I meant that term.

Brad Ellsworth: I'm Brad Ellsworth, Sheriff. I'm a little bit a fan of PMSI and enjoyed working with them over the last couple of years. If I knew we were going to discuss this this much, I would have probably called Shepler and told him he ought to be down here because in some of the conversations I've had with him over the phone and trying to voice some of the concerns, he was saying that he could very easily explain how some of these things tie in to each other and what he would do ties and rolls right into the other. So, I wish he was here to explain his thing. I think, maybe it's here where we talk about or you, the Commission, decide what are we going to build? I see jail; I hear jail. I don't hear community corrections. I don't hear juvenile and that's something we all are going to have to say. I think Richard just said that, 500 beds, 700 beds, this much community corrections, this much juvenile before we can give an architect something to go by.

Commissioner Mourdock: Item B – recommend a location for the new facility or facilities that in PMSI's opinion most optimally meet the goals of the largest number

of stakeholders which would be community corrections and the jail and everything.

Brad Ellsworth: I think that one thing that Eric and I were back there quickly looking over and talking about is the staffing analysis and planning. I think that's the one thing they talked about – no matter what the building costs us, it's an on-going cost of people – people that wear this (pointing to uniform). It's going to be an on-going cost. Depending on what we build, how we build it, direct supervision, indirect supervision is going to determine it. How many people work there and how many we have to hire if it's under one roof and all that. I think that should be in the scope also. I think that's important. That staffing analysis may influence the other portion. That's just off the top of our heads without going home and really looking at it. It might be something to add to it. Thank you.

Vice President Fanello: I just think we need to start the discussion, so if you guys will get your suggestions together then we'll...I didn't want to bring PMSI down here until we kind of started the discussion to see where we we're heading.

J.T. Kinkel: Hello, my name is J.T. Kinkel with Jack R. Kinkel & Son Architects. I'm a professional engineer. As I'm hearing this, I just want to make a few comments and suggestions. I think when you go into a project, as Commissioner Mourdock said, if you talk about going in for a request for proposals or requests for information you've almost converged on a type of project. What you've gone to so far is you have the complexity of having multiple project delivery systems that you're still thinking about. If you go ahead with an RFI or and RFP, you may knock out an independent developer. You may knock out a method of financing. I think you should really caution yourselves and other groups that are talking about putting out an RFP or RFI. If you bring a construction management company in at this point, although they do have corrections people either on staff or sub-contracted, they still have a stake in how the delivery is made. I think it's important that you use somebody completely unbiased and you look at all delivery systems. Possibly, Mr. Pitman might be able to advise you on a manner of method to do that. That's all I wanted to say. Over and above, as the sheriff said, if you don't know the size and scope of the project, the on-going cost you're going to incur annually – not only with the cost of the building but also the on-going annual cost – you can't possibly have a scope of your project. At that point, if the budget is driven by the problem, the only problem you have is an overcrowded jail. That's the only one I know of, that's the only one that's been formally addressed. So, if you don't go beyond that, it's way too premature for an RFI or RFP. If you have any questions, I'll leave business cards at the front. Thank you.

President Mosby: Thank you.

Richard Helzerman: My name is Richard Helzerman and one of the things that PMSI told you they were going to do is tell you how big the jail is. Now, they want more money to tell you some more. The proper size of the jail, I'll give you my opinion on it. You need to have four beds for every 1,000 of population. The approximate population is 170,000 in the county. Four beds would be 680 beds. You need to build a jail of 680 beds. The cost estimates is \$75,000 per bed. Multiply 680 by 75 and that gives you \$51 million dollars and that's what is what you should be looking at.

President Mosby: Thank you. Any other questions or comments.

Vice President Fanello: Yeah, I'm going to make one comment. I think we are trying to get too specific here. My main purpose is to, maybe, get a discussion going so that we can move to the next step which would be some sort of a planning phase. I don't want to see us get burdened down at this point with too many specifics. Let's keep it a little more general at this point. That's just my opinion.

President Mosby: Commissioner, I guess, I would ask if it's okay with you that we bring this back on January 22nd?

Commissioner Mourdock: Yeah, that sounds fine. Again, it's my understanding that Mr. Pitman is going to put his bullets against my bullets and we'll see how it –

President Mosby: We'll have his comments and the sheriff and his assistant's comments.

New Business

President Mosby: Any new business?

Vice President Fanello: One thing that came up from Sheriff Ellsworth which is an application for reimbursement on meth-lab clean-ups. I think that requires your signature. I didn't know if we need to formally?

Commissioner Mourdock: What is that? An application for meth-lab–

President Mosby: Clean-up.

Brad Ellsworth: It's a grant application for the federal superfund. It's pretty standard. You'll see a lot of those.

Commissioner Mourdock: I'll move approval then that we go ahead and sign the application to get a refund for the clean-up of methamphetamine labs.

Vice President Fanello: I'll second.

President Mosby: I have a motion and second. So ordered. Any other new business? Seeing none the chair would entertain a motion.

Adjournment

Vice President Fanello: I'll move to adjourn.

Commissioner Mourdock: Second.

President Mosby: I have a motion and second. So ordered. Meeting is adjourned at 8:02.

CONSENT ITEMS:

Employment Changes:

Clerk	Commissioners	Superior Court
Prosecutor	Health	Public Defender
Knight Assessor	Recorder	Community Corrections
County Council	Sheriff	Assessor

Travel Requests:

German Assessor	Legal Aid	DAD's
Area Plan	Health	Recorder

Auditor:

Submit A/P Vouchers
Submit Cash & Expenditure Report

Sheriff:

Submit Weekly Jail Information and Reports
Federal Reimbursement for Meth-Lab Clean Up

Engineer:

Deeds and Easements for Parcels 6 & 19 - Burkhardt Road

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
Gary Hohman	Eric Williams	Brad Ellsworth
John Stoll	Ralph Kissinger	Tammy McKinney
Jerry Bryant	Judge Trockman	Tom Pitman
Richard Helzerman	Dennis Feldhaus	Dennis Woehler
Troy Tornatta	J.T. Kinkel	Joe Harrison, Jr.
Others Unidentified	Members of Media	

APPROVAL:

VANDEBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 22, 2001**

The Vanderburgh County Board of Commissioners met in session this 22nd day of January, 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Introductions and Pledge of Allegiance

The meeting was called to order by President David Mosby. Those present were David Mosby, Commission President; Catherine Fanello, Commission Vice President; Richard Mourdock, Commission Member; Phil Hayes, County Attorney; Tammy McKinney, Commissioners' Secretary; Suzanne Crouch, County Auditor; and Charlene Timmons, Recording Secretary.

The Pledge of Allegiance was given.

Approval of minutes

There was a motion made by Catherine Fanello to approve the minutes. It was seconded by Commissioner Mourdock. President Mosby so ordered.

Board appointments

Commissioner Fanello: Am I going to do all these at one time? Are we just going to make one motion?

Commissioner Mourdock: Why don't you go ahead and do them individually or how many of them do you have?

Commissioner Fanello: Quite a few.

Commissioner Mourdock: I would still suggest you do them just individually.

Commissioner Fanello: Okay.

Commissioner Mourdock: Then we can go through one motion at the end and then if I have any questions in the meantime I will stop you. How's that?

Commissioner Fanello: Okay. I'll move approval for Tim Spurling to be appointed to the Board of Review.

Commissioner Mourdock: Um—

President Mosby: Go ahead and do them all.

Commissioner Fanello: Huh?

President Mosby: Are you going to do them all?

Commissioner Fanello: No, he said do them individually.

President Mosby: Oh, I see. Sorry.

Commissioner Mourdock: I will second.

President Mosby: So ordered.

Commissioner Fanello: Burdette Park, Charlie Guetling, and I can't remember if I reappointed Rob Kerney. If not, I'm going to do so at this time.

Commissioner Mourdock: Okay, that being a motion I will second.

President Mosby: So ordered.

Commissioner Fanello: Motion to appoint Lisa Bandy and Sandie Aaron to the Convention & Visitors Bureau.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to appoint John Buckman, David Alexander and Sheriff Ellsworth to the EMA Advisory Council.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to appoint Wayne Crowe to the Library Board.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to appoint Wilbert Robinson to the Building Authority Board of Trustees.

Commissioner Mourdock: Which Board of Trustees?

Commissioner Fanello: Building Authority.

Commissioner Mourdock: Oh, okay. That's fine. Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to reappoint Christy Baker and Stan Young to the Domestic and Sexual Violence Commission.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to appoint James Stauber and Gary Stutte and reappoint Tom Guth, I believe it is, to the Electrical Board of Examiners.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to appoint Reverend Justin Marx to the Human Relations Commission.

Commissioner Mourdock: Uh, that's fine. Second.

Commissioner Fanello: Motion to appoint Dan Durbin, Jerry Richey and Richard Redmon to the Redevelopment Commission.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Commissioner Fanello: That's all for tonight. We'll have a couple more next week and that should be it.

Commissioner Mourdock: Which boards are short?

Commissioner Fanello: We still have the HVAC Board of Examiners, Home Inspectors Licensing Board and the License Examining Review Board.

President Mosby: And one for John Clement to the Burdette board, too.

Commissioner Mourdock: Do I have one to Burdette? I thought that one was...the term was still-

Commissioner Fanello: I'm sorry?

Commissioner Mourdock: I'll check that.

Commissioner Fanello: Okay.

President Mosby: I think all the Burdette Park board is at one time.

Commissioner Fanello: Yes, all the board at Burdette Park are up at one time.

Jerry Bryan - Purchasing

President Mosby: Okay, Purchasing.

Jerry Bryan: Good evening, Commissioners. I have before you in your packets a list of two bids that are annual bids that are needed to be bid out. They are APA014-2001, traffic paint, glass beads and thermoplastic. I would like to advertise on January 25th and February 2nd and open on the 20th of February. The second one is to advertise and bid the following annual contract for traffic signs. Advertise on the 25th and the 1st and open on the 20th. These have been approved by the BPW. Jerry Hayes, I order these things for him and he works with the county on an as-needed basis.

Commissioner Fanello: Okay, I'll move that we give permission to advertise the traffic paint, glass beads and thermoplastic on January 25th.

Commissioner Mourdock: I'll second.

Commissioner Fanello: Permission to advertise traffic signs on January 25th.

Commissioner Mourdock: I will second.

President Mosby: So ordered.

Jerry Bryan: Thank you.

President Mosby: Thank you, Jerry.

DADS - Youth Alcohol Program contract
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President Mosby: DADS.

Commissioner Fanello: Nobody here to—

President Mosby: Is there anybody here from DADS?

Commissioner Mourdock: They normally don't...excuse me, they normally don't come into the meeting, but we have the contract in the packet to hire Ron Wilson as an instructor for the Drug & Alcohol Dependency Abuse Program. I just got the acronym wrong, but the DADS program. Drug & Alcohol Deferral Service.

President Mosby: Okay.

Commissioner Fanello: I'm going to move for approval on the DADS contract.

Commissioner Mourdock: Okay, Phil, did you get to look over this contract?

Phil Hayes: Yes, I have and I am familiar with it and it appears to be in the appropriate order unless you have any substantive changes.

Commissioner Mourdock: I don't have any substantive changes, I don't think, but we have five copies. Is that—

Commissioner Fanello: I don't know why we have five copies.

Commissioner Mourdock: Yeah, I kept looking through them thinking they were under a different—

Commissioner Fanello: No, they are the same copy.

Commissioner Mourdock: Okay.

Phil Hayes: Yeah, there were several.

Commissioner Mourdock: Okay, so they are just all the same, just multiple copies?

Phil Hayes: They are multiples, uh-huh.

Commissioner Mourdock: Okay, with the motion on the floor I'll say second then to

the hiring of Ron Wilson as the instruction for the Youth Alcohol Program with DADS.

President Mosby: So ordered.

Jill Marcrum - Evansville Bar Association
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President Mosby: Jill Marcrum.

Jill Marcrum: Good evening. My name is Jill Marcrum. I'm president of the Evansville Bar Association. Basically I am here tonight to offer the Bar Associations' services to you on a more formal basis. I know the individuals from the Bar have met with many of you on an informal basis and we're here tonight to formally offer our services, quite frankly, in the form of the Courthouse Action Committee. There are several issues which concern the courthouse and it is the opinion of the Evansville Bar Association that these issues should be considered now, that this is the perfect time to address these issues while we are addressing the issues regarding the jail. Some of these problems with the jail interrelate with the courthouse and it is our opinion that by addressing these issues now not only will we be looking at the big picture and solving some of the problems that exist with the jail and the courthouse, but it won't slow down what you want to do with the jail, what you're trying to accomplish now. We think that it will mesh quite nicely at this time. One thing we need to stop and think about is that wherever you build the jail, be it at the parking lot in the back 40 or some other location, the people lodged at the jail will have to be brought to court for hearings, so those are issues that we need to be concerned about. The transportation of the people to the courthouse, where they are being kept when they are at the courthouse waiting for their hearing. There are security issues and quite frankly I think everyone is quite well aware that there are space issues among others. The Evansville Bar Association is made up of approximately 450 attorneys and we realized quite a while ago that there were issues at the courthouse and we've been addressing them within the Bar Association off and on. We now have 19 judicial officers. Eight elected judges, five senior judges, six magistrate judges and quite frankly we only have ten courtrooms. We have increased filings in all of the divisions. As the Bar Association we wanted to be proactive in trying to offer solutions so in June of 2000 we created the Courthouse Action Committee. The purpose of the committee is to study the problems at the courthouse and try to arrive at solutions that would benefit the committee...I'm sorry, the community. This committee is made up of approximately 38 attorneys. They have studied and are in the process of wrapping up and we hope to have to you by February 1st a final plan, our final evaluation of the problems. We've studied the Old Courthouse, the uses of it and what would need to be done if the Old Courthouse were to continued to be used as a courthouse for current hearings. The current structure, the existing structure, one separate subcommittee has studied that issue. We've studied the effects of having court in two separate buildings, the current building and the Old Courthouse, the current building and some other building. We've studied the concept of a judicial center and we had a separate committee just simply doing research to support all of these subcommittees. This committee has been working for more than five months and I don't want you to think that we're asking you to slow down or stop what you're doing. We think that if upon receipt of this draft you'll realize how beneficial that this is going to be and how, quite frankly, the work that you're going to do with the jail in building a new jail can mesh with the addressing of the courthouse issues. I'm going to ask Ed Johnson to address you. He is one of the co-chairs. He is here along with George Porch tonight, who is also a co-chair of the Courthouse Action Committee.

I ask that we be able to bring this report to you and that you consider it. I think that once you have seen that you'll realize that in the big picture this benefits not only the courthouse...I want to stop right there. It's important that you realize that no judicial officers were on any of these committees. I felt that it was very important as president of the Bar Association that this committee approach it from the community standpoint. This isn't the Bar Association coming here disguised for the judges. This is the Bar Association representing all of their clients who use that courthouse on a daily basis who when they go to their client and say, just a minute I have to go figure out which courtroom we're going to be in and that happens on a daily basis. It doesn't matter if you are a judge or a magistrate, when an attorney wants to know where their hearing is going to be held the odds are there is not a definite courtroom that they know to send their client to. We believe that if we address these issues now all at once it will be a benefit to the community as well as the courthouse. At this time I would like to introduce Ed Johnson, one of the co-chairs of the committee, and ask him to give you some more specific information. Ed.

Ed Johnson: Thank you. I'll just take a couple minutes of your time. I won't try to belabor this tonight because we are going to have a written report. We're going to favor you with that report and let you take a look at it and see if you don't agree with this so we can work together and solve these problems. We don't want this jail built without coordinating it with the courthouse space for some safety reasons, some security reasons. Let me just give you a down and dirty overview. Back in 1968 when we first moved into that building over there, the court wing, we did have about five to six judicial officers. Today we've got 19. Back then in 1968 between now and then we've had an increase of 400 percent in criminal felony filings, 300 percent or more in civil filings. Just with...you all will be happy to know the number of attorneys in town have increased three fold since then—

Commissioner Mourdock: So it's not all good news.

Ed Johnson: No, it's not all good news. More lawyers, more litigants, more filings, three times as many judicial officers and we're still stuck with the same building that we had. Here is what we think we need. We think when the new jail is built we need some space in the jail building for courts. That does two things. Number one, it help alleviate the overcrowding conditions, but secondly it's a tremendous safety issue and a security issue for the public. If we build a jail and don't have a way of getting a felon from the jail cell into the courtroom secure the way we have now in Circuit Court, we don't have that in Superior Court, but we have it in Circuit Court. If we don't have that you're going to have the Sheriff taking prisoners across, you know, walking them across. In the last year we've had two Circuit Court prisoners dive out a plate glass window. In just one year they've dived from the second floor onto the concrete to try to escape. It will be a big security risk. We can aviate that problem if we simply when we build the jail if we simply construct some new courtrooms as part of the jail plan and get those prisoners from the jail cell into the courtroom. It will make the Sheriff's job a whole lot easier. It will make the citizens a lot safer and it will address the problem of this serious overcrowding in the present court system. We'll have more. I'm not here to argue any more. I just wanted to let you know what was coming and why, what the problems are. We'll give you a written report on it within the next couple of weeks and we'll be then at that point be glad to come back and work with you or talk with you, meet with you, answer questions, anything, because I think we can work together and get a building, a jail building, a correctional center, that with some courtrooms in it with some security built into the building will benefit all of us. Thanks. Judge Heldt and Judge Bowers are here and I think they had a couple of things they wanted to say in closing. Thank you.

Carl Heldt: Carl Heldt, Circuit Court. First I want you to know that I wasn't in court either time when those fellows jumped out the window! I just want to support what Jill and Ed said. Our courthouse was built at the same time the jail was built and we've got the same problem and that's space. The courthouse is a fine facility and it has been really good to us and it's a good place to be a judge and to practice law, but we have...not only do we not have enough courtrooms but we have people stacked on top of each other, workers. It really isn't good for the judicial process, so I support what they are doing. I think it's the perfect time to address this issue and I thank you for giving us the time.

Scott Bowers: Thank you for the opportunity to address the Commission. I'm here in place of Chief Judge Pigman who sends his greetings and was unable to attend because he is teaching. The need for courtroom space I think is very manifest just in the last ten years. We've gone from about 30,000 cases not including any juvenile matters just in Superior Court alone to up over 45,000 which is about a 50 percent increase. The felony filings have increased very nearly 100 percent in the last five years. The security needs are quite substantial and we're frankly lucky we haven't had a real disaster yet. We've even had some serious problems in terms of physical attacks and threats of attacks in civil cases. Obviously, judicial officers need a workspace to work and you need it there and ready to go, just like a fire station, when you have to have the hearing. With 19 skilled and experience people waiting to hear cases, but only ten rooms to hear cases in it's obvious that we are under utilizing our personnel. I've made a number of representations publicly about what kinds of things would increase the efficiency of the courts and reduce jail population in the past year. I can confidently say that everything I have said to this body and to the Council about what needs to be done to reduce jail populations and move cases faster has been well substantiated. I'm here to tell you we really do need some courtrooms and it can really help the public. Not just with the security on criminal matters, but also in moving very important civil matters because we'll be able to use our personnel much more efficiently. Frankly, when you look at the personnel cost over there the idle personnel far exceed the cost of building the new space to fully make use of their services and I think from a standpoint of economic efficiency there is just no question that this would be money well spent. Thank you.

President Mosby: Thank you.

Jill Marcum: If you have any questions we would be happy to answer them. Obviously, we hope to have that report to you the first of February. If there are any questions now we would be happy to address them.

President Mosby: Questions?

Commissioner Fanello: I don't have any questions.

Commissioner Mourdock: Yeah, I have several and I'll start with you, Jill, simply because you are at the microphone.

Jill Marcum: Sure.

Commissioner Mourdock: You or Mr. Johnson said we would be getting the report shortly. In light of what Judge Heldt and Judge Bowers just said about the use of courtroom space versus the number of judicial officers is there some proper ratio, and you don't need to answer this on the spot, but I would hope this would be part of your report? Is there a proper ratio of judicial officers to courtrooms? I mean, one

to one sounds like it makes perfect sense, but there is probably a lot of reasons why it doesn't.

Jill Marcrum: Right.

Commissioner Mourdock: If we have 19 versus ten right now obviously that's not the right number.

Jill Marcrum: One thing to consider is five of the judicial officers are senior judges who do not work full-time. That takes us down to what...14?

Commissioner Mourdock: Fourteen.

Jill Marcrum: Which still with only ten courtrooms we do try to juggle. Obviously, there was talk last year about assigning...about judges not rotating and quite frankly if the judges didn't rotate we would be in a disaster because we obviously would not have the courtrooms. We wouldn't be able to juggle it the way we do now. We have had the benefit of a lot of studies from judicial centers. Susan?

Unidentified: National Center for State Courts.

Jill Marcrum: National Center for State Courts. We probably do have some studies that would support or would provide us on a national basis that information. Our system here is so different and so unique in the way that we handle cases that I'm not sure you can translate that. There has been no study...no one has paid for a study to determine what would be appropriate for our county given the way we handle cases.

Commissioner Mourdock: Well, that's an excellent point and I don't have the answer with what I am about say, but I know one of the things that PMSI pointed out to us was that the rotating system that we have is unique in Indiana to Vanderburgh County.

Jill Marcrum: It is.

Commissioner Mourdock: I don't know if that's a good thing or a bad thing, I am just repeating what they noted in the report. I just heard you say if it wasn't there it would make the courtroom situation worse.

Jill Marcrum: It would.

Commissioner Mourdock: And yet everyone else is doing the opposite.

Jill Marcrum: They have a lot more courtrooms.

Commissioner Mourdock: Well, prove it. You may well be right, but that is the kind of information I need to know to make any kind of informed decision. One other issue, and I know I heard Judge Bower speak on this probably a year ago, the question came up given that we needed to move cases faster and use the current facilities better what does the legal community think of doing something more with night court? You know, would that give us greater use of the existing courtroom space? I mean, we have to look at every option. I applaud your group for wanting to get involved with this and hearing you at the microphone suddenly makes me

think that probably when we originally set up the Blue Ribbon Committee we may not of had enough members of the legal community there. We did have Jeff Lantz in as a defense attorney, but he was the only person who was on that who was not a stakeholder here immediately within the building, or a couple of buildings. So the fact that you've done this, I think, is a good thing.

Jill Marcrum: Well, one of the things that maybe we need to add, Ed and George, is the fact that I think our rate of turnover for cases, as Judge Bowers mentioned earlier before the meeting started that in Marion County I think it's a minimum of two years to get a final hearing for a divorce. Here...a contested final hearing. Here I think it is about 60 days. I was studying them this morning, 60 days. I mean, we move cases, I think, at a lot more rapid rate than the other counties do.

Commissioner Mourdock: Judge Knight has presented statistics backing that up, so I don't know if either David or Catherine has seen those, but I have certainly seen those statistics too.

Jill Marcrum: I mean, while we may have had some problems that we have addressed and tried to do even better I think when you look at a statewide basis I think that our county is doing exceptionally well. I say that as Bar president here and we will try to address the issue of night court because there are also some problems with that that doesn't...basically, a lot of our officers are working at the same time. So there are inherent problems with that, but we'll try to address those.

Commissioner Mourdock: There are inherent problems, but a lot of other communities do it as well.

Jill Marcrum: We do some night court. Anything else that we can answer this evening?

Commissioner Mourdock: I would just ask if a few select members of your group would, and I presume we'll be talking about this under old business tonight, but as we continue to move forward with all the jail issues I would hope that a few select members of your 38 member committee might want to be a regular part of the communication process.

Jill Marcrum: We would be more than happy to offer all the members that you would like. Thank you.

President Mosby: Thank you.

Sheriff - Approval of vending services at VCCC

President Mosby: Sheriff Ellsworth.

Commissioner Mourdock: We have in the packet again, I don't know that the Sheriff is present, but I know Eric Williams is here, but we do have in our packet a simple contract tonight that is for the vending machines over at the Vanderburgh County Community Correction facility. Again, I would presume that the County Attorney probably has had a chance to look at these.

Phil Hayes: Yes, I have. (Inaudible.)

President Mosby: Phil, do you want to say that on the mike.

Phil Hayes: I'm sorry. Oh, that's what we're talking about. I'm sorry, I thought we were having a private conversation.

President Mosby: No. Me and Richard was wanting to listen.

Commissioner Mourdock: Right.

President Mosby: We were straining.

Phil Hayes: I'm sorry.

Commissioner Mourdock: Is the contract that is presented, have you had a chance to look at it?

Phil Hayes: Yes, I have and it is in standard form of those vending contracts that are common with the Division of Disability, Aging and Rehabilitative Services. I have not seen the current contract, but it appears to be one which is usual and in order for the duties that our government has towards the vendor and the vendor's duties to us, so I have no problem with this format.

Commissioner Mourdock: I'll move approval of the contract then between Vanderburgh County and the vendor who is...a contract between the FSSA, Division of Disability, Aging and Rehabilitative Services Blind and Visually Impaired for the vending operations at the Community Corrections facility.

Commissioner Fanello: I'll second.

President Mosby: So ordered.

Faye Gibson - Old Courthouse Preservation Society
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President Mosby: Old Courthouse Preservation Society.

Faye Gibson: I'm Faye Gibson, Executive Director of the Old Courthouse Preservation Society. I basically asked to be put on tonight's agenda to have a follow-up conversation if appropriate this evening in response to a letter forwarded to the Commissioners late last week. This letter basically states that presently the Old Courthouse Preservation Society is in financial trouble and because of that may not be able to continue its stewardship responsibilities with the Old Courthouse.

President Mosby: Are there any questions?

Commissioner Mourdock: That was a question! Obviously, the term used in your letter, and I don't have it in front of me, but the term of the letter last week used the term insolvency of the Old Courthouse group and I guess it begs several questions, all of which are legal questions. First of all, if I presume of the terms of the lease between Vanderburgh County and the Old Courthouse Preservation Society that there was a clause in there that said certain things would automatically happen if insolvency was declared. If that has not yet been reviewed I would ask the County Attorney to review that and report back.

Phil Hayes: That has not been reviewed.

Commissioner Mourdock: Okay, I certainly would assume that language would be there. I believe your letter said you expected insolvency to possibly occur as soon as the end of March or the beginning of March?

Faye Gibson: End of March.

Commissioner Mourdock: End of March.

Faye Gibson: If my projections are correct on the utility bills.

Commissioner Mourdock: Which could be—

Faye Gibson: If I have under budgeted it could be sooner.

Commissioner Mourdock: In a few short words, Faye, is the insolvency basically a result of increasing on the cost side or is your donor base drying up?

Faye Gibson: It's both. Basically in a nutshell it's both. We've reached what we feel is a sealing on revenue generation. Other than the second floor of the Old Courthouse, so that we have almost a full building as far as tenants. We have raised the rental rates to what we think is fair. If we were to raise them too much more we would probably run them off to a building that provides housekeeping, which ours doesn't. We have a dwindling donor base, I feel, for a couple of reasons. Number one, and I think most importantly, when the Conrad Baker Foundation was originally founded it was done so in the height of awareness that this historic landmark could be torn down any day because the county had just vacated. It was formed by some very well educated and concerned individuals who recognized the value of historic preservation. As 32 years have gone by without a reason for people to come into the building other than to visit the tenants that we have in the building we have missed a whole generation of supporters and we're probably working on a second generation, quite frankly. I spoke with a donor just last week, mid 30s, who pointed out to me that he has been raised in a generation of AIDS related problems. He has been raised in a era where they look at medical and health issues and until he became involved through a family member telling him about the Old Courthouse, you know, it just didn't dawn on him. So as a result of that, and I think that is a major factor, quite frankly, we do have a dwindling donor base. We have done 60 to 65 percent of our operating budget has come from tenants leasing space in the building. Thirty to 35 percent usually comes then from out and out individual and corporate donations as well as special fund-raising events. What we're seeing now, too, is our annual fund-raising events have peaked, so for the first time in the fall we raised less money with our fund-raising efforts than before. So, yes, income is dwindling. Expenses, the biggest one utilities obviously, have just really socked it to us. Also, you'll have rising expenses whenever it comes to repairs and maintenance of a

building that size and that age. It's the two together.

Commissioner Fanello: I was going to ask what is your annual operating budget?

Faye Gibson: This past year we spent \$184,000 on the building.

Commissioner Fanello: And revenues?

Faye Gibson: Pardon?

Commissioner Fanello: Revenues, yearly revenues?

Faye Gibson: Last year we only realized about \$170,000. Now this is...when I give these figures I'm talking about unrestricted figures that we earn through our own means, be it tenants, be it fund-raising. I'm not talking about restrictive grants that we've received over the years for major restoration work.

Commissioner Mourdock: That begs another legal question. When those grants came in, were they donated to the Old Courthouse Preservation Group or to the Conrad Baker? In other words, when Dennis Avery and Venita did something a year or so, two years ago, I'm concerned if there is any legal worry that we should have if that grant was made to that group, to your group, and otherwise now if there is an insolvency nightmare scenario, worst case scenario, might the county have to pay that money back to the state? Again, you don't have to answer that question. That's a legal question that we need counsel on.

Faye Gibson: You're correct. We did receive Build Indiana Fund two years ago through the General Assembly, through Dennis Avery's help, and that money has been spent. The entire second floor is totally air conditioned now so we have accomplished what we wanted to.

Commissioner Mourdock: The other outstanding series of questions would deal with the lease arrangements that exist between the tenants who are presently there. If you become insolvent what obligations does that then put on the county as far as providing the day-to-day things that they might need to keep those offices going because certainly we don't want them to move out and make a bad situation even worse.

Faye Gibson: Correct.

Commissioner Mourdock: Is your group prepared to make any recommendations in its absence to what it thinks might happen or should happen with that facility?

Faye Gibson: In its absence if the group were to become financially insolvent and have to dissolve?

Commissioner Mourdock: Uh-huh.

Faye Gibson: First of all I was just asked the question how much did we...how much money did we spend last year. I think the county...okay, I don't want to say the county. I think whoever would manage this building would need to depend on at least a minimum of \$200,000 a year to do so. I will say that we have a staff of two full-time people and one part-time person so it's not that it is going to salaries. That is for general repairs and upkeep of the building, building supplies. When you are

running an office building, you know, someone could talk to Mark Owen across the street at the Court Building and see what his budget is to manage an office building and that is what we have been doing, managing an office building. I would think a minimum of \$200,000 would be needed to continue the building. Now granted some of that could be offset by tenants or leasing space in the building. It's not like it would have to come out of any other pocket. I personally am still convinced that the courthouse needs to be a courthouse. That's my own personal opinion and I'll say that any time I get a chance. If the second floor were restored and used as courtrooms that we just heard about tonight which I didn't know was going to be talked about tonight, but I'll bring it up again. You heard a figure of four. We've got four courtrooms sitting on the second floor that could be used for court any time. They could be used as is. Now granted we would like to paint, we would like to restore, we would like to make the rooms beautiful, but I think the county should look at that very seriously if they want to look at stabilizing this building again.

Commissioner Mourdock: About five years ago, maybe five and a half years ago I suggested in a meeting very similar to this sitting in this same chair, in fact, that perhaps we ought to think about privatizing more of that. About two weeks later the smell of tar and feathers was coming in from the outer hallway out there even at the suggestion that be done.

Faye Gibson: I also recall that you said publically that your wife made you sleep on the couch that night, too.

Commissioner Mourdock: You have a good memory, Faye. That's true.

Faye Gibson: Privatize? I don't know if anybody is out there willing to do that. In our defense, Richard, you were misquoted as saying let's just sell the building which showed disrespect for our building and of course we would come in arms then with disrespected. Privatization, someone who could turn it into a showcase that it should be and someone has got the money to do it, you know, that might be quite a fitting purpose for the building. I personally will tell you that I turn 20 people away every day. People who want to pay a parking ticket, a speeding ticket, buy a fishing license, look for their birth record, you know, so we are still seen as a county courthouse. It certainly looks more like a county courthouse than the complex we're standing in now. Of course, we're all bias too. I think it should be a courthouse.

Commissioner Mourdock: Well, for what it is worth, and one of the things in our first meeting of this year we talked about doing was using tonight to talk about what our individual goals as Commissioners would be for this year and I put mine together before I saw the copy of the agenda today because I was out of town over the weekend and the next to the last one I have is listed over there as the Old Courthouse, define revitalization plan.

Faye Gibson: Thank you.

Commissioner Mourdock: Yeah, I don't know what that means other than being words on a page at this point, but clearly with what Ms. Marcum and Mr. Johnson were saying before the need for courthouse I agree with you. I think the most logical thing for that building to be is a courthouse, but getting us from here to there remains to be seen how that happens.

Faye Gibson: True.

Commissioner Mourdock: I'm not sure that privatizing in some form still can't be part of that plan, but who knows?

President Mosby: Questions?

Phil Hayes: If I may, Faye, we had met before the first of the year since us Democrats were tenants in there and still are I think.

Faye Gibson: Still are.

Phil Hayes: We were hooked by you—

Commissioner Mourdock: Raise the rent.

Phil Hayes: —and Jeff Hayes and pay an exorbitant rent, but in that discussion we had covered a little bit about whether there had ever been any approach to the City of Evansville to assume any responsibility on this and I know, of course, that the county...it's clearly a county facility.

Faye Gibson: True.

Phil Hayes: However, I think everybody agreed and I think I was pretty well satisfied that its character has changed and it is a community building. As it turns out now it's a historical fact of legal title that the county owns it. But as far as the city is concerned, I know the City Preservation Office is still over here. They don't rent out. The county has a tenant, its engineering operations are over there.

Faye Gibson: As well as Veterans Services.

Phil Hayes: And Veterans Services is there as well. Since that time, and I know it has been short, do you know of any contact to the city or any folks there?

Faye Gibson: No, I don't think so.

Phil Hayes: So we don't really have a reflection on their view.

Faye Gibson: That's a novel concept because that historically has been county property for 100 years I don't think anyone has ever asked that question or thought of it before, quite frankly.

Phil Hayes: Oh, really.

Faye Gibson: Of whether or not the city...now, over the years the courthouse has received some funding which is passed through the city, through the Community Development Block Grants, federal grants.

Phil Hayes: Sure.

Faye Gibson: So the city is in that respect aware of our needs.

Phil Hayes: Right.

Faye Gibson: And so forth. As far as any direct involvement other than that, no.

Phil Hayes: Okay.

Commissioner Mourdock: Is there anything, Phil, that we need to be thinking of between now and whatever the...I don't know since you're a non-profit if there is a formal declaration as in a Chapter 7 or Chapter 11 filing or something like that?

Phil Hayes: No. Well, they'll have to terminate their status as far as their tax advisor advises them to do so if they intend to disband and give up that tax status, that 501C3 tax status. I don't know that is something if you have been advised to immediately jump into that and do it.

Faye Gibson: No.

Phil Hayes: So you have a board, you have a current operating board, and you are basically notifying us that you're just going to be sitting over there and you're going to be targeted because you happen to be occupying it. I don't think you'll run away from anybody. You'll probably notify them, but you won't be able to operate your telephones for example. If you can't pay the bill to do it—

Faye Gibson: Correct.

Phil Hayes: —you won't be able to do that, so your phone service is going to be terminated hopefully on a planned basis, but pretty quickly right?

Faye Gibson: Unless some unforeseen subsidy comes our way that we are unaware of. The utilities have effectively—

Phil Hayes: Have you spoken—

Faye Gibson: They have started eating into the small reserves that we had to begin with.

Phil Hayes: Right, have you spoken to the utility about your plans and about the mechanical means of—

Faye Gibson: Not at all.

Phil Hayes: —minimizing incurring further expense so you don't in essence go in the hole?

Faye Gibson: No.

Phil Hayes: Okay, so that is something no doubt that you're going to get advice on and try to have a soft landing versus a hard landing as they say. Okay.

Commissioner Mourdock: But either way it would seem to me it lands on us.

Faye Gibson: Correct.

Commissioner Mourdock: Because—

Phil Hayes: Total responsibility to maintain that property, right.

Commissioner Mourdock: Yeah.

Phil Hayes: And when I say maintain it that would be...I'm sure Faye will know the number of leases that are there so those tenants have certain rights.

Commissioner Mourdock: If the day this insolvency occurs I think it is reasonable to expect, and again you don't have to answer that, Faye, but you said earlier you've got three people, yourself and two others, that are paid people working there?

Faye Gibson: Yes.

Commissioner Mourdock: Most people if they're not going to get paid aren't going to show up for work and what I want to make sure we're ready for is if that happens do we have what we need in place through this office to effectively run the facility by personnel not just the right documents which are critically important. Are we going to have that in place and this is not a suggestion, this is just a statement, would we as county government be better off to be the source of some slight, to use your word of subsidy, to keep the phones on to keep the most basic services going. I mean, would it be cheaper for us to do that from this end than it would be to just have it all dumped on us? Again, that is not a recommendation. That is simply a question I think we need to study. In addition to...not in dollars, but your normal monthly bills obviously is for the wages for the several of you, is for the phones that you have, is there anything else specific to your group?

Faye Gibson: Obviously building supplies.

Commissioner Mourdock: Office supplies.

Faye Gibson: And office supplies, things like that.

Commissioner Mourdock: We might want to look at that—

Phil Hayes: You have a maintenance staff there, do you not?

Faye Gibson: Yes.

Phil Hayes: Excuse me for interrupting, I'm sorry.

Faye Gibson: One full-time and one-part.

Phil Hayes: One full and one part-time and they're...but on a daily basis there is ongoing...for example cleaning that takes place on a daily basis not an interim basis?

Faye Gibson: Yes, correct.

Phil Hayes: So those liabilities are there that probably should be if we intend to continue it being open and not have the hard landing kind of effect you probably need to inquire as to how to get that taken care of.

Faye Gibson: We do have several Old Courthouse tenants sitting in the audience tonight because they have concern about their future, quite frankly.

Phil Hayes: Uh-huh.

Faye Gibson: It would be the Old Courthouse Preservation Society's intent to do as

much as we can to secure the future of our tenants who have been supportive to our building.

Commissioner Mourdock: Sure. In the near term maybe the best thing we can do is to, and I'll make this as a motion, that we direct the County Attorney to go ahead and work with Ms. Gibson and her group to get us to that point of soft landing in the most economical way fashioned or most economical way possible. Perhaps, Phil, next week you can report to us what the alternatives might be.

Phil Hayes: We can do that, sure.

Commissioner Mourdock: That was a motion.

Commissioner Fanello: Second that motion.

President Mosby: So ordered. Any other questions?

Phil Hayes: Thank you, Faye, appreciate it.

Any group or individual wishing to address the Commission
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President Mosby: Department head reports.

Commissioner Fanello: Did you ask if anybody wanted to address—

President Mosby: Is there anybody else that wanted to address the Commission?

John Stoll - County Engineer

President Mosby: Seeing none we will move on to department head reports. County Engineer. Tammy, I believe—

Tammy McKinney: I gave it to Catherine.

Commissioner Fanello: Yeah, John couldn't be here tonight so he has, let's see, an application for a construction in a floodway permit, so I guess this needs to be signed and it has to do with the project. It involves replacing an existing concrete box beam bridge with a new structure and it's part of the widening of Mt. Pleasant Road between US 41 and Old State Road. This permit is required for construction in a floodway.

Commissioner Mourdock: And I'll just make the point that is pretty routine and customary. That's a normal document that we deal with, so I'll second the motion.

President Mosby: So ordered.

Ralph Kissinger - County Highway

President Mosby: County Highway. I believe Ralph is here with us tonight.

Ralph Kissinger: I guess you have my packet and my weekly reports in front of you. I have one thing if I may present it to you at this time. It took myself, the garage

foreman, and my assistant superintendent up until almost meeting time to complete this, so I would like to go ahead and give this to each one of you. These are specifications for the two...actually three, two or three. There are two trucks that would be identical that I requested last month that I had permission to go ahead and write the specs up for these trucks. Two of the trucks will be the small one ton vehicles with utility dump beds and spreaders and plows for subdivision work. As I told you before our larger trucks have a lot of trouble in subdivisions especially if cars are parked on the streets and these smaller trucks will be a lot more effective in snow removal and I would like to request that we be able to give those to Jerry Bryan in Purchasing and get those out for bids as soon as possible.

Commissioner Fanello: You don't have any costs on them yet?

Ralph Kissinger: I've got approximate costs. I know that just by getting estimated prices, which these are not...these are ballpark figures. The tri-axle dump truck which I am requesting for the paving crew with a dump bed will run in the neighborhood of \$80,000. The two smaller trucks will run in the neighborhood of approximately \$40,000 to \$42,000 a piece. So ballpark we're looking at \$160,000 to \$162,000. I have talked with Ms. Deig. She said that I do have appropriated funds for the road equipment to draw from. I'm new at this so this is how I am going about trying to spec the truck out and make the request that we put it out for bids.

Commissioner Mourdock: If in fact, we acquire these vehicles are you going to put several other vehicles out to surplus then?

Ralph Kissinger: At the present time probably just one. There is an older, larger dump truck, but we need to increase our fleet for snow removal especially. These two smaller trucks can be used, one on the paving crew during the summer and one on the bridge crew during the summer so they will be utilized. They won't just be snow removal vehicles.

Commissioner Mourdock: You're not looking at a manpower increase to go with these?

Ralph Kissinger: I hope not. I know that was one of my first questions when I came in, are you going to get us any more help around here, and I know from a business standpoint of being in private business for as many years as I was that you're required as much as you can with as little as you can. I'm trying to run the garage as a business now instead of...I don't know in the past it has been run as different things. The only way I know how to run it is as a business and I am going to try to utilize what manpower I have at the present time.

Commissioner Mourdock: Okay.

Ralph Kissinger: I don't foresee any requests right now. I do have a request in your packet. There has been a transfer from The Centre for a laborer's position at the garage to be filled, but other than that at the present time the only other thing I had to ask to tonight is there is a county bridge conference at Purdue University and I put in the report the approximate cost and permission and a copy of the slip for one of my garage foreman. The bridge foreman, actually, Oscar McGee, and for my assistant to attend the conference. I may be late on that, but I just got the information and we didn't have a meeting last week. Other than that I've got my inventory report in there. Is there any question on it?

Commissioner Fanello: Did Suzanne get a copy of the inventory report?

Charlene Timmons: We did not, but we need one.

Commissioner Fanello: You need a copy.

Ralph Kissinger: Yes, I'll get it to you tomorrow.

Charlene Timmons: Any time you submit anything to these guys we would like to have a copy.

Ralph Kissinger: Okay, did I not?

Commissioner Mourdock: You said that too politely. Not we would like, we must have.

Charlene Timmons: Or that!

Ralph Kissinger: I will get those copies.

Commissioner Fanello: So then do I need to make a motion as far as what Ralph, I guess, to go out for bid on these trucks? So I'll make a motion to allow Ralph to go out for bid on these trucks.

Commissioner Mourdock: I will second. And, again, you mentioned you'll be working with Jerry Bryan on that because you need to do that?

Ralph Kissinger: Yes, I will.

President Mosby: So ordered. Your travel request will fall under travel requests.

Ralph Kissinger: Thank you. If that's all? Thank you.

President Mosby: That's it with me.

Commissioner Fanello: Oh, I was going to ask you one question about the paving list for this year. When do we need to have that information together?

Ralph Kissinger: As soon as the three of you can come up with what you actually want on it because I need to get a schedule and try to get...I know what my cost per ton...I need to figure out how many miles I can pave and I also need to get exact figures on what money I have to pave with.

Commissioner Mourdock: And just for historical reference on that, Ralph, what we have done is the...at least in the six years I have been here the Superintendent of the Garage always provides to us a tentative list. It's usually late February or early March as to what he sees as necessary for paving for the coming year. We then take it under advisement for a week or two, make sure we're okay with it, offer suggestions or move things around as need be and then act on it about two weeks after you give it to us.

Ralph Kissinger: And informally not to present as a board, but I spoke with Commissioner Mosby the other day and I did give him a copy of what I had and I will be glad to submit copies to the other Commissioners formally at the next meeting if

that is okay.

Commissioner Mourdock: Okay, and Charlene just reminded me of something that is quite correct. We have always dedicated one meeting after we've taken that material under advisement and before we officially approved it we always have one meeting we advertise as the road hearing and a lot of folks will come in and tell us, you know, I was here last year and now this year is my year, right? You get to make a lot of friends.

Ralph Kissinger: I will have that the next meeting.

Commissioner Mourdock: Okay.

President Mosby: Thank you, Ralph.

Ralph Kissinger: Thank you.

Phil Hayes - County Attorney

President Mosby: County Attorney. Did you have anything to add?

Phil Hayes: Nothing specific except in general I simply wanted to report that most of the active litigation cases that the county has that have been the primary responsibility of Mr. Harrison are continuing. We've met. He has continued on certain cases. Certain of those are being transferred for efficiency and in that general respect that business is moving on. I don't have a count as of today as to how many active tort notices have been filed and are pending with the county. There are some reports. They are aging, they're in different states, so that is to say different states of development and as you know the county has 60 days within which to determine how they are going to handle those, so I am anticipating that you'll have that full information ten days to two weeks and if you need it before that why we can probably put something together for you. As of now, Mr. Harrison doesn't believe there is anything that has a critical need to act on at this point.

Commissioner Fanello: At this time should we go ahead and...you have reviewed the AMR document?

Phil Hayes: Yes, if you wish to—

President Mosby: We're doing that down here. We've got that.

Phil Hayes: You wish to cover it later, that's fine? The AMR item and then the other items are there. They have been reviewed.

President Mosby: Me and Richard have our own agenda.

Phil Hayes: In brief that's our report.

Superintendent of County Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything.

Steve Craig - Burdette Park

President Mosby: Burdette Park. How soon are you going to be able to move to the Old Courthouse and superintend that?

Steve Craig: Steve Craig, manager of Burdette Park. The first thing I have on my agenda is I have given you a notice of request for proposal for the architectural and construction supervision services and I was wanting you to look that over and decide which way we wanted to go on it.

Commissioner Mourdock: Did you give that to everyone, Steve? I'm not sure that I've seen it. Then again I was out of town this weekend.

Steve Craig: Yeah, we brought 12 of them down Friday. Is that it there?

Commissioner Fanello: Do you have one?

Commissioner Mourdock: The goals, yeah. You're not asking us to take action on this particular part tonight?

Steve Craig: No, I would like to take it under advisement and next Monday...I imagine Phil should take a look at it too to make sure it is what we want to do with it. I had some things that I put in there and I would like you guys to look it over and bring it up for next week. Also, in my packet we always do this at the beginning of every year also the goals and projects that we intend on doing for the year 2001. They were in there and you might want to look them over and then next week if you've got any suggestions or ideas that you think that we should add to them we can address that.

Commissioner Mourdock: Again, these are the product of the staff with the Advisory Board, correct?

Steve Craig: Yes.

Commissioner Mourdock: Good.

Steve Craig: Then I have my worksheets that we turned in and other than that, that's all I have.

Commissioner Mourdock: I have something you'll be interested in. I always love it when we get little pieces of paper with Connie K. Naas' signature on them. The Auditor of the State has sent us the check that came from Build Indiana Fund in the amount of \$50,000 to also go towards the O'Day Lodge.

Steve Craig: And that is from who?

Commissioner Mourdock: Well, it's from the Build...does it matter? It's from the—

President Mosby: It's \$50,000.

Commissioner Mourdock: —Build Indiana Committee. Build Indiana Funds.

Steve Craig: Well, usually there is a legislator that is attached to it.

Commissioner Mourdock: And it is from Venita Becker, that's right.

Steve Craig: It's from Venita Becker.

Commissioner Mourdock: Right, the way the Build Indiana Fund works different representatives get to do their thing with certain funds and this is from Venita's commitment to the park.

Steve Craig: That's great. That's two of them in two weeks then.

Commissioner Mourdock: Yes, it is and it's always appropriate if you would maybe put a letter together from staff to send that to Ms. Becker.

Steve Craig: Will do.

President Mosby: Got any more of them?

Commissioner Mourdock: No, I'm sorry I don't.

President Mosby: Any questions of Steve? Thank you, Steve. We'll look at the requests for the O'Day Center and try to get back with you next week. Appreciate the goals. Thank you.

Steve Craig: Thank you.

Soil & Water Conservation District

President Mosby: Soil & Water Conservation.

Commissioner Fanello: Don't we just get those?

Commissioner Mourdock: Yeah, I don't think we have anyone here tonight, but they did submit their report.

Ozone Officer

President Mosby: Ozone.

Commissioner Fanello: Nobody, they just submit.

Commissioner Mourdock: Yeah, and we have that report submitted, so I'll move approval of all the consent items as submitted to the board this evening.

Commissioner Fanello: I'll second.

President Mosby: So ordered.

Consent items

President Mosby: Employment changes.

Commissioner Fanello: No, that's part of the consent items.

Commissioner Mourdock: I'll move approval.

President Mosby: Oh, the whole consent.

Commissioner Mourdock: The consent items we have in one packet including employment changes, travel requests, the Treasurer's report, the Auditor's report, also the Auditor's report submitted regarding bridge certifications and the weekly jail information reports. By the way, mentioning the jail as of tonight as of this moment Chief Deputy Williams tells me we have 267 so we're actually one less than capacity at the jail which is the first time, I think, since I have been a Commissioner that we've been able to say that, so that's a good thing.

President Mosby: Can't beat that.

Commissioner Mourdock: So I'll move approval of the consent items.

President Mosby: I did not see Ralph's request.

Commissioner Fanello: In the travel requests?

President Mosby: Yeah, I was looking for his request and I didn't see it. He said that a minute ago.

Commissioner Fanello: I don't see it either.

President Mosby: Ralph, when did you turn your travel request in?

Ralph Kissinger: It's in your packet. It should be in our weekly report.

Commissioner Fanello: Oh, okay.

President Mosby: Oh, okay. That's why we didn't see it.

Commissioner Fanello: Okay. Give them to...yeah, okay. Give them to Tammy in the future and that way she'll put them in our...

President Mosby: Here we go.

Commissioner Fanello: Yes, Tammy is going to get copies.

Commissioner Mourdock: The motion I made was for all the various consent items we had here. We generally do those as one.

President Mosby: Okay, with this not being on here do we need to add this?

Commissioner Mourdock: The one specific for Ralph, for the garage?

President Mosby: The one for Oscar and Mark to go to Purdue University.

Commissioner Mourdock: Okay, I'll move that we add that one item to the consent file.

Commissioner Fanello: I'll second.

Commissioner Mourdock: Okay, and with that addition I'll move approval of the consent items.

Commissioner Fanello: Second again.

President Mosby: I have a motion and a second with an addendum to add the Vanderburgh County Highway Garage. So ordered.

Scheduled meetings

President Mosby: Old business.

Commissioner Fanello: Scheduled meetings.

President Mosby: Oh, scheduled meetings. I'm sorry.

Commissioner Mourdock: I have no proposal for scheduled meeting changes unless either of you have any.

President Mosby: I don't.

Commissioner Fanello: I don't.

President Mosby: No changes.

Old business

President Mosby: Old business. We discussed the AMR contract last week and I believe we need to act on that. Phil, if you want to.

Phil Hayes: Yes, I have reviewed the contract and there are matters...the contract is in order. There are policy matters that are considered substantive and that would be for your pleasure concerning the most important probably would be response times that the previous minutes reflect concern with. In terms of the manner in which the contract has been written and as far as the providing the proper license and certifications and all the legal requirements we find it to be in order. It's in order in terms of its form.

Commissioner Mourdock: Is the service area the same as in the prior contract because that was quite contentious several years back with Scott Township?

Phil Hayes: Well, our understanding is that it's the...the term is with the same territory that was covered in the contract under which we are operating now by extension, yes.

Commissioner Mourdock: Okay.

President Mosby: Jerry is here and he is shaking his head yes, but if you have any questions Jerry Key is with us from AMR.

Commissioner Mourdock: Oh, okay. I didn't see him behind the podium. Hi, Jerry.

Jerry Key: There are no changes in it other than minor things that I had sent through.

Commissioner Mourdock: Okay, and again those are in regards to, as the counsel was saying, the response times? The only changes are in response times?

Jerry Key: There are no changes to the response time criteria from what we are operating under currently.

Commissioner Mourdock: Okay.

Phil Hayes: I didn't mean to imply there were. In terms of the discussion as far as at your pleasure if you wish to discuss those.

Commissioner Fanello: I'm going to bring that up. I'm going to move approval of the contract, but during this year or last year during the campaign last year I heard several people complain about response times and I don't know if we need to discuss that now or maybe discuss it some other time, but I do want you to know that has been an issue with several people. So I don't know, have you heard of...have you personally received any complaints?

Jerry Key: No, we receive very few complaints on that. We did this year before submitting this I did meet with all of the suburban fire chiefs to have dialogue about any complaints or concerns that they have. There doesn't seem to be a disparity other than the difference that you see in response time between urban and suburban. There are differences as an example between what the city response time standard is versus what the county is, but I think when you look at it across the country for suburban response times they are very competitive response times. Again, I think that is certainly your discretion any time you see fit to change those. Our objective, obviously, is to meet whatever those goals are and to do that consistently well.

Phil Hayes: With the board's permission I did have one legal interpretation I was going to ask about and that is I'm quite sure I have looked at this. I don't see any provision that would place this Commission in the same position for example that Warrick County recently found itself in which was that ambulances were loaned out to other communities. They were gone and it created in some, at least allegedly, traffic circumstances there. I find nothing that authorizes that and is in your opinion is there anything that would authorize that kind of situation?

Jerry Key: It doesn't speak to either authorizing or deterring it. The intelligence of, I think, of the Commission in this particular contract is defining response times. That gives us the latitude to do what we need to do business wise, but holds our feet to the fire on providing specific service whereas in adjacent counties there is no standard so if they show up in ten minutes or in 30 minutes there is no consequence to that and so that is where the difficulty comes in when an ambulance is not in the county regardless of whether they are a 30 minute standard can't...or response time can't be dealt with. So the only way they've got to deal with that is to come back as fire chiefs, as an example in that county, and complain they're not getting good service and blame it on the fact that they're doing other work. Probably their solution would be to adopt a standard similar to yours and say we don't really want to regulate or run and operate ambulances. What we want is good service for our citizens and I think that's the intelligence of the contract that Vanderburgh County

has adopt is to set specific goals for that and hold us accountable for that with penalty clauses.

Phil Hayes: So the...we can rest assured then as far as the legal aspect of this is concerned that like the discussion about response time where those kinds of complaints that they've received are...they may be individualized and since they are antidotal we don't know, but in general are we going to be able under this contract the Commission be relatively assured that they're going to know about if there is going to be a policy as there was in adjacent counties and it didn't involve your firm at all.

Jerry Key: Right.

Phil Hayes: But we would be informed in the event that such practices were going to be engaged in or anything like that relying on the response time? I guess what I am trying to get down to is that the contract is the same as it has been. We don't want to overdue it. It has been clearly reflected in the record that we are probably not going to negotiate anything any different here and still have the service that we need, but I think from a legal standpoint I'm concerned to know that we're not going to be receiving tort claim notices and so forth on people who may allege that we improperly contracted or improperly supervised the delegation of authority to bring these services in. You don't have a practice particularly of scattering your ambulances out in other cities and loaning them out in any event?

Jerry Key: We do have a practice of we use what we call a fluid deployment system where ambulances that are in the system are always moving and we send the closest available ambulance to whatever call we get and we use them for everything from a discharge from the hospital to a nursing home to a 911 response.

Phil Hayes: Right.

Jerry Key: But there is an allocation system. I really don't want to get into it.

Phil Hayes: Fifty percent, and you needn't. That's not really the direction I was going in. Fifty percent of these ambulances on some given day aren't going to be in Nashville, Fort Wayne, Louisville or Cincinnati?

Jerry Key: Correct.

Phil Hayes: They'll be here.

Jerry Key: We can't responsibly cover our responsibilities here and guarantee you that kind of response time if we don't have enough resources.

Phil Hayes: So that's the situation. Everybody knows we didn't cue one another on this dialogue. That's what I was after on this contract and I think that's certainly a good answer. Thank you.

Commissioner Fanello: I'll move approval of the AMR contract for 2001.

Commissioner Mourdock: I will second.

President Mosby: So ordered.

Commissioner Fanello: Now there was another contract that we discussed last week, the Safe House. We need to go ahead.

Commissioner Mourdock: You're talking the lease?

Commissioner Fanello: Yes, lease agreement.

Commissioner Fanello: I guess if there are no questions on that and Phil has reviewed it I will just go ahead and move approval unless you have a question.

Commissioner Mourdock: Phil, you have reviewed it and you're comfortable with it?

Phil Hayes: Yes, we have done so and I have also been informed and I believe I am correct on this, Eric, but you and Sheriff Ellsworth have had a chance to review this document? There were a couple of areas, I think, that you wanted clarified and they were clarified to your satisfaction?

Eric Williams: Yes.

Phil Hayes: Okay.

Commissioner Fanello: I'll move approval for the lease agreement for the Safe House.

Commissioner Mourdock: I'll second.

President Mosby: So ordered.

Commissioner Mourdock: The other bit of old business we have or at least one other bit, as I mentioned when Faye Gibson was at the microphone we spoke at the first meeting on January 2nd about using this evening to present what our individual goals are as Commissioners and then typically what we've done in the past is the three of us put our goals up and if we can see some commonality between the three then we obviously move pretty aggressively towards those. I don't know if either of you are ready to discuss those.

Commissioner Fanello: No, actually I was going to ask if we could have another week because there are a couple of issues that I would like to research before I finish my list.

President Mosby: I want a month.

Commissioner Fanello: Huh?

President Mosby: How about a month?

Commissioner Fanello: A month? You don't need a month. A week.

Commissioner Mourdock: That's fine. I'll just state for the record since I've got mine up there and without going into great detail, but I feel very strongly about hiring PMSI by the 5th of February. Several items all coming under the jail. We have different dates up there, but I think we need to get the jail facility recommendations formalized. We need to obviously receive the recommendations prior to that from all the different stakeholders that I would hope PMSI might facilitate. We need to get

the jail bid and then also as far as the process the judges who were here this evening as well as a lot of other folks have changed their processes in such a way that we've dramatically seen the numbers change. Case in point being the numbers from days gone by over there on the blackboard. You can 332, 295, 284. As I mentioned earlier we're at 267 and I think we need to make sure those processes stay in place so that at the end of the year we might see an average number in the jail of no more than 310 people, which is still overcrowded, but it's better than what it was formerly. Also that the average time in jail based on the older form of statistics is 65 days. Again, you can see up there we've gone from 79, 86, 83 days. Two other items, one I mentioned previously was the Old Courthouse and last but not least is on the GIS. I think we need make sure the public is starting to use that by the end of this year. If we don't I think we have a severe problem.

Commissioner Fanello: And I did ask Cheryl if she could come next week and make a presentation to the board since David and I need to be updated on that issue.

Commissioner Mourdock: Okay. Coming back to PMSI for a minute since I do have that on a fairly short fuse on my scope of things to get done I know there was a lot of talk last year about were we moving too fast, were we moving fast enough. At the first meeting this year I presented you with some of my thoughts that I thought somewhat coincided with the discussion we had prior to your inauguration. You asked that we defer those which we did. I think received, Catherine, I guess from you, a copy of a document that Bill Sheppler sent your way, a fax copy, of some other scope items. Again, it seems to me that's largely consistent with what you were asking for with one exception, and I appreciate this exception, that exception being the funding, the Crowe Chizek issues that you feel are not appropriate for PMSI. I would like to see us move forward with PMSI. We've had all the stakeholders, we've had people from County Council want to see those folks continue to be involved in the process and I know with the jail being the issue it is, it's a very high profile issue, and I think the public certainly has a right to know that we are moving forward on it and with that, you know, I would certainly continue the discussion as far as either my document or the one that PMSI sent you. Is that in fact the type of services that you're looking to use them for and if not what do we need to do differently?

Commissioner Fanello: You want to go ahead...do you have any questions at this point?

President Mosby: I have read the PMSI report and I'm not near ready to sign any contract with them. I'll leave my comments at that.

Commissioner Mourdock: That being the case, Dave, what do we see as an alternative to keep the process moving forward? I'll ask the question I asked two weeks ago. In what PMSI presented to us what is it that is not there that isn't vital to this process?

Commissioner Fanello: I didn't bring mine with me.

President Mosby: I didn't bring mine with me either.

Commissioner Mourdock: This one. Let me even add a different context. In the calls that I have received from the various stakeholders the question is being asked am I still going to be part of the process? In other words, the judges want to know as you heard tonight certainly the attorneys were saying, but Judge Heldt and Judge

Bower made the comment about how might the courthouse or the courtroom situation how might all that come into play with what we do with the jail issue. I know I have heard Catherine say that you felt, and don't let me put words in your mouth, but I think what I heard you say was you felt we ought to deal with all these issues pretty well at one time from the point of view of bonding.

Commissioner Fanello: Yes.

Commissioner Mourdock: And I don't disagree with that. It seems to me all the people who have an issue in this want to move forward. They want to move forward with PMSI specifically along the lines of the scope of services that was presented to us and if we're not going to do that I think we're going to be forcing people back out of the process and we've worked real hard over the last two and half years to get their input. All of their input is in that volume that we have from PMSI. That's not PMSI's sole opinion. That is what they've compiled by meeting after meeting with all those various stakeholders.

President Mosby: I'm looking at a couple of the things on here that I was trying to recall. Number one, the first thing they've got on here is to confirm the size of each project. I don't think PMSI and the Sheriff even agree at this point.

Commissioner Mourdock: Wait a minute.

President Mosby: So I don't think that I need PMSI to declare or decide that.

Commissioner Mourdock: PMSI is not making the decision.

President Mosby: I understand that. But you're asking me—

Commissioner Mourdock: PMSI is compiling that information from those stakeholders.

President Mosby: Okay, you're asking me what I do and don't want PMSI to do. I'm just saying this is one thing right here, the number one thing. I have heard the Sheriff say that he doesn't think the community corrections facility needs to be as big as what PMSI says. They don't agree on number one, so I think that is something we need to look at, we need to decide as Commissioners and we don't need to pay anybody outside to come in and do our job.

Commissioner Mourdock: Without question it is our job to do that.

President Mosby: Okay.

Commissioner Mourdock: We don't have any disagreement there.

President Mosby: RFPs. You know, we can write RFPs. We've got Baker and Daniels who has RFPs that they did on other projects.

Commissioner Mourdock: But the RFP process has to be based on what we need in this community not other projects, but it has to have input from the stakeholders that we have been working with.

President Mosby: I'm just not ready to sign anything with PMSI.

Commissioner Mourdock: Well, I will...and I understand that. This is obviously a board—

President Mosby: We have a letter going out next week that I've asked Catherine to draft...or Tammy where I would like to submit to all the judges, the prosecutors, the people we heard from tonight, the sheriff, his chief deputy, asking for what they want. Exactly what happened tonight. What do you see, what do you want? What do you want to be in the consulting, the architectural part of it, anything that you see? I would like to bring that back, put together a spreadsheet, have four or five people review it and once we've got it put together send it back out and look and see if there is anything that we missed. That's my...that's what I would like to see.

Commissioner Mourdock: Okay, and here is my...having gone through the Blue Ribbon Committee process the thing that I fear under that type of scenario is that the individual stakeholders will no longer see the people collecting that information as being a neutral party. PMSI's role or any consultants role as I envision the scope of work here that we're tentatively identifying under PMSI, that scope of work is not to tell us what to do. It is to solicit information from all the stakeholders. They come forward as a neutral party which is why I think all of the various stakeholders have liked them as a group. They then compile that, they work with that group of people, try to come to some form of consensus and come to us with a recommendation which we are under no obligation to accept. At least that way they see it as a process outside the realm of the judges control it or the Commission controls it, or the Sheriff controls it. You know, we've got a lot of stakeholders here, we all know, and I think getting them into this process is critically important. We may go another direction with this, but I just want to go on record...and these people, I owe them nothing except their respect that I owe them for doing a good job. Having this thing in my hand that they forwarded to Commissioner Fanello on January 10th I would move that we direct the County Attorney to have discussions with PMSI regarding this scope of services.

President Mosby: Dies for lack of a second.

Commissioner Mourdock: Okay, fair enough. If it dies for lack of a second it dies for lack of a second, but I told the various stakeholders who have contacted me that they wanted to see this brought forward and I met my commitment.

President Mosby: I'm not saying that I wouldn't in some point in time decide that there is something on here that I would want PMSI to do. I just don't foresee everything on there that we need PMSI to do.

Commissioner Mourdock: Okay, well may I ask then—

President Mosby: By 2/5.

Commissioner Mourdock: Pardon?

President Mosby: I was just looking at your date.

Commissioner Mourdock: Oh, by 2/5. That's two weeks from tonight. Can we schedule, since your brought that up, two weeks from tonight to again talk about the scope of services that PMSI has here to make a formal...to take formal action at that time as to what portions of this scope of service ought to be awarded or at least further discussed with PMSI?

President Mosby: We can do that.

Commissioner Mourdock: Okay, well I move that we have that on the agenda for–

Commissioner Fanello: February 5th.

Commissioner Mourdock: –February 5th.

Commissioner Fanello: I'll second that motion.

President Mosby: So ordered. Any other old business?

Commissioner Mourdock: I think I saw a hand up. Did we see a hand go up?

President Mosby: Anybody wanting to speak under old business?

Commissioner Mourdock: Okay, I guess not.

New business

President Mosby: Any new business? Seeing none.

Unidentified: May I have just a minute?

President Mosby: Sure.

Commissioner Fanello: Sure.

President Mosby: Anytime.

Phil Hoy: Thank you, Phil Hoy, County Councilman. I've been listening to your discussion and I'm glad that you're going to bring this...I'm only speaking for myself as a County Councilman, not for the Council. But I'm not interested in awarding a contract to PMSI that gives them two percent of this whole project and I don't think that's what you're talking about Commissioner Mourdock.

Commissioner Mourdock: No, sir, it is not.

Phil Hoy: And I knew that, but I'm glad you're going to discuss it again. Having participated in the juvenile section of that and we all spent a lot of time. My main concern is that we don't do two things. One is we don't lose...there are really three things. We don't lose the momentum that has gathered in the system. I know we're going to have to build something. I think we all know that, but also fine tuning the system you can see the results in the jail in the number of inmates. The second thing is I don't want to lose that body of work that they did. I don't agree with every part of it either just as you don't, Commissioner Mosby, but I think it gives a working document to us. My third point is in my opinion we don't need to spend any more money with the consultant. I think we can take that document, you know, and work with that. That's what I would like to see us do and that's why I am happy to see you're going to discuss this in two weeks. Thank you.

Commissioner Mourdock: With the document, Phil, I'm not sure what you're referring to. You're referring to the preliminary study?

Commissioner Fanello: The study?

Phil Hoy: Yes, well, yeah. The study and the executive summary and then the recommendations because I have also worked with Community Corrections. I was assigned there for a while, and I agree with the sheriff, by the way, that facility does not need to be as large as it is. One of my complaints over the year, I'm just going to be honest here, it got personal when my foster son's head was kicked in by a felon and my foster son was a policeman. He was in the hospital two weeks. You don't put that kind of person in community corrections. We've seen rapists. That's being changed. That must be changed and the system must change that and we must call this system to accountability. The criminal justice system does not belong to the sheriff or the judges or to you or to us as Councilmembers or to the lawyers. The community justice system belongs to the community. It is our system and we have made it work better, the criminal justice system. We have made it more of a system via this particular study. That is a remarkable accomplishment and I owe PMSI nothing. I don't owe anybody anything. I don't have any contracts with anybody. I don't have any, you know, stake at all with them, but I don't want us to lose that body of work. I'm real concerned about, you know, the part I worked on. That's the juvenile section and we had lots of input there. Lots of hard work not so much from them, they facilitated, but we took hours and hours of time from all kinds of stakeholders in the juvenile system. Local people. I think that's an important thing to hang on to. That's my major point.

Commissioner Mourdock: And just for the record I don't know where the two percent number came from. I have never suggested that they receive two percent. I understand—

Phil Hoy: It came from them.

Commissioner Fanello: It did come from them in your Council meeting, I think, when they came.

Phil Hoy: They came to a Council meeting, PMSI yeah.

Commissioner Mourdock: I know previously the work that they had done for us was based on \$110 an hour which is much cheaper than what a lot of other people would charge us to work on this.

Phil Hoy: Yeah.

Commissioner Mourdock: My feeling on that would be that we use that sort of hourly rate and then put a maximum cap, but two percent would...it would not even come close to two percent. If it's two percent I'm in the wrong business.

Phil Hoy: Yeah. No, they wanted two percent of the overall cost and I think that's an unnecessary expenditure.

Commissioner Mourdock: I do too.

Phil Hoy: I'm not in favor of that. I want to be real clear about that because you're talking about an awful lot of money. I just think the document we paid for is what we need to work from. That's my only point.

Commissioner Fanello: So are you saying that you don't see them being involved in

some of these?

Phil Hoy: I can see them involved to a point, but I don't want to see them involved to the point depending on what we spend. I hate to mention a figure because I think that is inappropriate at this time, but we know that we're talking about millions of dollars. I don't see them getting two percent of that, but I think we might use the firm at certain points and I would hate to change to another firm at this time is all I'm saying.

Commissioner Fanello: But you see the study that we have to be a working document from which a decision can be made?

Phil Hoy: Yes, yes. I think so and I think that is what Commissioner Mourdock is saying.

Commissioner Mourdock: Well, I'm saying—

Phil Hoy: I don't want to put words in his mouth.

Commissioner Mourdock: I seeing it as a starting point.

Phil Hoy: Yeah.

Commissioner Mourdock: The specifics...you're right, David, I know there are people that disagree with what the findings were in that report and there is a difference between a finding and a recommendation. When they came here through the several weeks of presentations they were pretty careful in identifying those as findings. That it was their feeling that the consensus of people within a given committee felt it ought to be 225 beds. Well, maybe the Sheriff was one of those, but he was only one of that group. Clearly it comes back to us to make the right call and we do have to take information in from other sources, but what I see them very good at is organizing the information into an RFP. The RFP is the sum total, the product of what would come from this. I don't agree that we as the Board of Commissioners can put together an RFP for a project that I've read to be \$50 million dollars and I don't know where that number came from because it has never been the sum total of what they gave us as their findings.

President Mosby: Susan asked me one night and I said it could cost up to \$50 million dollars—

Commissioner Mourdock: Okay.

President Mosby: —and that was just something I threw off the top of my head.

Commissioner Fanello: Which I don't think should have been recorded in the paper, I'm just going to say that, because that's not a factual number. I just feel like I have to say that and I don't think we should be throwing figures out there that we have no factual basis for.

Phil Hoy: Commissioner Fanello, that's why I said what I did. I'm not going to pick a figure out of the air because—

Commissioner Mourdock: Like two percent.

Commissioner Fanello: Well, that came from PMSI.

Phil Hoy: The two percent was if they shepherd this project all the way through. I don't think we need them for that, but I do think I would hate to see us not use them for the next step for RFPs and things. I think that might be beneficial and we certainly don't have to follow all of their recommendations.

Commissioner Mourdock: And I guarantee you we won't. It's too complex of a project.

Phil Hoy: In the juvenile area, for example, Warrick County at the present time is, I think, also considering a juvenile facility and it would seem to me that it would be very wise if the two counties worked together. We're in the same region. I don't want to overbuild the juvenile facility because if it is built it will be filled and I'm not interested in locking up just hundreds and hundreds of juveniles. I think it would be a mistake, but we need more than what we have because we don't have a place to put a juvenile that is intoxicated, who is under the influence of drugs. We don't have any local place for young women. Those are key issues and I have given...I've tried for 40 years to get this done. It's a crusade for me. Those of you who know me know that I hang in pretty tough on those kind of things and I think this is the opportunity to do something that is correct and right. This juvenile facility was recommended by the Ready Study which created the Youth Service Bureau back in 1970. I was the first director of the Youth Service Bureau. It was in that study that long ago that we should have a juvenile facility. We're way behind on that. I think we can look at that recommendation. I've taken a lot of your time and I appreciate it. Thank you.

President Mosby: Thank you, Phil. Any other new business? Seeing none.

Commissioner Mourdock: Motion to adjourn.

President Mosby: Is there a second?

Commissioner Fanello: Oh, second.

President Mosby: So ordered.

The meeting was adjourned at 7:27 p.m.

CONSENT ITEMS:

Employment Changes:

Circuit Court	Recorder	The Centre
Health	Perry Assessor	Superior Court
Highway	Coroner	Treasurer
Burdette	Community Corrections	Prosecutor

Travel Requests:

County Garage	Engineer	Health
SWCD	Perry Assessor	Center Assessor
Pigeon Assessor	Assessor	

Auditor:
Approval of Statement of Receipts and Disbursements/Wages
and Compensation for 2000

Treasurer:
Submit Monthly Report for December 2000

Sheriff:
Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Charlene Timmons
Steve Craig	Eric Williams	Tammy McKinney
Ralph Kissinger	Jerry Bryan	Jill Marcum
Ed Johnson	Carl Heldt	Scott Bowers
Faye Gibson	Phil Hoy	Jerry Key
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Charlene Timmons

**Vanderburgh County
Board of Commissioners
January 29, 2001**

The Board of Commissioners of Vanderburgh County met in session this 29th day of January at 6:00 p.m. in Room 307 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call to order the Board of Commissioners of Vanderburgh County of January 29th. I'd like to introduce Tammy McKinney, Acting Superintendent of Buildings; Phil Hayes, County Attorney; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Jane Laib who is with us. I'd like to stand and have Catherine Fanello lead us in the Pledge.

Vice President Fanello: You're the President.

Pledge of Allegiance was said.

Approval of Minutes

Vice President Fanello: You just wanted to see if I knew it, didn't you?

President Mosby: Motion to approve the minutes of the January 2nd meeting.

Vice President Fanello: I'll move approval of for the minutes of January 22nd.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Board Appointments

Vice President Fanello: I don't have any of those confirmed for tonight for the remaining boards.

Commissioner Mourdock: I do have one and that would be the reappointment of Jerry Schmits and I don't have his house number but he lives on Richardt Drive. I'd like to reappoint Jerry to the Burdette Park Advisory Board where he served the last three years.

Vice President Fanello: I'll move approval for Jerry Schmits on the Burdette Park Board.

Commissioner Mourdock: And I'll second.

President Mosby: So ordered.

Superior Court Surplus Items

President Mosby: Vanderburgh Superior Court surplus items I believe is in the packet.

Commissioner Mourdock: Tammy and I were speaking earlier. Customarily, this type of item we've kept in our consent file because it's fairly routine business. Since it is in our action file tonight, we do need to formally move to dispose of the items submitted to us by the Superior Court and I will do so.

Vice President Fanello: Second.

President Mosby: So order.

Approval of Knight Township Standards
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President Mosby: Approval of Knight Township Standards.

Commissioner Mourdock: I don't know that we have anyone here to speak to those. Phil, were you involved in those at all or not?

Philip Hayes: I did not. I was not.

Commissioner Mourdock: I don't know that we've...and Suzanne maybe you remember?

Suzanne Crouch: Inaudible.

Commissioner Mourdock: It's pretty much a formality. There is one issue in it that talks about when people petition the county to go on poor relief, certain standards that are required. One of those standards for instance is they cannot have cable tv and be spending money on what might otherwise be seen as extravagances. That's probably nothing to make a big deal out of at this point, but as we get more and more into the internet and all these utilities bills that are rolled up into one thing, I think that's going to be a difficult one to enforce. For instance, if someone has Sigecom, they're going to get their telephone, cable tv, computer and everything out there. That's one we might just keep our eye on in the future as other townships do these.

Vice President Fanello: Well, Phil, would you like to review this first?

Philip Hayes: It's at the pleasure of the Commission. If you believe there's a matter that should be legally looked into, I'd be more than glad to do it and get back to you. If not, I think it's your call.

Commissioner Mourdock: I would suggest that we do that. Again, it might be much ado about nothing, but I can certainly see that being a problem in the future. I'll move that we defer then one week.

Vice President Fanello: Second.

President Mosby: So order.

Water & Sewer Utility - Grant Approval

President Mosby: Water and sewer utility approval of grant request letter. My understanding is this was standard. The previous commission had signed this letter and Norb was just wanting the present commission to sign it.

Commissioner Mourdock: Yeah, in fact, the letter from two years ago is in identical language and it's attached so I would move approval of the January 19th letter of the Vanderburgh Board of Commissioners to Mr. Woolley in regards to our support for their grant application request.

Vice President Fanello: I'll second.

President Mosby: So ordered.

Dennis Feldhaus - ONB Insurance
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President Mosby: Dennis Feldhaus with ONB Insurance.

Dennis Feldhaus: Commissioners. Dennis Feldhaus, ONB Insurance. I come before you this evening for the approval of the renewal insurance for property and casualty for Vanderburgh for the year 2001 to 2002. The renewal synopsis of premiums expiring versus renewal were hopefully distributed and in your packets. I won't go through those line item by line item. I will go to the bottom and say that the total increase for the county for 2001 is roughly an 11.9 percent increase over the expiring premiums. We'd like to touch on the reasons why. Basically, the expiring policy was a two year program that was locked in so we are picking up a two year increase on the property/casualty side. We have had in the industry basically a pricing trend for property and work comp. Our payroll was up four percent. Our property coverages are up over 11 million adjusted for inflation and cost index. Also the number of claims and claims administration fee was up because the number of claims handled in 1999, which is what the premium is based on...or the fee I should say, was considerably up. All that being said, 11.9 percent rate increase for the property and casualty. If you have any questions at this time?

Commissioner Mourdock: With the increase in claims is there a pattern that's discernable? Have you been able to look at it enough to see if you can give us any advice in that area?

Dennis Feldhaus: The claims history that I reviewed, Commissioner Mourdock, was the number of claims increase in general liability and also in public officials liability. We have entertained several claims because of the overcrowding in the jail. We've had several lawsuits from inmates for (Inaudible). It is of concern to the insurance carrier. I've already shared that with Sheriff Ellsworth. The insurance company as well as every other taxpayer is very interested as to how the overcrowding in the jail process pans out as we go forward. That would only enhance the insurance premium once we minimize their liability exposures.

President Mosby: Any other questions?

Vice President Fanello: So, I guess, I just need to move approval for the new policy and is there anything that needs to be signed.

Dennis Feldhaus: It's basically the same care and the same program as the expired.

Vice President Fanello: Okay, I'll move approval for the policy expiring 2/1/2002.

Commissioner Mourdock: I will second.

President Mosby: So ordered. Thank you, Dennis.

Rick Voyles - Wage Addendum Agreement with Local 215

President Mosby: Rick Voyles.

Rick Voyles: How ya'll doing this evening? I'm here to get out addendum signed for our four percent raise for our three contracts.

Jane Laib: We are going to turn this mike off and we need whoever speaks tonight to talk really loud because we are going to try to pick you up over here on the other mikes.

Commissioner Mourdock: We apologize for the static in our system here. We get a lot of static in this room.

Rick Voyles: I think you all have a copy of that.

Vice President Fanello: Any Phil have you reviewed the addendum?

Philip Hayes: I've reviewed all three. The technicalities of it, and that is to say the fiscal technicalities of it caused by re-computation of the number of hours per year, are better left to the Auditor's office. In legal form and substance, it is simply an addendum that would be inserted to the respective master agreements and there are three of those. They are consecutively outlined in the introduction to the addendum. We are agreeing to be bound by the terms thereof just as we are bound to the original contracts.

Commissioner Mourdock: Just to try in a few simple words, and Suzanne correct me if I'm wrong here, that technical language that you're speaking of, Phil, means that we need or will need to appropriate an extra day for the employees under these agreements at the garage who work under cumulative bridge, at the Centre, and Burdette Park and that's because of the days in the year. Then next year, of course, there would be an adjustment made the other way. Whatever the days work out to.

Rick Voyles: Exactly.

Vice President Fanello: I'll move approval for the wage addendum to add an extra day between Board of County Commissioners and Local 215.

Commissioner Mourdock: Wait a minute before we go too far. You were making that motion specific to 215, Catherine?

Vice President Fanello: Yes, that's the one's that I have here.

Commissioner Mourdock: I just want to break one other thing out to be clear because they are actually under 215 but since there are three agreements...the one under the community corrections facility last year when we re-evaluated some positions out there, I believe there were five positions that were frozen. What I mean by that is at the time those job descriptions were done those people were actually brought down to a position lower than what they had been working. We had reached an agreement, at that point, and it was part of our signed agreement that they were frozen at their current levels rather than to take a pay cut. We wanted to work to their advantage. So I want to make sure that an addendum that we have here is not taking away what we otherwise agreed to at that point.

Rick Voyles: No, it doesn't because there is a letter of agreement in the contract that is specific –

Commissioner Mourdock: Specific to those five people.

Rick Voyles: Saying they won't take a pay reduction but when they do reach the steps whichever one is greater then they will receive that.

Commissioner Mourdock: Again, we were just trying to be fair with them at the time, and I don't want to change that now. With all this conversation on the record, I'm fine with that. So if you'd like you can make a motion for all three, Catherine.

Vice President Fanello: Yes, I'd like to make a motion for approval of all three of the wage addendums.

Commissioner Mourdock: And I will second.

President Mosby: So ordered. That you, Rick.

GIS Update

President Mosby: Cheryl Musgrave.

Vice President Fanello: You sure do look different than Cheryl.

Roger Lehman: I had an operation. If the commissioners would be so kind, what we'd like to do since I'm Chairman of the Committee, I'd like to start off by giving you some general information and Cheryl will follow up with some specific information. I've got a couple handouts here for you. Since we are just giving you this information now, I'm certain there will be questions generated and we will obviously be glad to answer at a later date anything that's generated from our presentation. I have one more I'll go ahead and pass out. I'm going to go through the first handout. It's pretty short and sweet and it will just take a couple minutes. I'm going to point out a couple points in the second handout and we'll take it from there. First of all the Vanderburgh County GIS Project which is actually is the Evansville and Vanderburgh County GIS Project began conceptually many, many, many years ago. Some ten years ago, actually. We proceeded to go through the study process and proceeded to an implementation plan which we'll go over in the second handout. Today we are here to bring you up to date with where we are at. If you would go to the third page in the handout, this is actually a half an hour PowerPoint presentation but we thought

we would consolidate it for you and give you just the highlights. What we are in the process of creating and have created to date is where the black line goes across your page. We are creating a base map of information and we're including parcels in the base map. Cheryl will talk about parcels a little bit later. I want to talk primarily about the base map. We have the ortho photo which was done March 17 of last year. We have the contour lines which has been completed. The ortho photo has been completed but it's going through a process where they kind of slice it up where it makes it easier to use. We'll get final delivery on that on March 2nd. If you go to the next page after that, I've touched on those things. The picture that we took was much more than a picture. It's actually an intelligent digital picture. It knows where it's at on the Earth. It knows by latitude and longitude where it's at and if you have a contour layer on, it also knows how high above sea level. The planimetric layers include the street and road center lines; hydrology being the streams, creeks, and rivers; contour lines, we have two foot contours for about 80 percent of the county; the digital train model was a method of coming up with the contour and also allows you to look at the GIS from a 3D perspective. So you can see the contours from a 3D perspective and not just two dimensional. The second part of that page is the schedule. Ortho imagery is the picture and final delivery of that is due March 2nd. The planimetrics part in the middle which is the drainage, transportation and so on is deliverable now. We are waiting for the picture to put it all together. The last thing on that page is the property or parcel line digitalization which will be August of 2001 and again, Cheryl will expand upon that in a little bit. Here is a partial list of the departments and agencies that have worked together on GIS over the last primarily three years and have been kept informed and updated and have participated in the process and we anticipate will continue to. We'll move on to the second handout I gave you. This is a copy of our strategic implementation plan which is what we are following. This was created by the MSE Corporation in 1997. The city and county jointly funded this study and it provides us a kind of blueprint to work forward on and we have indeed done that. At the bottom of the first page it talks about pre-implementation analysis and planning activities. Of course those have already been done. If you turn to the second page, the top of the second page is the implementation tasks and there's a list of things there. If you go down the list and you can put a check mark next to Organize an Implementation Project Team, we've obviously done that. Locate and Budget Project Funds, we've obviously done that through this year and will be preparing a request for 2002. We've already prepared and been approved for 2001. The third one, Select GIS Software, that's already been done (Inaudible). Define Data Standards, we've completed most of those tasks. The one we are in process of now is the addressing issue which we are doing jointly through the Data Board and also through Central Dispatch so that we can coordinate the data standards for addressing for our project and for computer aided dispatch. All the addressing will match up to the other. We will be providing the geo-base for the addressing. The next one, Select GIS hardware, we've already purchased the hardware. Develop a Database Design, that's already been completed. Convert Existing Records, I put about 10 percent on that one because that's basically the parcel line project and Cheryl will get into that. We're getting the parcel line conversion. The next one, Perform Deployment Planning, we have worked with the affected departments from the beginning. They have participated actively on the committees so that's an on-going process that will continue even much past when we are looking back and seeing how wonderful these things are and how great it works. The next one, Install Hardware and Software, that hardware has been purchased and the software has been ordered. That will be done in the next few weeks so that one is just about done. Attend Training, we've had some folks go to training already. We have another training session here in Evansville

coming up next month and have 12 people going to that. It's a very in-depth training session on ARC Info which will be the basic platform we are using for the GIS. Next one, Install Data, as soon as the ortho photo begins delivery next month, we will begin installing the data. The last three are basically on-going processes, Monitor Deployment; Assist Departments as Needed; Develop Critical Applications. Those things are things that will go on forever. If I could ask you then to turn to page 5-8. This is a table. If you would look at that implementation time line. If you would consider project year one as 1999; project year two as the year 2000; and project year three as this year, we are basically at the beginning of project year three. We have completed the majority of the tasks that are behind us on the time line and have plans for implementing and bringing on line the tasks that are ahead of us. Basically, we are at the breakpoint between project year two and project year three or between 2000 and 2001. I believe that is all that I have and I'm going to, with your indulgence, have Cheryl come up and talk about the parcel line projects and some other general information. We'll be glad to answer questions.

Cheryl Musgrave: Somehow I ended up with the sign-in sheets so I'll turn them in. I'm going to talk to you about the business plan for tax mapping. I want to go over three points. First of all GIS is a tool that the assessors are going to use during reassessment and that's my primary interest in the project. Secondly, GIS will provide tax related information to the assessors and to the public. Third, what we are doing benefits other departments and presents an opportunity for savings for the government and the private sector. So let me go back over the first one. If you'll turn to the booklet I passed out to you, it's called, *Improving Tax Mapping with GIS, A Guide to Vanderburgh County's Plat Map Conversion Process*. I drew this up in order to assist the Council, both City and County Council; the Commissioners; and the Mayor in their understanding of the process as it regarded the Auditor's office, Assessor's office and Area Plan Commission. It's also to help the staffs of those three offices, actually more than three offices, because it's a complicated procedure that we have now. We are going to make changes to it and simplify the process and it will all be done over the next few months really, between now and August and there's a lot to accomplish. If I could get you to turn to page six which is this chart. This is the tax mapping process that we have now. As far as I can determine, this process has existed for about the last 100 to 150 years. It involves the transfer of papers from office to office – first with the county deed and finally ending up with a document that the assessors use when they draw the lines on the plat map. These are the plat maps that we currently use for tax mapping and other purposes. As you can see that tool is somewhat limited. If you turn the page and see the boxes with the X's in them, the X's represent the steps that will no longer happen after GIS is fully implemented. After those maps are turned into digital format, we will no longer have to do these steps. If you turn to page eight, page eight represents the steps that these and tax map related information will take after GIS has been implemented. All the offices involved have put their attention to these charts and represents our best effort in determining what will happen. I think you can see that the process is going to become clearly much more streamlined. There is one other chart in here. Roger touched briefly on the time line process. If you'll turn to page ten, there is a bar chart. The pink lines on the bar chart represent hard copy mapping the way we do it now. When this chart was drawn up it was proposed that we would receive our final delivery in July of 2001 for the plat mapping. That has slipped by about a month so move these bars one month forward. The blue represents the digital delivery of the new maps. As you can see, we will be running both systems, both of those complicated charts in parallel until the final delivery of the digital maps arrive. So some maps will be in hard copy form and some maps will be in digital form and you have to keep track of which are where so the offices won't be able to drop any

steps until the very last digital delivery is received. I hope that you'll take some time to read through this carefully. I know there have been some questions about the effect that GIS will have not only on the actual process itself but on budgeting, on personnel. This document attempts to answer those questions. I'd also like to say that for those of you in the audience, and I did bring extra copies but I don't have enough for everyone. This is on my website at assessor.evansville.net. You can click on it and see this on-line and print it out on-line. My next point was that GIS will provide tax related information to the assessors and to the public. By digitizing all the existing information and comparing the existing information to what the computer then says the information should be, we actually running a complete audit of all the land records that the assessors have. We will be comparing all of them, finding the differences, reconciling the differences, and moving ahead from there. Not only will we be looking at the land records but the photograph clearly shows the structures. We'll be able to take the footprints that the assessors have generated in their current software and lay those footprints of the building on top of the photographs and audit our records as to structures. I'm very confident that we are going to find under assessed land, over assessed land, buildings assessed that don't exist, and buildings that exist and aren't assessed. We are going to find some big changes in that. We may have a windfall in revenue because of it. Other jurisdictions have found that they have received a windfall in revenue. The important part for the public is that they'll be able to determine that their assessment is comparable to like properties. This is particularly important during the upcoming reassessment. The time line for this is driven by the demands of the reassessment. We can't extend this. We can't decide that it's too much to accomplish in this window of time because we must have the reassessment accomplished by a certain time and this tool has to be in place. I think you will find that the staffs of the auditor and assessors and area plan might be a bit pushed throughout these next several months and I hope that you'll be patient with them and that you'll understand the huge task that we are trying to accomplish. I hope that you understand we can't extend the time line either. The last point I want to make about information is that I'm hoping this system will do what it has in other jurisdictions, that it will minimize the number of appeals from the next reassessment. If people can easily compare their assessment with their neighbors then that hopefully will convince them that filing an appeal will get them nowhere. I trust that the assessors are going to do their level best and come up with comparable, fair assessments for everyone. It's important that everyone be able to determine that. My last point was the benefit that other departments can reap and the opportunity for savings. The list of departments that you saw here is not made up and put on there for fill. These really are the departments that are going to benefit. We've had multiple meetings with most of these people and there has been tremendous giving of time, effort, and budgeting and I'd like to recognize right now the School Corp. Last week they stepped up to the table with some very important information that will save all of us time and money. Perhaps in the future this project will allow us to save real dollars in terms of personnel. If you'll look carefully though this plan that I've given you, you'll see that the time line to do that will start right after we reconcile all the errors that we discover. Between now and then we are going to be extremely busy reconciling those errors. I project that it's two years, two and a half years, three years after we receive all the information and begin to work with it. I do expect there to be a lot of them. Right off the bat, we'll start saving time. We'll have all the information that we need for nearly everything in one place. No more digging around. No more trying to figure out what these maps here say. No more trying to just plan old read them. So, that's my presentation and I know that Roger and I are willing to accept any questions that you may have.

Vice President Fanello: I do have a question or some questions. GIS Coordinator, where are we on that?

Roger Lehman: We have had two candidates that we've interviewed and brought to Evansville. They have looked the place over. We offered the position to both of them and they both turned us down after about five weeks of being very sincere in our desire to have them come. The market is tight for coordinators. The government level salaries are not quite as attractive as they are in the private sector; however, we are in the ballpark of what needs to be done. We interviewed two more by phone today and have three more telephone interviews tomorrow. We are prepping the people that we are talking to for the potential of beginning March 1st if they accept the position. We will be making a recommendation on that after tomorrow because we will have five more candidates. There are some good candidates out there but it is very competitive. For instance, the last person we had after we talked to her for about five weeks decided to go to Portland, Oregon. Can't understand why they want to go there instead of here but it was a comparable offer – a little more money. We believe that Evansville is an attractive place but it's difficult to get somebody. We're on the route.

Vice President Fanello: Sorry if some of these questions are redundant, but since I'm not up to speed on everything where will the GIS Coordinator...what department will this person be in?

Roger Lehman: They'll be in the Water Department downstairs on the first floor. They have a computer room already that they've moved half of their water billing out of. The server and also the GIS Coordinator will work out of that department. They will report to the Director of Administration in Utilities directly. They will report to the Mayor through them and directly to the County Commissioners as it is being operated under an inter-local agreement that has been signed by the Commissioners and the Water Board.

Vice President Fanello: Now, when you said that some of the hardware has been put in place, what exactly do you mean by that? Who decides who gets the necessary hardware?

Roger Lehman: The hardware I was referring to is the operations hardware where the GIS will be based in that hardware.

Cheryl Musgrave: Some of the departments also needed to buy hardware and I believe all that we need to get up and going has been purchased and is either installed already or getting ready to be installed in the departments.

Vice President Fanello: Okay, so have...I guess I'm looking for maybe a long range plan...operational budget...what you're looking at every year? I mean GIS is an on-going project, it's never going to end.

Roger Lehman: Absolutely. What we have from the very, very, very beginning talked about a budget somewhere around \$290,000 a year for the operations. This year's budget is \$262,000 by virtue of eliminating one of the tech positions that was going to be helping the coordinator. We have been discussing with the coordinator that they will be doing kind of a combination job in the beginning until the plan is fully implemented and fully operational, then our intent is to expand that. People in Area Plan Commission are doing a lot of the work that in many GIS (inaudible) are in-house people for GIS. They happen to be Area Plan Commission employees and

they are doing work in the Area Planning Commission instead of physically in this office but they are doing kind of the same thing. Each department will have somebody that will be...not dedicated but part of their job will be to do the GIS component for their department. In other words, we are providing training and very technical stuff, but they will be responsible for maintaining their data and selecting data that goes in for each department.

Commissioner Mourdock: But none of those people are in the \$290,000; they're already there.

Roger Lehman: In the budgets...they are existing employees.

Cheryl Musgrave: But I want you to understand that in the current process chart that we have, we already fund them.

Vice President Fanello: Next question is how do you see this coordinating with our current computer services department or do you see it coordinating with our computer services department?

Roger Lehman: It will coordinate minimally with a direct connect from the server to SCT. That's (inaudible) of the firewall, of course, by whatever means that SCT has on their end. There will be potential for access through the existing network. There will be a need for additional network to be done. The two primary players at this early point is the Water Department and the Area Plan Commission who are not on the network. So the plan is to install a network between those two offices immediately because it's necessary. By doing that outside the current network, we don't run the risk of bogging down the existing network. It will be its own connection between those two departments because there will be a lot of data moving back and forth between those two departments.

Vice President Fanello: It would be kind of separate from computer services?

Roger Lehman: Correct.

Vice President Fanello: I'm going to ask this question, how efficient is that?

Roger Lehman: Well, the committee from the beginning has looked at the balancing act between the existing computer services and what is being planned. Our feeling in the committee was that it would be easier and there will be more control...it will be more obvious what the GIS system is doing financially and also working wise in its own environment. If it was simply put in with the rest of the information that's flowing, there would obviously be a need for some large expansion in SCT's facilities. The feeling was, at least in the beginning, that it would be more economical to do it outside of the SCT facility but make the interconnect so they will be working with each other.

Vice President Fanello: Okay, one more question and then I'll stop. Do you see this GIS Coordinator who's going to be in the Utility Department at this point in time, do you see them being separate in their own office or department separate from the Utility Department?

Roger Lehman: No. In most jurisdictions GIS starts in the Utility. It's either the Assessor's or the Utility. In this case, it started many years ago in the Utility already

so it's logical that it would continue there.

Vice President Fanello: So you see it continuing on?

Roger Lehman: Being part of the Utility Department.

Vice President Fanello: That's all for right now.

Commissioner Mourdock: I appreciate the update and I think it's really important. The reason I really wanted you all here was so that David and Catherine could hear some of this first hand. I'd like to do something a little bit different though and not ask you questions per se but ask you four questions the three of us in the next year are certainly going to hear different things at different times about GIS. I know Bill's here and Linda's here from the Surveyor's office. There's other folks here, certainly councilmen here as well who are going to be dealing with this. I'd like to know from each one of you who's involved what are the three top questions that you expect this Board will have some part in resolving in the next year? I'm not looking for answers, okay, and I'm not looking to start a fire fight. I just want to know what you see as the issues that we're going to have to resolve. Because I know there are some out there and let's just say what they are without delving into them at this point.

Roger Lehman: You start.

Cheryl Musgrave: Well, I'm going to have to think about that, Richard, because we've devoted a lot of time to making sure that there were no questions that were unresolved. You may have informational questions but I think in all these documents that we've provided to you that most of your answers are contained in them.

Roger Lehman: I guess my question would be and our consultant is in the process right now of looking at the network requirements for GIS system beyond the APC/Waterworks because that pretty much must take place. I guess my question would be how all the network issues will all be coordinated and come to be resolved where it's both economical and functional. We obviously don't want to bog down the buildings network by pulling on stuff that would make everybody else's stuff slower. That's not a good idea.

Commissioner Mourdock: That's a valid question.

Cheryl Musgrave: I would like to ask that when you have questions like this that the committee also be given the same opportunity to address them and go for any points that others have raised with you.

Commissioner Mourdock: Has the local access issue been resolved or is there more to come on that one?

Cheryl Musgrave: There's more to come on but it's almost really resolved. It's coming together. I think we reported to the commissioners in a meeting earlier in the fall that the library had volunteered to do the website access for GIS, but they didn't have any money to run necessary lines to the server. The public sector stepped up to the plate and offered to raise money to pay for those access lines and the connects that are needed. I've spoken with the Library Foundation today, Dave Matthews, and they are within \$5,000 or \$10,000 of all the money that's needed. They have \$25,000 already collected at the Library Foundation and another \$12,500 is pledged and they expect to receive that at anytime. They are working phones all

week – last week and this week – to collect the balance of it. So unlike other jurisdictions that may have had to spend a great deal of money to do this in-house or had to spend money to hire somebody to do it on a contract basis, we're going to get that by virtue of the library, another taxing unit, on part of their budget and by the public sector. I really can't say enough about the generous offer that the library has made. And they are experienced in running a heavy database, heavy internet usage site so it's not as if this is their first toe in the water with that effort by no means. We couldn't have been any luckier.

Commissioner Mourdock: I don't mean to put you on the spot, Bill, since you just walked in but, honestly, my next question was going to be about the surveyor's office. In working with the GIS program, Linda, are there any questions that you have outstanding or how the surveyor's office is going to be further rolled into this? Any work product that you need or you will be providing? I know you've been involved with doing some section corners and such, is that close to completion? How does that fit into this whole process?

Linda Freeman: Basically, we're going to provide section corner information on the GIS that will be available to any surveyors, engineers, developers. It's something that we've been working on. The perpetuation of section corners has always been a priority of our office and then actually getting coordinates for them is something we've been thinking about for some time. With this project coming up, it's got quite a bit done in a short period of time.

Commissioner Mourdock: When do you see that part being completed because you needed every section corner in the county?

Linda Freeman: We needed every section corner in the county but that's not going to be a possibility for a lot of reasons. Section corners have been knocked out by snow plows, by farmers, by utility companies and things like that so many of the points are going to have to be re-monumented. We are working on a grid system.

Commissioner Mourdock: Based on state planes?

Linda Freeman: It's all based on state plane coordinates. It's something we've been working on and will continue to work on it. As we are able to we will upgrade these points out of the what we are going to call an ortho grid until we can actually verify and have them certified as section corners because we don't want any information out of our office out on the net or GIS system that could be utilized by...used in error.

Commissioner Mourdock: Again, part of my purpose in asking the question is to help Dave and Catherine understand what's coming forward. Last year, and I don't recall when in the year but this Board acted to put together a contract on behalf of the surveyor's office for this. Will there be anymore of that coming before us or is that pretty well going to wrap that particular aspect up with the surveyor?

Linda Freeman: I'm not really following.

Commissioner Mourdock: We did the contract with Morley, I believe.

Linda Freeman: An agreement with Morley and also had an agreement with Doug

McDonald. He's a licensed land surveyor and professional engineer in the state of Indiana.

Commissioner Mourdock: On behalf of the surveyor's office, will we be issuing or asked to issue anymore contracts on behalf of GIS for your office?

Linda Freeman: No. I think we've got that all covered. It would just be something that possibly we might be purchasing our own GPS equipment down the line and that would be able to be utilized not only for our office but any office that would need it – city engineer's office. It might be that we look to them for a joint purchase depending on how much the technology is still costing.

Commissioner Mourdock: Sure, okay. Bill, did you have any comments as far as this Board may be involved with regarding what you do in GIS? I'm just trying to get us prepared.

Bill Cottun: My name is Bill Cottun. I'm the Account Executive with Systems and Computer Technology. We are the Evansville/Vanderburgh County computer network (inaudible).

Commissioner Mourdock: Can you speak a little louder, our mike's not working.

Bill Cottun: I'd like to say that when I came here three years ago, GIS had a long way to go and had been floundering for quite awhile. Through the determination and dedication that Cheryl Musgrave and Roger Lehman put on this project for the last two years especially, this project has come a long way. The database that has been developed under the assessor's direction is truly an amazing database. You have gotten very volume for your money on that. I'm not here to talk about the product. My concern, of course, is the network itself and how that traffic is going to get between all city/county offices. While you certainly can put a network drop, basically, between the server and a few GIS workstations and that really isn't going to cost a lot. At some point, you are going to have to integrate the capability to transfer that data across city/county departments and those numbers you will be asked to regress at some point. While we don't know what that's going to be, I do ask the opportunity to work with the consultant so see how we can address possibly a single system to do that rather than building a separate system now and then trying to integrate those two systems later. Based on what's been said here tonight, I would like to reserve the possibility of comments if other topics be brought up. Thank you very much.

TAPE CHANGE:

President Mosby: Any other questions? Seeing none. Thank you very much. Appreciate it.

Commissioner Mourdock: I would just say for the record we did receive from Appraisal Consultants, The Wright Reid Group, a letter signed by six different appraisers here that I'll add to the record basically saying how strongly they are supporting the effort and kind of talking about the things that Cheryl had mentioned that they see this as something that is really positive. Did you all get this?

President Mosby: I got one.

Vice President Fanello: Um-huh.

President Mosby: Any other questions or comments?

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to speak under action items?

Barbara Moorman: My name is Barbara Moorman and I'd like to address the subject of the Old Courthouse. First of all as a citizen of Vanderburgh County, I have a very personal interest in it. Several years ago the Vanderburgh County Historical Society had a room given to us to use as a County Museum on the third floor. I can tell you that I spent many hours there as a volunteer and unpaid director of the museum. The out of town visitors we had come through there told us that this was one of the most fantastic, gorgeous, beautiful old courthouses that they've ever seen in the United States. They were shocked that when they learned that it had almost been torn down in the 1960's. I can also tell you that many of the Vanderburgh County citizens came through our museum and they were very pleased that we had saved the courthouse and were very proud of it. In researching the building we learned that it is one of the finest courthouses in the state of Indiana and actually has a much grander appearance than many State Capitol Buildings. Now I would like to speak on behalf of the Preservation Alliance of Evansville. Our group is very concerned about preserving the Old Courthouse. We realize its' fate is in your hands, and we and many other people want to know what you are going to do about the Old Courthouse? Thank you.

President Mosby: I don't believe I have that answer tonight, but I wished I did. Is there anybody else that wanted to speak regarding the issue? Does that mean you have the answer?

Brad Ellsworth: Sure I have the answer to the Old Courthouse.

Commissioner Mourdock: It's coming out of the commissary budget.

Brad Ellsworth: Three hundred inmates! No. Brad Ellsworth, Sheriff. I'm not going to keep you long. I apologize for not being here last week but I was in Nashville at an ACA Conference touring a jail. One of the comments...I read somewhere recently that perception is everything and if that's true, there were a couple of things that I wanted to clear up with this audience and, I guess, the public. I got home and heard somewhere on one of the electronic media that the county had commissioned a \$200,000 study.

Vice President Fanello: Incorrect.

Brad Ellsworth: That's why I think for the record that we need to – I think one of the tv stations reported that we had commissioned and I think that for the record we need to clarify that. If that's a falsehood, then for the record I hope we state that. Another thing I'd like to clarify is when we choose language and we talk about studies versus planning and about commissioning studies and planning that we need to be very careful of what we are talking about. I'm getting a lot of feedback from the public saying that we don't need another study and I don't think that's what we are trying to do here. We've done studies and now we need to plan. So we all need to choose our words wisely so that the public is getting proper information from us. This is going to be a hot topic, very controversial. For what that's worth, I thought

I ought to say that and I appreciate your time.

Vice President Fanello: Let's let the public know that we are not commissioning any new studies.

Commissioner Mourdock: If we could go backwards, Ms. Moorman and several folks sitting close to her have been patient sitting through this. Just to clarify where we are with the Old Courthouse from last week, and I may be telling you something you already know. Faye Gibson came in and reported to us that the Old Courthouse Preservation Society was basically short of funds. Largely in looking at those numbers, and I have not seen everything specifically but from what I'm hearing, much of the shortfall is due to the increased utility bills. I think it does put on this Board certainly within a very timely fashion the requirement that we put some action plan together to either, and these are just my either or's – this is not the Board speaking, just me. Either we work with County Council to find some way to fund the shortfall through these periods of high energy bills to continue what we are doing now. Another option might be to find some other way to manage that building for the longer term in doing what we are doing now but somehow hopefully raise the rent so it can cover costs. A third option might be to try to get an individual developer involved with that building. I doubt any one developer would want to take on the whole project at one time, but possibly giving a sublease on several rooms so that person could start to see if he could generate some rental incomes, do some renovation. Then he would have the option to perhaps expand into other rooms if, in fact, he was successful on the first few. Clearly those three options are a quick three. The fourth option that came up last week and I think it's one that most people in the community would like to see albeit not an inexpensive option. That would be if again we could use that facility for county business. It certainly was designed to be a courthouse and I don't just mean a courthouse in the sense of courtrooms, but a county courthouse. I think we'd all like to see that happen, but that's going to be a very expensive option and right now we have a lot of very expensive projects coming up in front of us. That's one that has all the County Council people as well as County Commissioners concerned. Having said all that, obviously, it is one we need on our agenda in the coming weeks to get a good action plan together. We appreciate your interest.

Philip Hayes: Mr. President would you...with your consent or the consent of the Board, part of my legal report, if you wish to take it out of order, concerns what you asked to be reviewed at the last meeting. I do have some items and can give you some picture of the numbers and how many leases we have there and how long they are which was to be part of my report. If you wish to take that out of order...

President Mosby: He can present that now since we are talking about it.

Vice President Fanello: Sure.

Philip Hayes: The information that we have received in the legal department that tells us a little bit about the tenancy and fiscal situation there is that there are 12 tenants in the old courthouse. Nine of those are on a month to month lease. They all expired about December 31, 2000. We have obtained copies of those leases. We know that preliminarily from looking at them that they will indeed be liabilities to us. That is to say that we must honor our lease under those terms. However, the good news about that is that we are dealing with leases that are going to expire very quickly; one at the end of this month in a couple of days, one the 31st, 2001, the Democratic Parties Central Committees lease expires December 31, 2001. Ms.

Gibson has told us that no tenants have expressed any desire to relocate and have inquired about remaining there. The rental income is about \$8,622 a month. I'm going to skip the details about what the leases provide as far as maintenance and those kinds of details. We'll provide that in writing later. We do know that the November/December 1999 gas bill was about \$7,000. The same bill for 2000 was \$17,000 so that pretty much seems to have clobbered the budget that they were able to use – Old Courthouse Preservation Society. There are (inaudible). As far as government utilization in concerned, of course, we have the engineer's office of the county and veteran's services and we're advised that a circuit court effort to place part of the probation there for renovations didn't work out. The County Council rejected their request for \$8,000 in rent for that facility. So no outstanding grants or grant applications and preliminarily the Build Indiana Fund in 1997 was used for installation of central air. All those funds have been spent, accounted for, documented and submitted to the Indiana State Board of Accounts. So we know of no grant requirements of repayment, at least preliminarily. The search for legal precedent is on-going. We feel that there must be precedent somewhere in the county, somehow and we'll be in touch with the Historic Trust and with other agencies and private foundations that are interested in these projects. To attempt to present some alternatives at least for your consideration that may involve cooperative or intergovernmental contracts that hopefully would come to a spreading of the responsibility of financing this facility and its on-going maintenance and upkeep. That's all we have.

Phil Hoy: We're having trouble hearing, Counselor.

Philip Hayes: Oh, sorry.

Phil Hoy: Would you repeat what we turned down as the County Council because Councilman Raben and I didn't hear that and (inaudible).

Philip Hayes: The indication was...this is from an interview with Ms. Gibson. By the way, none of this has been reviewed against any official minutes or records. We were advised that two governmental agencies are the county engineer and veteran's services. Ms. Gibson advised on interview that the circuit court wished to place part of its probation department there. OCPS expended \$7,000 for renovation. County Council apparently rejected circuit court's request for \$8,000 in rent per year for the facility.

Phil Hoy: That may be true but I wish to go on record as saying that County Council did appropriate a sizeable amount of money for courtroom equipment in case it could be used over there.

Philip Hayes: I see.

Phil Hoy: I don't remember the exact amount.

Philip Hayes: This apparently is the basement facility. I don't see the courtroom...none of that is referred to in this report.

Phil Hoy: County Council has in the past few years, since I've been a Councilman, has appropriated funds for air conditioning the third floor and for heating the first floor.

Philip Hayes: Yeah, we had received information on that.

Phil Hoy: As a Councilman I think it's important that the record reveal that the County Council has not ignored this building in terms of appropriations.

Philip Hayes: Oh, understood. Well then, for the record, the only source of information is information which was presented...and I might tell you the enclosures that we've received are the leases, sublease of old jail, lease between OCPS and the engineer's office, and unaudited financials of OCPS for the three years '98 through 2000. So those items have just come in and we haven't had an opportunity to review those. This is simply the raw data that we've gotten so far. The minutes of both those bodies will reflect the accurate state of affairs.

President Mosby: Do you want to put this back on for a couple weeks?

Commissioner Mourdock: Sure. We don't have information nearly enough now to come up with any plan. I think the important thing is just to make sure we do continue to discuss this and work with Faye to get more information, and should we decide to do so, to get some other parties like you said, intra-government or private developer – whatever, we just need to have the communication flowing.

President Mosby: Tammy, put this back on for a couple weeks.

Vice President Fanello: Well, we won't... we don't have a meeting in two weeks, do we?

Tammy McKinney: We don't meet on the 12th of February and the 19th of February.

Vice President Fanello: President's Day and Lincoln's Birthday.

Commissioner Mourdock: We didn't go to a Tuesday? What is the interim date?

Vice President Fanello: The 12th and 19th.

Commissioner Mourdock: We do not meet the 12th or 19th? So the 5th is not enough time and the 26th we will have a full platter that night, I guarantee it. I would suggest the week after the 26th.

Philip Hayes: I will furnish the recitation I've given in writing. These are from notes as you can see that I'm reading from and we just simply haven't had an opportunity to check those things out. I probably should have edited the part that requires clarification from Councilman Hoy.

Commissioner Mourdock: If you would, perhaps you were routinely planning to do it anyway, Phil, if you could send me a copy of that and for Ms. Moorman and the rest of you, we will continue to take information in as we get it on this. Obviously we won't just be waiting until that later date.

Dennis Au: Just briefly, I'm Dennis Au, Vice President of the Old Courthouse Preservation Society. One thing about the calendar is I'm concerned that we're dealing with...it does appear that in March we will reach a financial crisis, so that's our short term financial crisis calendar. That is, of course, as long as all of our current tenants continue to pay their rent.

Suzanne Crouch: Dennis, I believe in speaking to Faye that she had indicated that right now they projected enough revenues to carry them through the end of March barring any...that's what she indicated to us the end of last week.

Dennis Au: That is true but we may have to move that just a little bit forward. It will be in March when we need at least some short term considerations.

Commissioner Mourdock: I would suggest, and there are at least three members of the County Council here at the moment, and one rushing to the microphone.

Phil Hoy: I didn't think I was rushing.

Commissioner Mourdock: As much as you rush.

Phil Hoy: You all very well know that we have a time table for filing for appropriations. I cannot speak for six other people, but my own opinion at this point is that it would be better if we bought some time and made an appropriation to help with utilities and then tried to smooth things out in the future. As you Commissioners know, and we know, that we have a number of other issues that are demanding a great deal from us. I have another concern if we are through with this one.

Commissioner Mourdock: Before we leave this one, were you making a suggestion as far as that schedule?

Phil Hoy: Yes, I would make a suggestion that you can't be at our February meeting because it's a little over a week away, but you could make the March meeting and that would work. That could resolve the issue, at least temporarily. That's a possibility. We might be able to handle that.

Unidentified: Inaudible.

President Mosby: The rental income of \$8,622 a month is what he said on rental income.

Philip Hayes: Current rental income amounts to \$8,622 per month and that's subject to confirmation actual cash, but those are our notes from interview with Ms. Gibson.

Suzanne Crouch: And I have from Ms. Gibson a budget and expenditures for the last three years including the first three months of this year. I want to make this available to you.

Philip Hayes: Is that consistent with what...is that number consistent? So that is right?

Vice President Fanello: Suzanne, would you mind making me a copy of those and sending them up? Thanks.

Phil Hoy: And the utility bill that they now owe.

Philip Hayes: According to the information that we have, the bill was \$17,000.

Phil Hoy: For one month?

Philip Hayes: For the period of November and December 2000, year 2000.

James Raben: So we are spending approximately \$8,500 a month.

Suzanne Crouch: January was a little over \$11,000 and February was \$9,400 and March \$7,400. So the January utility bill is double January's of last year. I think that's where the real problem is – utilities.

James Raben: Do they use a pretty standard per square foot rate in there or is it time to increase?

Philip Hayes: Anecdotically, their rate is characterized as low. That's according to sources that are familiar with historic properties through the marketplace. Again, that's just anecdotal information, unconfirmed. When I say low, I'd have to take a look at these leases to be quite frank to see what all we are paying per foot. Maybe some member of the panel knows? Eight dollars or six dollars per foot rings a bell with me.

Vice President Fanello: I think it's somewhere around eight something.

James Raben: That's not really low.

Commissioner Mourdock: It's low.

Suzanne Crouch: It's a lot lower than here.

Phil Hoy: Everything is lower than our rent here.

Philip Hayes: The anecdotal discussions from people in that business indicate that it's low. They felt that \$10.00 was a more realistic market rate for the class of space.

Phil Hoy: We've lost the Arts Council on the third floor. We had four tenants on the third floor and now we are down to two.

Dennis Au: I believe that's so. Not being the director there...but we've tried to raise rents in the past and we've lost tenants and had people say they would certainly leave. While architecturally it's a beautiful place to be, it's substandard when it comes to computer hookups, electricity, and until recently air conditioning. Thanks to a Build Indiana Fund we've been able to complete central air throughout the system. It's in effect a business incubator. Many people starting businesses come there. They are not people that have a track record of being able to afford across the street at the Court Building. Indeed the rents do need to be looked at. I think everyone is going to be raising their rent - every landlord. The Old Courthouse may have to act proportionately with everyone else, and should act proportionately with everyone else.

President Mosby: Any questions?

Phil Hoy: When we air conditioned the third floor it was contingent upon having three of the suites rented. At one time, I think four were rented. Also, I feel like I'm defending the Council and perhaps I am, and I wish to because the air conditioning on the second floor was actually based and made possible on the work we did...the money we spent on the first floor. We spent the kind of money on the first floor that would enable to do the second floor for a hole lot less money – County Council did.

We also granted some money for some tuck pointing and other things. We are interested in this building and that's why I wanted to speak on behalf of the Council. That's all I have to say about this building. I have another question though or just an issue to lay before you.

President Mosby: Go ahead.

Phil Hoy: This is a concern. Mr. Au is here and I know his wife is the head of the library system. We have another historic building that's going to be on our hands when the library vacates that one. The question that I'm posing to the Preservation Group is that perhaps they've been reactive in a couple of cases that somehow we could be proactive. I don't know who owns this building. Does the library come back to the county? I know it's built on land given by the W.C.T.U. There are some legal entanglements there.

Commissioner Mourdock: That's true.

Phil Hoy: I don't dig into stuff I don't have to. I'm just prompting all of us...we need to look at that because we are going to be sitting looking at another classic building – classic art deco – that's going to be empty and that bothers me a great deal. I've made my preferences known to the Library Board. I think the Central Branch should have stayed there. I always find a parking place. Put the administrative someplace else, but I think they have a mind to do something else. Here we are again. We moved over here and we didn't do what Ft. Wayne did. Ft. Wayne took their old courthouse and it still is a courthouse and the new building is across the street with a parking garage. It's not big enough, by the way, but it was a smart move. So the preserved courthouse in Ft. Wayne, Indiana, still has courts held in it. My suggestion to the Library Board is that they might want to take another look at their plan.

Dennis Au: I can answer a couple of questions...not officially since my wife is the library director. I am not on the board but I can speak to a couple of things that are on the record. One indeed, Mr. Hoy is right, the...up until recently, the Central Library was owned and leased from the Women's Christian Temperance Union. In fact, part of the contract was that no alcohol at all was to be served on the premises. As about a year and a half ago, you can have a drink there – although no one has, I don't think. The library negotiated with the Evans Trust and purchased the building. I think the long term preservation of the building is important and if you wish to address that, I believe my wife is trying to form a preservation committee to address its adaptive reuse. Indeed it does belong to the library. I don't know legally that that would mean it comes back to the county, but I don't think so.

Commissioner Mourdock: I don't think so. I think we are innocent on this one. I don't think that one would come back our way, but I understand the point of view from the preservation side but I don't know that that would be ours.

Phil Hoy: Could we get an opinion from our counsel? I'd like to get an opinion from a lawyer on that one, if he doesn't mind? I would rest more easily if I knew this wasn't going to land on our desk again.

Commissioner Mourdock: That's a good point. Did you hear that, Phil?

Philip Hayes: Yes but I'll have to be directed by my employers.

Phil Hoy: I'm requesting your employer to direct you.

Commissioner Mourdock: I'll move that we have the county attorney take a look at the Central Library to see how the title might be conveyed should the Library Board act in some unpredicted fashion.

Vice President Fanello: I'll second that motion.

President Mosby: So order.

Commissioner Mourdock: Last but not least with the Old Courthouse. What you heard regarding the scheduling, obviously we need to keep it in front of us even though we may have one big discussion a month down the road, we will talk about it in the interim, I'm sure.

John Stoll - County Engineer

President Mosby: Any other group or individual wishing to address the board. Seeing none. Department heads. County Engineer, John.

John Stoll: The first four items that I've got are in regard to the Eickhoff/Koressel or University Parkway project. The first item is a request to approve for purchase parcels number 10, 13, 14, 20, 29, and 31. Parcel 10 is \$146,900; parcel 13 is \$18,200; parcel 14 is \$20,100; parcel 20 is \$260,000; parcel 29 is \$11,000; and parcel 31 is \$14,000 for a total of \$470,200.

Vice President Fanello: Any questions? Is that what I have here, John?

President Mosby: Yes.

Vice President Fanello: I'll move approval for the county to purchase University Parkway from 62 Interchange to Upper Mt. Vernon Road, parcels 10, 13, 14, 20, 29, and 31.

Commissioner Mourdock: Second.

President Mosby: So order.

John Stoll: Also on the University Parkway project on parcel 7, it's been found that there is a septic system that's in part of the right-of-way take so to get an evaluation of the effects of that we need an additional \$500 for the septic evaluation, and this will in turn affect the appraisal work that's been completed to this point. So the revised appraisal will increase by \$200 and it's requested that those two additional costs be approved.

Vice President Fanello: I'll move approval of the septic investigation approval for University Parkway from 61 Interchange to Upper Mt. Vernon Road.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next on that same project, we've already made purchase offers on the Inkenbrandt property. On that property there is an existing house and also a rental property. Since we are taking both residences, the properties are eligible for relocation assistance monies in accordance with the federal aid guidelines. The Inkenbrandt residence is eligible for \$22,000 in relocation assistance and the rental property is eligible for \$15,886.50 in relocation assistance. I'm just requesting approval that we proceed with authorizing those payments so they can go ahead and find some replacement properties for these two.

Commissioner Mourdock: Are those monies provided federally then?

John Stoll: No, it's all local money. Just like the right-of-way purchase. It's just that the regulations in doing a federal aid project establish what we have to do to help people when we take their house.

Vice President Fanello: I'll move approval for relocation assistance with the Inkenbrandt property and what was the other one?

John Stoll: It's both Inkenbrandt. Their house plus a rental property as well.

Commissioner Mourdock: I'll second.

President Mosby: So ordered.

John Stoll: Next, I've got a deed for parcel one on that project. There are no signature lines or anything like that. It just needs to be formally accepted by the commissioners and recorded.

Vice President Fanello: Move acceptance for the parcel one deed.

Commissioner Mourdock: I'll second.

President Mosby: So ordered.

John Stoll: Next, on the McCutchan Road Bridge project that we have awarded already, we've been working with the property owners on acquiring the temporary and permanent right-of-way on that project. One of the properties is owned by Mr. Charles Austill. We are acquiring .072 acres of permanent right-of-way from Mr. Austill and he has requested that we pay him \$200 for that right-of-way. So I'm requesting approval for that \$200 payment.

Vice President Fanello: I'll move approval for the \$200 payment.

Commissioner Mourdock: Second.

President Mosby: So order.

John Stoll: Also on the McCutchan Bridge project we are working with Herman and Wilma Bosse for a temporary right-of-way. On the temporary right-of-way they are requesting that we pay them \$30 for the .1 acres of hay that we will disturb. They estimate that it's \$300 an acre for their hay.

Vice President Fanello: I'll move approval for the \$30, is that what you said?

Commissioner Mourdock: A good year for hay. I'll second.

President Mosby: So ordered.

John Stoll: Next, I have a supplemental agreement for the Fulton Avenue Bridge project. This is for Bernardin Lochmueller's inspection services for that project. This is for an increase of \$83,071. The reason for this is because the construction of the project has drastically exceeded what the original agreement called for. In order to keep having their inspectors out on-site, we need to increase this original inspection agreement by this amount. This is 50 percent local funds and 50 percent federal aid funds.

Vice President Fanello: I'll move approval for the change order for Bernardin Lochmueller on the 5th Avenue Bridge.

Commissioner Mourdock: Does that get us to conclusion, John or is that just to date?

John Stoll: That is to date plus an estimated completion.

Commissioner Mourdock: To conclusion.

John Stoll: If we run into circumstances like the pier is damaged or something like that, then we will end up with more extensions probably. If things go well, then that should well take care of it.

Commissioner Mourdock: Hopefully it will. I will second.

President Mosby: So ordered.

John Stoll: The final item that I've got is a request for approval of street plans for Castle Creek Subdivision. They didn't provide an overall plat here, but this subdivision is located up at Schroeder Road and Highway 41, up here by the State Police Post. In doing this subdivision they are putting several decorative type features on their plan. They are going to have stamped concrete. It's going to be red concrete here and will have a brick pattern stamped into it. They've got decorative head walls on their culvert structures. You can see that they've carried that through on several different streets here. Basically, these culvert structures will be located within the right-of-way so one of the things that we've asked them for is maintenance provisions that show that their lot owners association will be responsible for maintaining anything above and beyond the bare necessities of your standard culvert and just plain concrete pavement. So if the stamped concrete breaks up and we have to go fix it, that's plain concrete pavement as we would on any other county street. If they want the stamped concrete, they would have to go back to replace that at their cost. Same thing with decorative head walls in the culverts. They've got these block retaining walls and they are putting these culverts in to give it the appearance of a bridge basically. There again, all they need is a small pipe in here to convey the water, but the rest of this is a decorative feature so they are going to have that addressed in their maintenance provisions as well.

Commissioner Mourdock: I presume we'll also have a release of liability since it's in our right-of-way.

John Stoll: We can get that. I hadn't discussed it. I haven't seen a draft of their maintenance provisions that we can get that.

Philip Hayes: If I may ask, John, they are going to submit copies of covenants? They've already filed the covenants and restrictions with their preliminary plat approval, right?

John Stoll: I haven't seen them as of yet.

Philip Hayes: No doubt they have. Usually they're not until the end of the project.

John Stoll: When they are getting ready to report.

Philip Hayes: Do you have any knowledge if you have the covenant and restrictions and the Property Owners' Association rules and regulations?

John Stoll: Last I was told they are still working on it and they don't have it yet.

Philip Hayes: Okay. So the approval that you're asking for tonight then would be subject to the approvals to be given on all the hold harmless language and for the substitution of maintenance provisions there.

John Stoll: This is just approval of the geometrics of the street. It's not acceptance of anything as of yet. We'll get all that prior to acceptance.

Philip Hayes: Understood.

Commissioner Mourdock: Who's doing this, John?

John Stoll: Castle Contracting.

Philip Hayes: Castle Contracting is the contractor but this particular subdivision is a separate legal entity like an LLC now operating on its own.

John Stoll: They've also asked for a sidewalk waiver. They've got a unique sidewalk layout in here as well. They're not putting it on all sides of both streets. They're putting them in several different locations. Typically, we'd waive sidewalks in their entirety in commercial subdivisions, but in this one they want to have this curved pattern of sidewalks in several locations. As you can see, they are not putting it along all sides of...I mean both sides of all streets. So they are also requesting a sidewalk waive along with the street land approval.

Commissioner Mourdock: So it would be a partial waiver?

John Stoll: Partial, yes.

Commissioner Mourdock: I'll move approval of the street plan for Castle Creek and also a partial waiver of the sidewalk.

Vice President Fanello: I'll second.

John Stoll: Here's the sidewalk waiver letter for the record.

TAPE CHANGE:

John Stoll: One other item on these street plans. Bernardin Lochmueller is going to shorten Castle Creek Drive by 30 feet. They found that the northern 30 feet of that street was located in a floodway so to avoid all the permitting problems with the floodway they'll be shortening that street by 30 feet. So it will be slightly different than what you approved but not much. That's all I've got unless you've got any questions?

Commissioner Mourdock: The only question I have is I have your letter to us dated January 24th and I'm concerned in the letter you raised the question of some delay potentially out on Burkhardt Road and requested that members or a member of the Utility Board wanted to meet with the commissioners or members of this board. I just want to make sure we keep that thing moving.

Vice President Fanello: I spoke with John today and told him that I would like for him to set up a meeting with me and you, if you want to.

John Stoll: I haven't had a chance to contact Phil as of yet but I figured we'd get one of the commissioners and Phil involved and then meet with whoever the Utility Board wants us to meet with because you're right, if it gets dragged out we're looking at a two construction season project almost guaranteed.

Commissioner Mourdock: I appreciate the reference to the Infrastructure Committee meeting because there is a point in doing those. If you gave them the plans and they still didn't get it in their budget, it seems to me that they have a bigger problem than we have.

John Stoll: I agree. They've known about it in plenty of time to budget something. They may not have gotten it exactly right, but there could have been some money in there.

Philip Hayes: If I could before John leaves on that same subject. By accident I was at that meeting and I think you were as well, have you had a chance to talk to them about the memo from the 24th as it related specifically to what other than these things were that just can't be helped, what programming can be done as far as helping them out of their misery without bearing the load at least?

Commissioner Mourdock: "They" being the Utility Board?

Philip Hayes: Quite right, yes.

John Stoll: I asked if it was an option for us to go ahead and put their relocations in our plans and then invoice them next year as part of the final billings when we are closing out our project? They said that may be an option but there again we've also got Mt. Pleasant in the works so the same thing may hold true where we'd have to postpone billing them until 2003 for Mt. Pleasant if things played out that way.

Philip Hayes: I see.

John Stoll: We've not had an onslaught of big dollar, locally funded relocations like this so I don't have a lot of experience in this matter. We've usually had federal aid projects when relocations have been required. We haven't had a big dollar, locally funded job like this where we've asked them to pay the entire relocation costs. It's

kind of a new territory for us. I can check with them some more and see what...

Philip Hayes: Finally, have we had any of the same legal experience or difficulty at all with, for example, Sigeco?

John Stoll: Not to the extent—

Philip Hayes: On any of their facilities?

John Stoll: Not to the extent like it was said in those minutes where they basically said they weren't going to do it at this time.

Philip Hayes: Understood.

John Stoll: Sigeco...we've had some problems getting things relocated with Sigeco in the past but they've always come and gotten it done. Like last year because of the lockout they were delayed in getting some of the stuff done out on Burkhardt but they did get it finished.

Philip Hayes: It was a delay, basically.

John Stoll: We had one pole that was an issue out on Fulton Bridge and it's been moved, I think, three times now. There again, there were some delays but we did get it moved.

Philip Hayes: So we're not having the same alleged notice problems or notification problems. I'm not trying to lay blame or anything like that; it's just a matter of how to get it worked out to mutually satisfactory condition here.

John Stoll: I'd say no we haven't...not where they...they've acknowledged if they're in the right-of-way, they have to move. If we make them move and they're in an easement then we pay.

Philip Hayes: There was even some question about that at the meeting. I don't know of any way around it for them legally.

John Stoll: We are buying all the right-of-way out to the centerline so the county will own the property.

Philip Hayes: Understood.

President Mosby: Anymore questions? Thank you, John.

Ralph Kissinger - County Highway

President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway Department. I guess my report is in front of you, hopefully.

President Mosby: They are.

Ralph Kissinger: I don't have a lot to add to my report this week. One thing I would

like to say is we've had three snow emergency call in's since I've been with the department, and I would like to say that the response times have been super by the plow crews and they've stayed until the work is done. I've had comments that, actually the last two – one ice storm and one snow storm – that our primary arteries were clear before the state or city even got out on the roads, so I'd like to commend them for their good work. I've got a question to ask the commissioners which I don't know if there is any recourse on this. The water department is funded and is now a private organization and we are getting a lot...I know they've got a lot of water main breaks but we are getting a lot of emergency call in's. I don't know if you realize but an emergency call in costs the county just in wages and lost manpower about \$260. One night we had four of them. I don't know if there's any way to recover any of the money or not recover it or whether there's anything stipulated in there. I thought I'd bring it to your attention because there is going to be a point in time when I'm going to have to go before the commission and council and ask for some overtime money because of the snow emergencies we've had over the winter. So I thought I'd bring that up and let you think about that. I don't know if there's anything that can be done. The only other thing I really have to add is we have plenty of salt in the barn right now if we have anymore emergencies. I took delivery on, I think, the 25th was the last delivery I took. We should have 1100 tons in the barn right now. The conditions of the roads in the county were not as bad as the city is, but there's a lot of work to be done out there. What I've tried to do and I've got my foreman and assistant working on now is we are going to try an assess for you in the next month what road we think need the most attention immediately and try to get those in to you and let you as the Commission decide what you want to do about that.

President Mosby: Any questions? Thank you, Ralph.

Philip Hayes - County Attorney

President Mosby: County Attorney.

Philip Hayes: Having given the report on the Courthouse, we have nothing else with the exception that I have written a letter to the counsel, Joseph H. Harrison, Jr., who has been assisting on some matters and a tort claim notice that was filed has come to my attention in regard to a claim on behalf of Terry Sutherland against the county. That matter was discussed with me by Mr. Sutherland last summer. He was referred to other counsel; we declined representation. However, apparently other counsel has now filed a claim and Mr. Harrison has agreed to review that matter and is submitting it for insurance coverage advice to Ms. Keene at Willis Corroon. Then in the event that they don't handle it, he will be responsible for it. We've asked him to directly confer with the commissioners in the course of administering that. Other than making that record, we have no other report than that given out before.

County Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything.

Steve Craig - Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing, I guess, that I need to address is the RFP that I had given you last week for you to look over. There's probably going to be a small change in there and that's the date. I was trying to get it in before the two weeks we didn't have a meeting, but I don't think it will be able to be advertised before that and get it by that date.

Vice President Fanello: Did you review it, Richard?

Commissioner Mourdock: I looked at it very quickly and the biggest question I had was just who all was involved? That's a very simple building in the big scale of things.

Steve Craig: Right.

Commissioner Mourdock: I presume the Advisory Committee was involved since it's been pretty well defined what the purpose of that building is going to be and how it's going to be used?

Steve Craig: I've had a couple companies...one of the one's we've been working with and another one that is interested in designing the building and that. That's why I came forth with this so that there's more than one person interested in it than just the person that we've been working with. I thought we needed to take a look at some of the structures they've done. Both of them have worked in this type of structure which to me is a must. I don't want someone that's not worked with a post and beam structure.

Commissioner Mourdock: Right.

Steve Craig: This is pretty simple, what I've put out. Like I said, the date will need to be changed and we'll need to advertise it, I guess, in the paper.

Vice President Fanello: How many days are you going to give them to respond?

Steve Craig: I gave them until the 8th, but we had not acted on it last week. The meeting in February the 12th and 19th –

Vice President Fanello: We don't have a meeting the 12th or 19th.

Steve Craig: I know, so it could actually be moved back until the next meeting.

President Mosby: The 26th.

Vice President Fanello: Is that enough time?

Steve Craig: That would give us plenty of time to look at it and plenty of time to be put in the paper.

Commissioner Mourdock: And your selection here again just basically looking for architects?

Steve Craig: Yes.

Vice President Fanello: I had the date circled but I knew you'd probably change that.

Other than that, I didn't have a problem with it. With that I'll move approval for you to send out the RFP for the building.

Commissioner Mourdock: I'll second.

President Mosby: So ordered.

Steve Craig: Did you have any questions on our goals and projects for 2001?

Commissioner Mourdock: I did review them, particularly the one with the day camp. It's obviously a good one and how that one ultimately works out and since you have not just this year's but a longer range for five years, I really think you need to be considering how many numbers of kids you want out there. Obviously, it's been a problem in the past where you've had to turn kids away. I'd just encourage you to keep thinking about what we can do to handle the maximum number of kids so we don't have to turn them away. With that comment I think they look very good.

President Mosby: Any other questions?

Steve Craig: Then our worksheet was in your packet. Other than that, that's all I have. Thank you very much.

President Mosby: Thank you. Appreciate it.

Soil & Water and Ozone

President Mosby: Soil and water.

Vice President Fanello: No one comes for those. I'll just go ahead and move approval to accept the soil and water and ozone officer reports.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Consent Items

Vice President Fanello: Consent items. I'll go ahead and move approval that we accept the consent items.

Commissioner Mourdock: I just want to clarify that there were no pink slips added from when I picked up the packet on Friday, right?

Tammy McKinney: Right.

Commissioner Mourdock: With that, you made the motion so I'll second.

President Mosby: So ordered.

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Mourdock: This Friday at 4:00 the Community Corrections Advisory Board meeting is going to take place. Obviously, I'm going to be at that meeting but it's open to anyone. It's such a big issue if you wish to be there.

Vice President Fanello: Where is that held?

Commissioner Mourdock: Room 307, I believe. I have the note back in my office.

President Mosby: That's Friday?

Commissioner Mourdock: Thursday at 4:00.

President Mosby: I thought you said Friday.

Vice President Fanello: I wrote down Friday too.

Old Business

President Mosby: Any other announcements? Any old business?

New Business

President Mosby: Any new business?

Commissioner Mourdock: One item of new business. I received, and I think you did also and I don't have it right in front of me, a letter from the Evansville Visitors and Convention Bureau. Their board unanimously sent a recommendation to us that the county, here it is, I'm just going to read this into the record. It's fairly short.

It is the Evansville Convention and Visitors Bureau's position that in order to successfully compete for convention business we must be able to offer first class hotel accommodations next to or adjacent to The Centre. We define first class hotel accommodations as a new convention hotel or a totally renovated and refurbished existing hotel that offers products and services on the same level as the new Centre. Additionally, across the county, cities and counties are participating in convention/hotel projects through developer incentives and/or subsidies. We strongly urge both the City of Evansville and Vanderburgh County to pursue a public/private initiative that will allow The Centre, the City of Evansville and Vanderburgh County to fully realize the community wide economic benefits of a healthy and successful convention business.

There's a whole lot in that last paragraph that is out on the edge or maybe even a little bit beyond what we've traditionally dealt with. And while I'm not speaking, at the moment, either in support or opposition to that concept, we did spend a lot of money and have a top flight facility across the street and obviously the hotel situation we currently have is hurting us. I think we need to consider something like this. I don't know what to do with this at this point other than perhaps the President of this Board to write a letter to the Visitors and Convention Bureau and ask them to provide information to us as to other private/government cooperative ventures where such funding has been established. I want to know what they are thinking of. I'd like to

see what the examples are. Obviously, they want us to get involved somehow and I don't know what the rules of the game are.

Vice President Fanello: Did you have attached to yours a copy of a news article from Denver, Colorado?

Commissioner Mourdock: No.

Vice President Fanello: I'll forward that on to you but they had participated in a similar venture – public/private type situation.

Commissioner Mourdock: I'm sure there are more than that one and the more we can learn the better. So just as a motion I'll move that David, if you would, write a letter to them requesting more information as to examples of private/government ventures in this regard.

Vice President Fanello: I'll second that.

President Mosby: So ordered. Any other new business?

Vice President Fanello: Just one thing. I think we are all familiar with the House Bill that Dennis Avery is going to introduce about the increase in the quarter percent in the county option income tax. I'm going to draft a letter in support of that and ask that this board next meeting sign a resolution in support of that bill. I met with Crowe Chizek, who are our financial advisors, today on the jail project and they will have some numbers back for me by the end of the week that I think will be very favorable and would even make this an even better option than any other option especially raising property taxes. I'm going to draft a letter and ask that each of the other commissioners draft a letter as well or join me in this letter and also join me in support of a resolution next week for this option. Since our council members are in the audience, I would ask that once I present some of these figures to them from Crowe Chizek in support of this, that they would also adopt a resolution in support of the quarter percent increase in the county option income tax.

Commissioner Mourdock: Just by way of format, and I'm not sure if this is what you meant or not, but I would suggest rather than each of us write a letter as we did tonight with the Utility Board, typically, one letter has three spots on it. So rather than each of us–

Vice President Fanello: That's fine if you all are in favor of that.

Commissioner Mourdock: If you would just draft that and then, certainly we'll have a chance to review it prior to next week when we were going to continue our jail discussion anyway.

President Mosby: Any other new business? Seeing none.

Steve Craig: Can I address the Commission? I was informed that I need to ask for permission to advertise the RFP and I didn't do that while ago.

Vice President Fanello: I'll move approval of the RFP.

Commissioner Mourdock: I'm sorry, Suzanne and I were conversing.

Vice President Fanello: He needs to have approval to advertise the RFP.

Commissioner Mourdock: You made the motion? I'll second.

President Mosby: So order. Any other questions or comments? Motion to adjourn?

Vice President Fanello: I'll make a motion that we adjourn.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Meeting was adjourned at 7:45 p.m.

CONSENT ITEMS:

Employment Changes:

Public Defender	Treasurer	Surveyor
Prosecutor		

Travel Requests:

Auditor	Legal Aid	Health
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Auditor:

Submit fixed assets held as of 12/31/00

Clerk:

Submit November 2000 report

Sheriff:

Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
Steve Craig	Brad Ellsworth	Dennis Feldhaus
Rick Voyles	Dennis Au	Cheryl Musgrave
Roger Lehman	Phil Hoy	Barbara Moorman
John Stoll	Ralph Kissinger	Linda Freeman
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Jane Laib

**Vanderburgh County
Board of Commissioners
February 5, 2001**

The Board of Commissioners of Vanderburgh County met in session this 5th day of February at 6:04 p.m. in Room 307 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call to order the meeting of Vanderburgh County. Like to introduce tonight Tammy McKinney as acting Superintendent of Buildings; Phil Hayes, County Attorney; Commissioner Fanello; myself; Commissioner Mourdock; Bill Fluty, Deputy Auditor; and Jane Laib, Recording Secretary. At this time, I'd would like to ask Commissioner Mourdock to lead us in the Pledge.

Approval of Minutes

President Mosby: First order is motion to approve the minutes of the January 29th meeting.

Commissioner Fanello: I'll move approval for the minutes from January 29th.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Board Appointments

President Mosby: Any board appointments?

Commissioner Fanello: Yes, I do have a few board appointments. First of all for the Domestic and Sexual Violence Commission, I need to make a motion to remove Stan Young per discussion with Barb Miller. He cannot perform the duties of that board any longer because he has some job constraints. So I'll make that motion to remove to Stan Young.

Commissioner Mourdock: And I will second.

Commissioner Fanello: And a motion to appoint Vic Chamness.

Commissioner Mourdock: Second.

Commissioner Fanello: Next, I need to...I will make a motion to reappoint Larry Hagen, Lloyd Hampton, and Charlie Mattingly to the HVAC License Board.

Commissioner Mourdock: I'll second.

Commissioner Fanello: Appoint...motion to appoint James Schenk and Steve Folz to the Redevelopment Commission.

Commissioner Mourdock: Which Folz?

President Mosby: Steve.

Commissioner Mourdock: Steve, okay, second.

Commissioner Fanello: Motion to appoint Mark Beard to the Building Authority Board of Trustees. It's my understanding that the other appointment which was not to expire until 2003, I believe he has resigned.

Commissioner Mourdock: Second.

Commissioner Fanello: That's it.

President Mosby: Motion and second, so ordered on board appointments.

Rose Zigenfus - Report on INDOT
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President Mosby: Next, we have Rose's report on INDOT.

Rose Zigenfus: Good evening. I'm Rose Zigenfus with the Evansville Urban Transportation Study representing INDOT this evening. Back in November, the Board of Commissioners executed a contract with INDOT to fund the 20 percent local match on the \$400,000 grant that we had received. There was a typo in that agreement so I have an addendum to correct that.

Commissioner Mourdock: We have the addendum and it says 5.3 and I looked to see what the original was when we acted on it. Before it was .053?

Rose Zigenfus: Yes.

Commissioner Mourdock: I remember that I even asked during the meeting if that was correct because it seemed so odd and it was.

Rose Zigenfus: They picked it up and sent us the addendum.

Commissioner Mourdock: So our contribution goes up by 10 times.

Rose Zigenfus: Yes, but not to exceed the initial \$100,000.

Commissioner Mourdock: Okay. I'll move approval of the correction then for the grant.

Commissioner Fanello: And I'll second.

Rose Zigenfus: I'll leave two copies, if I could get those back.

Barb Miller - Report on Domestic & Sexual Violence

President Mosby: Barb Miller.

Barb Miller: Good evening. I promise that I will be brief and looking around, it makes me think I want to be even more brief to present the annual report to the Commission on Domestic and Sexual Violence. In a nutshell, the commission was formed in 1995. You received the report today. Basically, this is just a great commission quite honestly. It's accomplished a great deal of work in the past year. The majority of the work is done with members sitting on either the Enforcement and Treatment Committee or the Education and Collaboration Committee. We've spent a great deal of time this year collecting information. We had three significant surveys that were sent out or developed and sent to officers to gather information about their training and resource needs. We also developed a survey that everyone who filled out a protective order was asked to complete. That gave us a lot of good information to tell us who is filing protective orders, what their needs are; how aware of resources they are in the community. We also developed a survey that we ended up distributing to the city and county employees because one of the emphasis this year is workplace violence. All of these things gave us a variety of different kinds of information that we will use to develop more in the upcoming years for training for all of these segments of the population. You've had an opportunity to look through that and I don't know if you had any particular questions about any areas but two things I wanted to point out. One thing we started this year which really has had a great deal of community support is our cell phone program. We started this in May and we had different businesses and organizations donate their cell phones. We had an individual by the name of Patrick Hall who serviced the phones so that they would only be programmed for 911. We have distributed these to victims of domestic violence for the past...ever since May. Between May and September we gave out 49 cell phones. This has turned out to be a very popular program. It's just one more opportunity to give to victims to be able to contact law enforcement when they need help. One other thing that I just want to point out that we are very proud of is we have accomplished a great deal, and this year we were nominated for a Evansville Celebration of Leadership Award. We were very proud to receive the government and public service organization achievement award. This is just a great recognition for all of the hard work that has been put in. We certainly appreciate the members that represent the county commissioners and appreciate you appointing them once again.

Commissioner Fanello: Thank you, Barb.

Barb Miller: Can I answer any questions?

Commissioner Mourdock: No, I would just echo that back though...appreciate all your folks on the board. It's good to know they are making a bit of a difference out there.

Barb Miller: Thank you very much.

Jerry Bryan - City/County Computer Upgrade

President Mosby: Jerry Bryan.

Jerry Bryan: Good evening. I'm Jerry Bryan the Purchasing Agent for the city and the county. I come before you tonight to explain a bid package that we are about to send out that has a glitch in it in that we do not have to advertise. Mr. Hayes, I presented this to the Board of Public Works today to Kevin Winternheimer and Kevin advised me that since this is a city/county computer bid, and I'll ask Mr. Cottun to back me up here, there are certain copyright features in the package that makes this exempt from the bid laws. Any bid that's over \$75,000 has to be advertised; however, this is exempt.

Philip Hayes: We appreciate that position.

Jerry Bryan: Right now, I'm scheduled to mail out this package tomorrow. The Board of Public Works has graciously accepted to be the opening board where we open the bids to them, but since this affects you, I wanted to come in and keep you people apprized of what was going on. We will open the bids on the 12th of March and award them in April. I think I'd better turn this over to Bill to have him give us an overview.

Philip Hayes: If I may with the permission of the board, the copy that was delivered to the commission had a cover on and apparently then that RFP was downloaded on about the 26th of January. I e-mailed Mr. Thomas, I believe--

Jerry Bryan: Clifford Thomas, right. Clifford is the Project Manager.

Philip Hayes: --yesterday, basically pointing out that I've read through. It's, of course, complex but there are a couple of provisions that we may as well get on record tonight. One is the agreement of the county to any and all provisions, I think it says in that language, seems to be so all inclusive that I'm not sure I'm prepared to advise the commission with regard to what its' obligations are once the RFP is responded to and gets down the road. May I ask, has it been legally reviewed prior to my tenure here -- has one of the county lawyers reviewed that? Do you have a written review then from Mr. Winternheimer advising any of his folks on the city side as to the scope and import of it?

Clifford Thomas: I'm Clifford Thomas--

Philip Hayes: Why don't you come on up, Mr. Thomas, and hop to it.

Clifford Thomas: Clifford Thomas. I'm the project manager currently for this project. The wording in the document as far as it pertains to referring to the city and the county is the same wording that was in the request for information that was sent out in the middle of the year 2000. The only provisions that we've added to that were the Equal Opportunity statement, and I believe everybody pretty much agrees with that. That dialogue was reviewed by both the city and the county.

Philip Hayes: At that time?

Clifford Thomas: At that time.

Philip Hayes: Do you know if there is a memorandum somewhere in a file? You understand that the majority—

Clifford Thomas: I do not have a written reprimand on that, sir.

Philip Hayes: No, no, memorandum.

Clifford Thomas: I do not have a written memorandum on that. No, I do not.

Philip Hayes: As I've pointed out, your memo to me was dated the 16th. The download of the document itself was printed out on the 26th — 10 days later. The document was delivered over here to my box. I got it, maybe, on the 27th, I think, started through it and then...what I'm uneasy about is the ability to advise the county commissioners with regard to the county's piece in it. I e-mailed you yesterday to try to alert you to that. Did you get that?

Clifford Thomas: Yes, I did, sir.

Philip Hayes: Yesterday's e-mail? I sent a copy over to Eric Williams and I was told that Eric's my man that I need to be talking to because he has a grip on the sheriff's jail management piece, for example, and the server upgrade, and how it's going to work and affect it. I also wondered if it had any import as far as the commissioners' deliberation about their new jail? The RFP there and whether—

Clifford Thomas: Those discussions have certainly taken place in the technical review committees.

Philip Hayes: They did?

Clifford Thomas: Yes, they did.

Philip Hayes: So somehow or other in the RFP, I should have been seeing that? You see, what my problem is...yes, Mr. Cottun?

Bill Cottun: Yes, if I may, sir. Obviously, there is concerns. What I request is that we table this at this time and address any of the questions that the commission would have. We certainly don't want this to progress while there are any questions.

Philip Hayes: In my e-mail to Mr. Thomas, I think I made it a matter of urgency that I have no intent of slowing this thing down. We'll just push everything aside and finish it up, but I would like to have a moment to be able to talk to Chief Williams about it and then be able to find whatever memo there was. I'm sure if one was done that would be called to my attention by Joe Harrison. We talk everyday and we are working on projects everyday so I would like to be able to get back into that, bring it to the commission...unless I'm mistaken and they've already...

Commissioner Fanello: I haven't seen it but was this presented to the Data Board? I didn't make the first Data Board meeting.

Bill Cottun: If I may, it's not going to harm this process to postpone this a week and answer all of the questions you all have. That's not going to harm this at all.

Commissioner Fanello: I've not seen a copy of anything so I would like to see something.

President Mosby: Be aware, it's going to be three weeks.

Commissioner Fanello: We don't have meetings on the 12th and 19th.

Bill Cottun: Thank you very much, sir.

Philip Hayes: Is that going to be a problem for you?

Bill Cottun: Under the scope of the issues you have now – no, we need to resolve those before we go forward.

Philip Hayes: I understand. If that's alright, I respectfully request that and that will give us time to get together with the sheriff and have a quick decision for you. I'm sure we can.

Commissioner Mourdock: Bill and Jerry, when it comes back would you please give us some synopsis? What I have here was simply that Jerry was going to appear tonight to talk about the CE-2001-05 City/County Upgrade with the three dates on it. After listening to all this, I still don't have a clue what you guys are talking about.

Commissioner Fanello: I don't have any idea what we're talking about.

Commissioner Mourdock: Are you talking hardware/software? Whatever's being done here just put it in a synopsis.

Philip Hayes: Just a little bit of all of it.

President Mosby: Do we have a motion to table?

Commissioner Fanello: Motion to table.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Suzanne Crouch - Various

President Mosby: Suzanne Crouch.

Commissioner Mourdock: Jerry, did you have a second part to yours?

Jerry Bryan: I'd like to withdraw that.

Commissioner Mourdock: Okay.

President Mosby: Bill, are you going to handle this?

Bill Fluty: Yes. This is an ad we run annually and you prepare this, you've got a...

Jane Laib: Basically, what had happened was that we had gotten some information from SCT. We received a hard copy and a diskette. The hard copy was correct but the diskette was incorrect. The diskette, of course, was what was furnished to the

newspaper to run the ad; therefore, the ad was incomplete. It excluded part time employees. It also had some misinformation on employees that were retired. SCT is currently reworking that and we are going to rerun the entire ad. We need permission to advertise for that.

Commissioner Fanello: I'll move that we grant permission to readvertise the statement of compensation for year 2000.

Bill Cottun: If I may, I would like to point out that the auditor's office reviewed correct information. After that information is printed out on a hard copy, we run a conversion routine from a COBOL program to an Excel program and that data is exported on a disk. For the last six years with the auditor's office we have done this process and it's been highly successful. We are looking into what has occurred. In fact, I believe tomorrow we will deliver corrected information to the auditor's office. I would like to point out and apologize to the auditor's office and to the county for the incorrect information that was given. It was not the fault of the auditor's office in any way.

Commissioner Mourdock: Just add to that, it's my understanding from the auditor that SCT is going to pay for the readvertising of the second advertisement.

President Mosby: Is that correct? You're paying the additional cost for readvertising?

Jane Laib: Not for the additional ad but for the first ad that was in error.

Commissioner Mourdock: Maybe I mis-spoke, Bill. What I understood from a conversation with the county auditor was that the error was made, as you just said it wasn't an error by the auditor.

Bill Cottun: Absolutely was not, sir.

Commissioner Mourdock: There's a bill that's...a second bill for advertising and I understood her to tell me that SCT was going to pay for that advertisement. Is that right?

Jane Laib: The cost is \$552.98. During our meeting, it was our understanding that SCT is not normally into reimbursement is what Bill said, but that under the circumstances that they would work this out.

Bill Cottun: Most certainly we will work out the expense to the county. It's something we've always felt that we have a responsibility and we certainly don't want any errors of ours to cost the city or the county any additional monies. We also have, on the other side of that, we also contribute a great deal of our time, I'll say, outside of our contract to the city/county. We want to make sure that everybody is acceptable to an agreement that we are going to have. We will definitely work that out with the auditor.

Commissioner Mourdock: There is a motion out and I will go ahead and second the motion.

Jane Laib: I also had one more item, if I may? It was received a little late but it's permission to advertise for a vacation of a public right-of-way for Beringer Drive.

Commissioner Mourdock: I put that on my agenda for new business so why don't we

discuss it then.

Jane Laib: Oh, did you?

President Mosby: So we're not going to do it then?

Commissioner Mourdock: Doesn't matter. It's a fairly routine thing. I'd move permission to advertise the vacation of a public right-of-way for Beringer Drive as shown on the plat of Deerfield, Section 1.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. I never did say so ordered on the first one. On both, SCT and the vacation, so ordered.

Brad Ellsworth - Community Correction Grant Overview

President Mosby: Sheriff Brad Ellsworth. Community Corrections Grant overview.

Commissioner Fanello: Can I just say something real quick? After Sheriff Ellsworth gives his presentation, I think we probably need to revise the agenda just a little bit to let some of the department heads go ahead and give their reports before we get into the jail discussion so that they aren't waiting around for anything. If that's okay with the board?

Commissioner Mourdock: Sure.

Brad Ellsworth: I'll be brief also, hopefully. Brad Ellsworth, Sheriff and President of the Community Corrections Advisory Board. A few days ago, I delivered to you a packet that looked something like this with a cover letter from myself to the Department of Correction. I also delivered a revised version today on your desks which corrected several typo's, reworded some of the letter, and filled in some of the numbers. You will notice that there are still some blanks in there and the numbers won't really matter. We will fill those in over the next few days. It's things that won't change the amount of the grant. One of the requirements of this grant that would go to DOC, which is a biennium grant, is that it be approved by the Community Corrections Advisory Board and by the county commission and on Wednesday or Thursday of last week that was done unanimously by the Community Corrections Advisory Board. I'd ask for your approval tonight. If you get past the cover letter, you will see that we are requesting \$1,351,430.91. That's a small increase over what we've received over the last several years to a tune of about a million dollars. I like to commend my staff that worked diligently on this request. I'd also like to thank Commissioner Mourdock who came down to several of the meetings to assist us on this, and also Councilmember Ed Bassemier who attended. We had a lot of good input from the Advisory Board on this. Like I said, I can't talk highly enough about the staff that helped me put this together. I think it's a fair grant. It's no secret in this county that we've been shortchanged over the years on what we've received for the job we do out there. It's getting better every day and if you have any questions, I'll be happy to answer about this request?

Commissioner Fanello: Do I need to make a motion?

Commissioner Mourdock: Let me just say that I think having been on the board for six years, until this year, each time we got this biennial grant request it was essentially a xerox of the year before – or two years before – with just a few updates. I know the Advisory Board, this time, took unprecedented, at least in my experience, unprecedented interest in what's going on with this. It was clearly a fresh start, and I think it's a very good job. I would certainly move approval of the letter that we have affirming this board's backing of the grant request.

Commissioner Fanello: I'll second.

President Mosby: So ordered.

Brad Ellsworth: Let me add one thing. The one thing you don't have is a rather thick document that will go up with it. In the interest of saving trees, if you want this...let me tell you the contents and you can tell me. The current Advisory Board members...am I suppose to sing this to a tune? The current Advisory Board bi-laws, the ordinance establishing community corrections, copies of the contracts down there, job descriptions, quantified local support, user fee schedule and letters of support. We did receive 25 letters of support out of about 45 we solicited so I'm pretty pleased with that. Like I said, in the interest, this is all stuff that's available to you every day so in the interest of saving you reading time because I know you have a lot to go over, but I can get this to you if you'd like it. Since you've already voted on it, thank you all very much.

Commissioner Fanello: Thank you. Do we want to let the county engineer give his report and then...

Stephen Owen - Departmental Visa Account

Commissioner Mourdock: We can. I think the other thing on the upper part of the agenda is the department Visa charge account. That one we could do pretty quickly.

Commissioner Fanello: Is there anyone here to talk about that?

Commissioner Mourdock: Seeing no one here, I would move...Stephen Owen has asked for a departmental Visa charge account which obviously would function under the normal rules of the county and I would move approval of that request.

Commissioner Fanello: Let me ask, what are the normal rules of the county?

Commissioner Mourdock: That's a fair question and I'm here without the book in front of me. Basically, there is a statement as far as what the card can be used for, what it can't be used for, how the processing of invoices are taken care of and those types of things so that it can be monitored and not abused.

Commissioner Fanello: Do those invoices come through the commissioners' office or will they go through the public defender's office?

Commissioner Mourdock: Ultimately, it's my belief that they would come back through our office.

Commissioner Fanello: Are there any other departments that have it? I know our

department has one but is that it?

Commissioner Mourdock: That's the only one I'm aware of.

Commissioner Fanello: I'll move approval to allow a Visa charge account but only with the stipulation that all of the invoices come through the commissioners' office.

Commissioner Mourdock: That's fair. So was that the motion or second?

Commissioner Fanello: That was a motion. Did you already make a motion, I'm sorry.

Commissioner Mourdock: I'll take your motion and second it.

President Mosby: That's a motion and second. So ordered. At this time I would suspend normal business of action items to move to department head reports.

John Stoll - County Engineer

President Mosby: County Engineer.

John Stoll: First, I've got a request to approve 23 parcels of right-of-way on the University Parkway project. This is as follows:

Parcel Number	Name	Dollar Amount
9	Huff	\$1,100.00
12	Temme	\$78,700.00
15	Leibring	\$11,600.00
16	Miles	\$350.00
17	Nurrenbern	\$128,100.00
19	Wright	\$82,600.00
21	Townsend	\$1,000.00
29	Hoffman	\$11,000.00
23	Worthington	\$130,000.00
24	Brooks	\$180,000.00
25	Marsch	\$6,500.00
26	Jourdan	\$700.00
27	Johnson	\$7,200.00
28	Crayner	\$7,200.00
30	Jenkins	\$150.00
32	Fritchley	\$56,100.00

Parcel Number	Name	Dollar Amount
33	Westel-Milwaukee Co.	\$300.00
34	Waters	\$83,600.00
35	Fendrich	\$8,475.00
36	Jourdan	\$500.00
37	Wolf	\$13,000.00
38	Preske	\$200.00
39	Oil & Industrial Service	\$33,500.00
	Total:	\$841,875.00

John Stoll: All the appraisals have been completed on those parcels and the funding is in place so it's just requesting approval to make the offers.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: Motion and second. So ordered.

John Stoll: The last item I have is a request to go before county council to transfer \$68.00 from the Broadway Avenue Bridge #273 account to the Boonville-New Harmony Road Bridge #254 account. We had a slight overrun on some rock quantities and it was \$67 and some odd cents, so I need \$68.00. We only encumbered the amounts of the contract value at the end of last year.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: And I will second.

Commissioner Fanello: John, could you just briefly give a brief synopsis of what we talked about today with the utility department as far as the Burkhardt Road?

John Stoll: Yes. Today, Catherine, Phil, and I met with Herb Butler, Norb Woolley, Jim Cameron, and Bernardin Lochmueller on the water line relocations on Burkhardt Road. We came to terms on how we were going to proceed with the project. Basically, we are going to do the same thing we did with the water line with the Fulton Avenue Bridge and that's put together an agreement that we put their relocations in our project and we will bid that as part of our project. Upon completion, they will reimburse the county for those relocation costs. I got a copy of the Fulton Avenue agreement so I'll begin to modify that and will forward a copy to you and Herb Butler as well, once I get some modifications made.

Commissioner Mourdock: Very good.

Commissioner Fanello: Is that okay with the board?

Commissioner Mourdock: Yes.

Commissioner Fanello: Norb did ask me to just make the board aware that in the future they would like to work out some kind of cost sharing so we can consider that, but he did ask me to bring that to everyone's attention.

Commissioner Mourdock: So noted. I would, just as a motion, go ahead and direct the county engineer to work up the proposal as he mentioned for the relocation with the reimbursement plan.

Commissioner Fanello: I'll second.

President Mosby: So ordered.

Commissioner Mourdock: You mentioned county bridges, John, I read with pleasure over the weekend, I believe, that the county bridges and where we stand versus other counties. While we are not perfect, I think it was 2.7 percent of our bridges are out of compliance and you and the county folks need to take a bow on that. Bettye Lou Jerrel had that as one of her priorities a couple of years ago to get our number down below 10 percent, which it was at that time. Nice work.

John Stoll: Thanks. That's all I have unless you have any other questions.

Ralph Kissinger - County Highway

President Mosby: County Highway, Ralph.

Ralph Kissinger: I don't have much tonight. You've got my report, I believe. I just got enough of these for the few of you. I didn't expect that so many county council members would be here tonight. It's just the proposed paving list for 2001. I told you last week I would try to, I'll run more of those tomorrow and send them down to Tammy, I told you last week that we were trying to get an assessment on the roads. We've got three that are not on that list that are in very bad shape. They are probably in as bad of shape as anything in the county and that is St. Joe Avenue almost all the way out to the Frontage Road. Also, Old Princeton Road and Boonville-New Harmony from 65 West to the county line is really bad. We are having to dig and patch and actually just put base down now. They are going to have to be repaved in patches or we are going to have to do a total repave on those roads. If you're in the area, you might want to look at the roads in question and see what you think about them. In our opinion, those are the three most needed at this time.

Commissioner Mourdock: Have we scheduled a Road Hearing?

Ralph Kissinger: No, I think it probably should be next month though, shouldn't it?

Commissioner Mourdock: Yes. It's normally done in March.

Commissioner Fanello: Do you want to go ahead and schedule one?

President Mosby: Put that on for the first Monday in March.

Commissioner Mourdock: You've got the calendar in front of you, David. The fifth?

Ralph Kissinger: One other thing that I have. There's a maintenance agreement on some office equipment that should be renewed but we've already spent more than the office equipment is worth on maintenance agreements so it's totally up to you. I'll leave this for you to see what you think about it. In my opinion, I'd say it's a waste of money. Other than that, that's all I have.

Commissioner Fanello: So do you want us to consider this at the next meeting?

Ralph Kissinger: Yes.

Commissioner Fanello: Which won't be until the 26th, I think.

Commissioner Mourdock: I would move then that we formally advertise the March 5th meeting as our first hearing for the road presentation for 2001.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and second for March 5th road hearing. So ordered. Tammy put that on the agenda. Any questions for him?

Philip Hayes - County Attorney

President Mosby: County Attorney.

Philip Hayes: Yes. If I may make the report from this position. Deferred last week, and I can report that the review of the standards provision in the Knight Township Trustees Standards Adopted has been completed and I wanted to report to you that it is a rewrite. It reflects the same legal precedents and statutory guidelines that were previously used. We found no changes that are noted with regard to eligibility and application of those standards. You may act as you so desire then on the standards as adopted. The second item that I wanted to call to the board's attention is the president's message of the Evansville Bar Association that was published in the February issue of its newsletter *Summation*. Jill Marcum, Vanderburgh County Magistrate, is also the president. She is pointing out that there are two cases, one of which is currently called *Shoals vs. Shoals* before the Indiana Supreme Court with regard to representation of indigents in civil matters. The Supreme Court is seeking briefs on that. What they are looking at is a new item of expense for local governments, probably the state to some proportion, very similar to what you've previously experienced with public defender compensation. She has pointed out that there is a position to be taken by the Bar, organized Bar, in favor of compensation and expense reimbursement for court appointed counsel. What this grows out of is that it's been determined that under Indiana Law there has been in existence and it has been rejected by the legislature very clearly to repeal the provision of paying for poor persons duly found to be indigent who require legal assistance in a civil case. It could even extend to those poor persons who wish to bring a civil case and file a lawsuit or initiate it. It's pointed out in the *Shoals vs. Shoals* case, which is the subject matter of the court of appeals case being determined now by the Indiana Supreme Court, that says legislature consciously decided to retain in place the obligation on courts to appoint counsel. It's not our prerogative to look behind that unambiguous policy decision. A decision made not once but three times during the last legislative session – meaning clearly they don't anticipate any action to be taken at this time and we're on alert that we will probably have a new financial demand made of uncertain proportion. I'm going to submit the matter for record in the form

of the president's message in that editorial. Then finally, beside routine business I wanted to notify the board that we will be before the United States District Courts, Southern District of Indiana tomorrow about 10:00 on the issue of further continuing the informal arrangement with the ACLU by its counsel on behalf of the plaintiffs in the jail case. We have spoken to Mr. Falk. We certainly have no commitment about extending that but our best belief is that the court will be looking for a time table as to when there can be some definitive schedule of proceeding on the jail project. All of that, of course, will be subject to county council approval on the fiscal obligation to finance the jail. It's our intention, "Our" being Mr. Harrison as he continues counsel in that matter and myself, will be attending that session. Mr. Falk will be by telephone. It's our intention to seek an extension of that until on or before June 1 by which time the minutes of the meeting of this body indicate that matters of RFP and Request for Qualifications and the legislature will have it's opportunity to go through the various funding, proposals can then be interpreted to the parties in the lawsuit and to the court, and can be determined whether we can go to the next stage of trying to resolve the litigation. That's all I have.

Commissioner Fanello: Do you have any questions on the Knight Township?

Commissioner Mourdock: No, I was going to make a motion...why don't we go ahead and approve then the Poor Relief Standards for the Knight Township as requested.

Commissioner Fanello: I'll second.

President Mosby: So ordered. Any other questions?

County Buildings

President Mosby: Tammy, do you have anything?

Tammy McKinney: I do have some late additions to the agenda. I had the late submission of a holiday schedule for 2002 that needs to be approved. I had a late pink slip from the recorders office that needs approval and a late travel request from the soil & water department. Also a correction on the agenda under the travel requests, the weights & measures has their own budget. That does not come out of the commission budget. That's all.

Commissioner Mourdock: I would move that the three items be added to our consent agenda.

Commissioner Fanello: Second.

President Mosby: Motion and second. So ordered.

Department Head Report Acceptance
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President Mosby: Steve Craig was here from Burdette Park. He submitted his agenda and had nothing else to add. Soil and water and ozone, we have their reports.

Commissioner Mourdock: I would move acceptance of the filed reports for Burdette

Park, soil and water, and the ozone officer.

Commissioner Fanello: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: I will move approval of the consent items.

Commissioner Mourdock: Second.

President Mosby: With the amended change?

Commissioner Fanello: Those were included, yes.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to accept consent items with the amended changes. So ordered.

Steve Perry - Presentation on Juvenile Detention Options

President Mosby: We will now go back up to Steve Perry's presentation on the juvenile detention.

Steve Perry: Good evening, I'm Steve Perry, Executive Director of the Evansville Rescue Mission. From the looks of this gathering here, I believe the commissioners are now more popular than the Evansville Aces.

Commissioner Fanello: I'm not as tall as they are.

Steve Perry: At least some of you are better looking anyway. The agenda said that I would make a presentation on juvenile detention options and I can make that presentation on detention options, and I'm glad Judge Niemeier is here because he can make decisions on those options. I want to welcome him to the judicial office that he holds and I believe that he's going to do an incredible job. I want to state here too something that I stated before the commissioners and jail committee and other groups. The Evansville Rescue Mission is willing to provide juvenile detention services to both male and female offenders whether they are inebriated, suicidal or violent to others. We are willing to renovate and expand our current facilities or build a new facility through a private capital campaign on the condition that a long-term contractual agreement can be established that is fair to the county and to the Evansville Rescue Mission. Our organization is a not-for-profit entity and therefore does not wish to operate its detention services at a profit. In fact, last year the youth care center operated at a deficit of \$75,000. The deficit was absorbed because of an unexpected estate gift. Future years for receiving estate gifts have no guarantee, however, the reality of year 2001 presents the need for the YCC to budget \$730,000 for expenses. Most of these expenses will be personnel expenses yet the average salary of our staff is approximately \$8.50 an hour. Here's what a \$730,000 budget will provide: 1) 24 hour around the clock security for males in detention 2) staff monitoring and security for GED or EVSC classroom education for males and

females 3) training and social skills, character development, parenting, drug and alcohol prevention for males and females 4) transportation to/from court for males 5) transportation to physicians, dentists and therapists for males 5) supervision of male clients in non-secure program for extra-curricular activities pertaining to recreation, employment, outdoor education and other services 6) supervise meetings between parents, guardians, and clients in preparing the client for going home 7) good food. Most of these services are currently for male, juvenile offenders. If Vanderburgh County wishes for us to provide secure and non-secured detention services to females, we are prepared to do so and welcome the opportunity. Twenty-four hour staff coverage will be needed which would raise operating expenses an additional \$250,000 a year. The Youth Care Center currently provides up to ten secure beds and ten non-secure beds. Out of twenty potential beds available for use in 2000 – and we're talking about building new facilities here – out of twenty potential beds available for use in 2000, Vanderburgh County used 8.32 beds at the YCC on a given night. 5.81 of those were secured beds and 2.51 were non-secure beds. For January 2001, the daily use of secure beds by Vanderburgh County was 5.45 and for non-secure beds the daily use was 4.032 for a total daily use of 9.482 beds by Vanderburgh County. Consequently, Vanderburgh County is currently using less than 50 percent of the YCC's total bed capacity. What does this mean? Well, Juvenile Judge Brett Niemeier, who's with us tonight – the one who is in charge of placing juvenile offenders is new to the job and had said it's going to take at least six months before he can assess how many detention beds will be needed for males and females. I think that's true and he's wise to do that. Also, it's going to take at least that long for him to determine the number of non-secured beds that will be needed. Although currently the non-secure use of our facility is on the uptake. Therefore, before the Youth Care Center can draw up a legitimate brick and mortar proposal, I think it will be beneficial for the commissioners, police department, sheriff's department, school corporation representatives, the juvenile judge, county council, and our youth care staff have a series of meetings and assess what the number of secure and non-secure beds are needed based on past and present occupancy averages. Plus, Judge Niemeier wants to implement a plan that involves the school corporation whereby juveniles who are not enrolled in school will be court ordered to attend class at the Youth Care Center. Failure to comply will mean that the juvenile will be ordered to take up residence at the Youth Care Center. Through this means, it is hoped that juveniles will have enough incentive to stay out of detention. Nobody knows what this means at this point. We're going to have a meeting tomorrow morning at 10:00, by the way, at the Youth Care Center. I hope that maybe some of you commissioners can come and take part in that. At this point, it cannot be predicted how many beds will be needed. It is important that facilities and services are more than adequate to meet the needs of housing juvenile offenders. At the same time, by waiting six months or so, I think we can avoid overkill. The bottom line is as far as the Youth Care Center goes, if tonight you say you want a 24 bed detention juvenile facility that can later be expanded to a 48 bed detention facility, if given a long-term contract to operate the facility, the Evansville Rescue Mission is prepared to launch a capital campaign to support it. In the meantime, we need a contract with the commissioners in order to operate our current facility for year 2001 in the amount of \$730,000. That may sound like a lot, but if the county is operating the facility, it's going to be a lot more than that. So, anybody have any questions?

Commissioner Fanello: On your private capital campaign, do you have any firm commitments and how much are you looking to raise, I guess?

Steve Perry: I don't have any firm commitments now because we don't have the green light to do anything. I know the PMSI report said that it's going to take about three million dollars to pay for a 24 bed facility. Working with our architects, we can come up with more beds than that for about a million and a half dollars. Now, if you want to expand to a 48 bed facility then it's going to take another three million or so on top of that. I don't see how in the world that the county is going to need 48 beds within a couple of years or so unless the judge goes crazy on the bench and just decides to incarcerate everybody.

Commissioner Mourdock: How do you feel about the 24 number?

Steve Perry: The 24 number? Well, based on the current averages it's way too much. I mean, we must be in a unique situation here in Vanderburgh County. What happens though is that you still have to operate a facility at a minimum. Right now our minimum is \$730,000. It's going to be tough to beat that because if you pay county employees what they're going to expect to be paid as county employees, it's going to cost the county a lot more to pay those wages than it pays the wages of our staff who are in many cases are there just because they simply love and care for the kids. Here's the thing, within this group who's here tonight there is enough brains and enough insight and experience that we can come up with a logical plan and within six months determine the numbers that we're looking at that we have to have in the future. We can make a fair projection about what kind of facility needs to be built in addition to what we currently have. We're just here to serve the young people and be of help to you. I'll tell you from the bottom of my heart, we don't want to make any money but we want to guarantee that we give these young people the quality of help and support that they deserve and we deserve because we want to make good citizens out of them. We've been trying hard to do that for 18 years. We haven't been perfect at it, but we are trying to get better. We pledge to keep getting better at what we do. We appreciate working with you and want to continue that way.

Commissioner Mourdock: My opinion is that we do need to move forward. As Steve just said, for 18 years they have been a dependable provider doing a good job. When did the last contract that the county had actually expire with you, Steve?

Steve Perry: We've never really had a contract. It's always been on a per diem basis. That's great if you've got 100 people who are in placement and you can work out a set number of dollars for each person, but with the numbers that we deal with, it's just been grossly inadequate.

Commissioner Mourdock: I certainly want to see us continue to use YCC and I want to do it in a way that helps their board see that it's in the long-term interest of the community to keep them involved. Steve raised the issue of having a contract in place for 2001. I guess, just looking for your comments on that. Is that something you feel we might direct the county attorney to do? To begin some negotiations to go in that direction?

Commissioner Fanello: Before I comment on that, I would like Judge Niemeier to come to the podium, please.

Steve Perry: Come on, Judge!

Commissioner Mourdock: You've had 36 days now.

Commissioner Fanello: I know them all...just kidding. Tell me your thoughts.

Brett Niemeier: Before we get into the contract issue, I recognize Mr. Perry has done a great job with the Youth Care Center. I don't want anyone to be fooled about the numbers at the Youth Care Center. I believe that Judge Lensing and the Youth Care Center had a strained relationship at the end of his tenure and because of that many of the placements that may have been going to the Youth Care Center instead went elsewhere. They did not go locally. So if you see a sudden influx of numbers to Youth Care Center, which they have gone up this past month, the reason isn't because Judge Niemeier is going crazy and wants to detain kids; it's because Judge Niemeier has a strong philosophy that if at all possible, we should keep our kids local. That's where we can have the best feedback and see how they progress as well. I feel strongly in that and that's one of the reasons that I've supported having a juvenile detention center locally instead of shipping our kids to Vincennes or up to boy's school. With that being said, as far as a contract, I want to do everything possible to make sure that the Youth Care Center stays in business because they are a valuable asset to this community and I plan on them being a valuable asset no matter if you decide to build a juvenile detention center or not. I think they have a special niche and be it through detention or through a day shelter program, we can use their services. I have no opposition at all to study the proposition or for the county attorney to look at what's necessary for a contract. It is very difficult, at this point in time, to tell you exactly what the numbers are going to be because periodically every week, every six months by state statute, these placements have to be reviewed by the court and I'm getting them every week looking at them. I have to decide if we want this boy in Arizona or do we want to bring him back? That's why those numbers are going to fluctuate. It's going to take our staff, my staff, some time to look at those numbers closely to give you an accurate prediction as to what's going to come in the next three to six months.

Commissioner Fanello: So whether or not this board approves to build a juvenile detention center along with a jail or community corrections, however we proceed, you still plan on using the services of Youth Care Center?

Brett Niemeier: I believe that their services will be needed, yes. If nothing else as a non-secured entity. The juvenile detention center may be only a secured facility. They offer non-secured and they also offer the GED programs and we are looking into the possibility, as Steve said we have a meeting tomorrow morning, of establishing a day shelter treatment program there which would be from eight to five.

Commissioner Fanello: Okay.

Commissioner Mourdock: Your comment, Judge, said it much better than mine of a moment ago. You want to make sure they stay in business. That's my interest as well. I'm wondering if a member of this board with Judge Niemeier, Steve and other members of his board, and the county attorney might not get together to start to put some framework together to see what the minimum requirements would be to make sure that does happen. I think it's in everyone's best interest that they do "stay in business".

Commissioner Fanello: I agree that we entertain that discussion.

Commissioner Mourdock: Why don't I do it formally this way then. I would move that we direct the county attorney to work with Judge Niemeier and Mr. Perry to draw up

a list of minimum requirements that might be incorporated into a contract to be not less than 24 months and not more than 48 months...just to pick a couple dates. By that point, certainly, we'll get further into this process and see what the longer term might be.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: I would note, Steve, as I was driving in today and listening to the news and hearing some things that President Bush was doing at the national scene. All of the talk of the newness and the innovation of the faith based organizations having a role in communities, I thought, "Gee, we've got one of those on the agenda tonight" so we're on the cutting edge – good for you!

Steve Perry: Thank you very much.

Phil Hayes - Agreements for Legal Services

President Mosby: Seeing none. Phil Hayes, County Attorney.

Philip Hayes: Yes. One supplement before I give you the business portion of this report. That is part of the statistics that will be given tomorrow is that the inmate population statistical report for the jail as of 3:30 p.m. today is 287 total inmates. There are 251 male inmates, 36 female inmates. So that statistical analysis puts us in the groove and I think that it will be welcomed at the federal court level. The matter before us is submission of legal contracts...legal services contracts for attorneys Michael Danks, Robert Faulkner, Jay Ziemer/Bowers Harrison and Vanderburgh County, Joseph Harrison, Jr./Bowers Harrison and Vanderburgh County, David W. Kent. There's an item on there showing Hayes, but that contract has not been completed so we're not submitting that this evening. We are trying to work off the previous contract that was done by the county attorney for those items that are required to have a contract behind them. We've submitted these before. The contracts are for \$70 an hour. They call uniformly for all of them to be put into effect by assignment from time to time to the named attorney by Philip Hayes, the County Attorney, including representation and litigation, negotiations, meetings, conferences, other matters as well as legal consultation and advice when requested. It remains in full force and in effect until termination by either party, at any time, without notice. These are standard agreements that are used. We have one agreement which is a carry over and that is with attorney, Jeff Ahlers who's the counsel for the, regular salaried counsel, for the county council. He has undertaken defense of a couple cases. In fact, he's going to be active on an appeal on one of them that we previously reported on. So that's an existing contract. Any others where from time to time we feel we might need a specialist, would require us bringing that to the commission for one or two time retainers. An example of that might be in a conflict of interest situation where we felt it was wise to do that. It also might exist in a matter of patent or trademark law in order to get an opinion concerning, for example, property proprietorships that were just discussed just a moment ago by the server upgrade to be done in the public safety area. Do you have any questions? I might also add that previously we had pending a request before the county council for consideration of establishing salaried legal positions. Last Wednesday, Commissioner Fanello requested that be held in abeyance while we put together some more detailed information for the county council. We would,

of course, originate a new request through the county commission and have it go to the council if the Board of Commissioners so desires as far as establishing one or more salaried positions. I felt at the time that the presentation was being made that it should be placed in abeyance and more statistical and financial information be given. Joe is helping me put that together and we hope to have that in a timely fashion for the commission.

Commissioner Mourdock: Two points I'll make quickly. First, I appreciate the latter, which is to hold off making those full time appointments and I want to make that clear that what is before us tonight is not the hiring of people with benefits, but simply signing up people on a retainer basis to come only as needed at a previous rate, in fact. I'm okay with that. My second point would be that in my six years on the board, most of the time we have spent in Executive Session has been spent talking about litigation, pending or threatened, and personnel matters which ultimately roll into litigation or that potential as well. Since we've not had any Executive Sessions, I don't see that we necessarily are going to make great use of these retainers unless something changes. Obviously, we don't have a lot of pending litigation or threatened litigation against us right now.

Philip Hayes: Right.

Commissioner Mourdock: Having said that, the retainers are for work when required and when done. I would trust that you would keep us well advised of who is assigned what specific tasks. With that, I would move approval of the documents to us as submitted.

Commissioner Fanello: Just to let you know, I've asked Phil to review all invoices of any kind and to pass those along to the commissioners for their review so I'll second your motion.

President Mosby: I have a motion and a second. So ordered. The next order of business is PMSI. Before we get started I've been asked for a five minute recess, so we stand in recess for five minutes.

PMSI Review Scope

Meeting Reconvened at 7:15 p.m.

President Mosby: At this time we will reconvene the hearing of the Board of Commissioners of Vanderburgh County to review the PMSI scope of services, I believe. Commissioner, would you like to begin?

Commissioner Mourdock: I can certainly begin the discussion here. As you will recall from a couple of weeks ago, I had recommended that we act on a letter that we had received from PMSI to hire them for a scope of services. At that time that was not viewed favorably. It's still certainly my intention that we need to help them facilitate the process with so many stakeholders and to help drive the process forward. I know Commissioner Fanello has spoken at length with Mr. Shepler of PMSI so, Catherine, I guess I'll turn to you since that's about as much as I'm aware of.

Commissioner Fanello: Great. Thanks. I guess, I don't know, I've probably thought

about this for the past 24 hours. I need to know when the Commissioners are going to, as a group, make some decisions. I guess, what I'd like to know from you, Commissioner Mourdock, is why you feel that PMSI needs to assist in those decisions when we do already have a completed study?

Commissioner Mourdock: Okay. We have a completed study that is a gross picture, if you will. It is not in the level of detail that I feel we need. For instance, it may say that we need between 500 and 700 beds but it doesn't say precisely how many of those beds should be maximum security and how many minimum security. I'm not...I haven't looked at the study for a few weeks but I don't recall that it necessarily breaks out the number of male versus the number of female beds. It certainly does not go into the type of detail of do we need a what's called a podular jail or do we need a direct supervision jail? Do we need some form of indirect supervision with video capabilities back into the courts? Those types of issues. As far as your point, Catherine, on the schedule, and that is the key point and I spoke with Mr. Shepler briefly before our meeting this evening, to me, the first thing we have to draw up is, in fact, that schedule. I think that's where PMSI can help us by developing a schedule with critical path items of how we bring the various stakeholders to consensus on the critical elements that must go into the RFP. We, meaning the three member of this Board of Commissioners, can easily put a document together as an RFP, but I'm not sure it is at all the right thing to do. I feel that if we did that with our relative inexperience in this area, we would be building a house on a weak foundation. We're talking about a pretty expensive house and we don't want to do that. I think PMSI can get us to the point and it's my suggestion, I'm not sure what your conversation was yesterday or, David, what contact and conversations you've had. At this point, it's my belief that PMSI can get us to the RFP stage and help us review the RFP's when then come back in so that we can make a decision. Personally, at this point, I don't see them involved other than that, but the "other than that" is no small thing – it's a big thing because they have expertise that we don't have. They've demonstrated competence in bringing all of our stakeholders together and soliciting from them a lot of good information.

Commissioner Fanello: Okay, so my next question. I guess what I want to know is when do we say that we are doing this as a single project or a multiple project? Do we accept their recommendations? What sites are we considering? When do we answer those questions?

Commissioner Mourdock: Again, I think, that's part of the schedule they can help us lay out. There are so many questions that we have to look at and yet none of them can be looked at in a vacuum. Case in point, if we simply look at community corrections without wondering, seeing, examining how that can be included with the whole process here, I think we are going to miss something. As far as the schedule, I think they would lay out a critical path for us over the next, maybe this is the right time and maybe it isn't, over the next three to five months with critical dates in it. At those critical dates, we would make those decisions. Perhaps on June 1st we're going to make the decision, is juvenile detention going to be included? The following week we would act on whether or not community corrections would be included. The following week we would do a location. That's said very simply, but I think we have to look at this whole thing as a process not just the individual pieces.

Commissioner Fanello: Okay, then my question is, we have a study where they say...they've given us the options of a single project or multiple project. What is going to change in the next two or three weeks that leads you to a decision of a

single project or a multiple project? Why wouldn't you know that information tonight on whether you want to do a single project or a multiple project, for example?

Commissioner Mourdock: Another very good question. The thing that would keep me from wanting to make that decision tonight is to know specifically how all the stakeholders in any one of those issues has responded to their recommendation. Let me pick one as an example here. Let me use community corrections. The sheriff is involved in community corrections, certainly the judges are involved with community corrections, the prosecutor to some degree is involved with community corrections. How many beds should we have in community corrections? Right now, I think they listed 225, I believe, but there's a lot of questions within the courts, within the sheriff's department and within this board as to what the right number would be. I think they would help us put a schedule together where they could interview the various people in a lot of detail, bring all those people into a room perhaps once or twice, and then literally, I would hope, all the various stakeholders in that room would sign off on whatever the final consensus is. I see this process, the construction of the RFP, being a compilation of a lot of individual pages with a lot of signatures. I think, if we did that...and again, I'll stay with community corrections for a minute, if we have everyone in community corrections signing off on how many beds there needs to be, working through the process, putting their heads together...what's the right number for this community? When it gets all done, they sign the page that says they are willing to live with – which is really what the consensus is – I'm willing to live with 145 beds. That page then becomes part of the RFP that we put out to the architect because we would be saying that we want a facility built that has 145 beds.

Commissioner Fanello: Okay, maybe I might be asking the same thing twice, but...

Commissioner Mourdock: That's alright, I probably have another answer to it.

Commissioner Fanello: I guess, why do I need someone else to tell me, for example, since Judge Niemeier is sitting here and he's our juvenile judge, why can't I go to Judge Niemeier and say, what do you want? Why do I need someone else to do that?

Commissioner Mourdock: I think, if you have one independent source, which is what PMSI is, I think by and large...since you got specific here, don't be offended by this Judge –

Commissioner Fanello: I'm not picking on you personally but since you happen to be in here...

Commissioner Mourdock: I think the independent stakeholders would respond better to that neutral source than they would to one of us. I think they are going to tell him or them, PMSI, more openly and PMSI knows better questions to challenge them with that unfortunately the three of us don't know. If Judge Niemeier were to say that our juvenile detention center really ought to be 250, we might think that sounds like a lot but PMSI could come back specifically and say, 250? Well that's more than Indianapolis. Indianapolis has only got 146. I think they know the questions better than we know them and I think they have a much more experienced frame of reference than we have.

Commissioner Fanello: Do you have any questions?

President Mosby: I'm going to make one comment. You already have a recommendation in here for a 500 bed facility, 225 and 24. Are you asking PMSI to change their mind?

Commissioner Mourdock: I'm asking PMSI to validate to this board from the various stakeholders that those are the best numbers. I've heard discussion from this board, I've heard discussion from the sheriff's office and from some of the judges that they don't necessarily like these numbers. I'm saying that before we act...I mean we are talking about a building that hopefully will last at least 30 years, and I think, we need that type of input.

President Mosby: I'm talking about a study that you paid \$100,000 for and now you're saying that we need to go back and look at this study and pay them again to come up with another number? You either want to follow these numbers or we pay them again. That's what I'm gathering out of the conversation here with...We have numbers.

Commissioner Mourdock: We have numbers, but we still have within the community, and by that I mean stakeholders, questions about those numbers.

President Mosby: Supposedly, that's what they did in this study. They went along and, I guess, interviewed every judge...

Commissioner Mourdock: They did include that but they didn't look at every single factor either. For instance, they didn't look at the budgeting side. They don't know how much money we have to spend for this. Those types of data have not been incorporated into what their review was based on. Their review was based on interviewing the stakeholders and looking at some basic statistics but not every part of the picture. I think we're at the point where we need to look at every part of the picture not just look through one small window.

President Mosby: But I wouldn't think that would be the basis of the study is to say we have X amount of dollars to spend. I mean, tell us what we need, not tell us...you tell us how much money you want to spend. I'm not going to base my answers on that.

Commissioner Mourdock: But you can't do them independently either. You're right, the last thing I want to do is tell an architect we've got X number of dollars –

President Mosby: That's what I'm sitting here thinking.

Commissioner Mourdock: That's not what I'm saying.

President Mosby: You just said that we didn't tell them how much money we had to spend so that's the basis of my question. Go ahead, I'll let you speak.

Brad Ellsworth: Brad Ellsworth, Sheriff of Vanderburgh County. I looked around the room and tried to find somebody that had been to as many meetings as I had in reference to this and only saw one other person that was close. I'd like to give you a little bit of history just very briefly. I know it's going to be a long night, but I think it will help clear some of this up. This has been going on for twenty something years now...jail overcrowding. I can find documentation back to Sheriff Jim DeGroote. Under former Sheriff Hamner, it came to a head again as it seems to every few years – about every four, if I remember correctly. Under Sheriff Hamner it came to a head

again with the former administration here in the commissioners' office. One of the first things that we did was, with the commissioners' authority, go to the Planning New Institutions Seminar that the National Institute of Corrections puts on. It's called PONI, Phase I. That was a very basic overview. They sent two individuals in that kind of looked at our system briefly for a three day period. They did some small time analysis to give us a little bit of a track on which way to go. Following that, we formed the Blue Ribbon Committee with the former commissioners and for what seems like two years, if I remember correctly, we had monthly meetings or in that area. At the end of that time, we came up with the recommendation that we need more jail beds in Vanderburgh County was the one sentence line that came out of two years of meetings with the stakeholders. Beneficial? Absolutely. There was a lot of talk and people getting to know each other, absolutely, but it wasn't enough. We then sent a delegation to Longmont, Colorado, NIC PONI, Phase II. Former Commissioner Tuley, myself, Chief Deputy Williams and Jim Raben of the County Council. Out there they told us that we were doing the right thing by not just deciding "here's the jail we need". They said we needed to get a planner or consultant. One thing I can tell you is that with my top staff we've got about 120 years of law enforcement and corrections under our belt and we don't have all the answers. Let's just say that it's PMSI. I think any consultant that's done jail projects could come in here today and ask us a series of questions and anybody in this room would say, "I didn't think of that". I find myself looking through that report and saying, "Gosh, I sure didn't think of that". That's not going to be a luxury...we're not going to think of everything. There's going to be things that we don't think of, but we don't have the luxury of doing that a whole lot because we're going to have a project that myself and maybe it will get done when I'm sheriff, but the next three or four sheriff's are going to have to deal with. We're the ones living there. Me and my staff are the ones that are going to live there. We're the ones that will have to go back to county council and ask for appropriations for when we do things wrong or need more staff. We then contracted with PMSI. The people that went to Longmont were charged with finding a consultant to come in and help us through this process because the former commission was not convinced that all of the criminal justice entities were doing their job - up to muster. I think Commissioner Mourdock said that they wouldn't lay a brick on his watch if he were not convinced that the courts, prosecutor, police and sheriff were not doing their jobs effectively and efficiently. We contracted with PMSI and over the course of those months, I saw a...I don't know if I would say a comradery, but at least a facilitation of those stakeholders that was unmatched in the two years prior to that with the Blue Ribbon Committee. We've got to this point. I think we are confusing paying for another study with now hiring somebody to help us plan this. Like I said, I can go through that book and say, "Gosh, sure didn't think of that a million times". We're not going to be able to do that for this project. We are now looking at, not another study, but again facilitating the stakeholders - us in Vanderburgh County - that help us plan this project, whatever it ends up being. Whether it be a private firm or done by one of the many architects in the room today. I also heard that the feds will come in and do this free. I know every program that NIC will put on and they will not come in again and do the planning of an institution for us. We've been through the PONI thing. They'll go out and tell us about direct supervision jails, they'll help us do some transitional stuff but they'll not help us or do what we need to have done. One of the things that after two years of these meetings, and I heard Councilman Raben, I believe, was quoted saying that we need to have public meetings. I'm not opposed to that but PONI, Phase I was public meetings. In fact, the third day was an advertised public meeting. The stakeholders were there and there may have been two other people in the room that were from the outside - the public. Every

Blue Ribbon Committee meeting was public meetings where everybody had input into that. Again, it was stakeholders and maybe one or two people. PONI, Phase II was not public; it was in Longmont. I guess they could have come out but a long way to drive. PMSI's entire 16 months that we talked and met weekly were entirely public meetings, so people had the chance to come. I'm not opposed to go out in front of the public and call everybody again, but we're not going to get the entire 168,000 people of Vanderburgh County come in here and come to a consensus on this project. I'll give you the same speech that I gave county council last Wednesday. Those 168,000 people...well, not that many – about 12 percent, I guess...voted us into office regardless of politics to make good decisions. They hired us for this job to make decisions – tough or easy – to make decisions just like this. If it's wrong or right, they expect us to work together whether we have an "R" behind our name or a "D" behind our name. We need to do better at that. They expect us to make decisions. If they don't like it when we get done, then they'll fire us; me in two years, you in four, and you in two, I guess. So be it. That's the nature of this job when we go out and apply for this job that 150,000 people vote on our jobs. I, for one, have seen the transition for what we went through from PONI, Phase I to Blue Ribbon to PMSI. I think we are confusing another study with planning. I'm a proponent. I put \$40,000 dollars, or somewhere in that area, myself out of the jail budget for that. I'm so convinced that we need help from someone like that and because this company has a history here and knows that, I'd be willing to do that again because I'm that convinced that we need that kind of help. This project has to be done right. It's not like an office building. We're not going to be able to go back. This is to hold people in. The only more expensive construction is a hospital. This is not like any other construction we're ever going to do in this county. Hopefully, we won't have to do it again, but we have to do it right this time. We've got to consider cost; we've got to consider manpower. Just like Richard said, we have to consider if we are going direct supervision versus indirect versus linear. What's that going to mean costwise? I feel that we're pretty efficient running this building down the hall, but in a new...when you add 500 more beds or 400, I'm not sure. That's going to take some transition. We need to know up front if that's going to take 50 more people? Is that going to take 25 less because those on-going costs are what's going to drive this as much as the bricks and mortar have actually given us the skeletal makeup of this building. I think that's the questions that a consultant...not a study but planning, is going to drive what we do and what we build. We may say we want to build a...I'll never use the Taj Mahal... this building and then we decide it takes 150 people to staff it, we'll have to size back. That's what I think a company like this can provide us, ask us, challenge us, the questions we need to know before it's too late. The reason that I would be a proponent of PMSI is because they have the history, they know the players, they've built a level of trust, I believe, among the players from what I perceive. Like I said, I would endorse them and continuing on in some fashion whatever the commission decides. Whether it be short and we decide as we go or whether it be open ended and they help us plan as we pay by the hour. Whatever the commission decides, but I think, they need to stay on board. If anybody has any questions of me, I'll be glad to answer them.

Commissioner Fanello: I've got a question. My question is, since I've been talking to numerous people and done some research, why is PMSI any different than, I guess, the multitude of jail consultants across the state who would come in and, I guess, validate the study of some sort and help plan the project?

Brad Ellsworth: They may not be any better than them. When we first hired them, and actually I'm probably the one that found PMSI among the other several that we interviewed to bring to the full Blue Ribbon Committee and the Commission to hire,

we thought they had Indiana ties so they'd know Indiana law; they kind of know Indiana flavor, what was going on here; we knew they were close. We could reel them in quicker down here than going to somebody out of state. We looked at several out of state consultants. Are they better? I don't know. There were probably a lot of good jail consultants. I may do it in 20 years after this and Richard may, too. I think, like I said, given the history now, if you go out and find a new consultant – planner (I'm going to change the name), if you get a new planner, they are going to have to go back and do a lot of this historical research again which is going to slow us down. PMSI with Julie Von Arx, who we hired to do the community corrections, has a very good reputation in this state. Al Bennett is probably, and I've heard endorsements for him, second to none in knowing what you need in a jail and has a good reputation in this state we live in. Bill Shepler and that team has been down here now for 18 months or something like that and they have the history. They've got the confidence of the players and the ability to pull all those people together. I was at every meeting and everybody showed up. Not even just the elected officials, this was the service providers, and Steve, and Family and Children's Services. Everybody came in...Gerald Summers...everybody was in for these meetings that I didn't see happening before. That's why I would endorse them because they pulled it together and I have confidence that they could pull that together again to move us on this project.

Philip Hayes: Sheriff, with permission of the board could I ask a question? Since my role here is purely legal so the policy issues are of no concern whatsoever to the legal department. I will respond however directed by this commission. From a standpoint of project progression and the perception by those invited to submit proposals, is there a problem in your mind...in your professional and I'm not trying to get a legal opinion out of you, but what it amounts to is the ability to have this board delegate its' authority so to speak. Do you see a legal issue arising from that?

Brad Ellsworth: Absolutely not. Zero.

Philip Hayes: Tell me about it and why not.

Brad Ellsworth: I see, and if wording in that report was misinterpreted, I'd go as far to say that this company is not going to make decisions for this county. They are not going to make decisions for the commissioners and they're not going to make decisions for me. I think what they'll be able to do is pose questions to this commission and to the stakeholders and to me that will challenge us and give us the best information for us to make the most informed decision about this very important project. I know they don't want to make decisions. I've talked to the company about that. They want the customer to make them. They just want to provide us with those questions and that information.

Philip Hayes: So the nature of the contract that you would anticipate would be the Board of County Commissioners contracting with, basically, a facilitator? Would you see that as being the contractual role of PMSI in this matter?

Brad Ellsworth: For early on unless the commission, at some future point, decides to go further and delegates some authority. Absolutely as the person, call it consultant, they would consult us and help give us the best information to make the most informed decisions that we can make. When I say "we", I mean the commission, the sheriff and whoever else that is entrusted with that.

Philip Hayes: I'm using, and maybe it's an unusual word to use, but I'm using facilitator in the sense of kind of what you were talking about before. The usefulness to you of putting this together was their ability to report back from private discussions with public officials what they, in their opinion – that is PMSI's opinion, thought those officials really thought and could give you that kind of insight. For example, numbers of beds. Here's what we're thinking about.

Commissioner Mourdock: Let me take a shot at that, Brad, because I want to define one thing, Phil. Maybe I know too much of the world of facilitators, but when I hear that word used, what a facilitator is from my point of view is someone who brings discussion forward without having any position in that discussion – neither pro nor con. They do not necessarily even need any background just a good person to bring information out.

TAPE CHANGE:

Commissioner Mourdock: Certainly we need to have them do that but we need to have them do more than that because they have such a wealth of experience to draw upon. I want their reaction to what they hear. I want to see that in some written format, but I do totally agree with the sheriff, they're not going to make one single decision for this county. That is the three of us to make that decision.

Brad Ellsworth: There are so many decisions that we're going to make. I went to a conference in Nashville and from three different vendors talked about screws and security screws. Now, I'm not sure that we're going to have to get small down to decide what screws, but that's a real possibility. If we say, yes, we like the little hex head one...now the facilitator, Sue Elsperson...great lady...did a great job with the Blue Ribbon...knew absolutely nothing about jails. Would she be able to tell us not to look at those screw because the inmates at Johnson County backed those out and they had a ten man escape. There's where a person with jail expertise and knowing how to lead a jail project is going to be beneficial...pneumatic doors versus electronic, direct supervision versus indirect, how many people is it going to take to staff direct versus that, is it cheaper to cost? All these things movement...I'm not talking about facilitator, I'm talking about somebody who poses the correct questions but gives us the thought process to make the best decision for Vanderburgh County.

Commissioner Fanello: I've got a questions since you've said "all those little details". Why would you decide those details now as opposed to when you had your design team together?

Brad Ellsworth: We won't decide that now. That's going to be down the road, and they may not be here, I don't know. But we are looking at the things we do have to plan now like numbers, types of beds. I think we have to tell this group back here all the artists and architects. Whether it's private or what, we have to tell them what we want and what we're comfortable with. You might get an architect that says don't do direct supervision because they've never built a direct supervision jail, or they might say to do linear because that's what they're good at. I think that's where we decide with the help of whoever we trust, and I trust that company, to make that decision. Say this is what we want and if you don't want to build that, we'll go to the next one when we narrow that down to the architects.

Philip Hayes: My question was purely on the basis of the kind of contractual arrangement that you're suggesting be made and I've gotten that. You and I have

had the advantage of having had some good talks about this, I think. Not a lot of time, but enough and I'm confident that I know what you're talking about and what you want to do here.

Brad Ellsworth: We are not going to be able to put decisions off on them and say PMSI did it. We're responsible. No matter what they come in and do, it's us. Because they are going to go back to Indianapolis or wherever they're from, and we are going to be the one to answer up for every decision whether they are the ones that lead us down there or not.

Philip Hayes: I think I told you among others, I'm kind of taking an over and under on when the first lawsuit starts. There will be one before this thing is up. The question is whether it's after the footings are done or the structural steel where it goes from there. The nature of litigation in this area is just simply a virulent nature. There are so many issues that are in the legal realm and we know that...I don't know if it's ever been explained really, but we are dealing with the Prison Litigation Reform Act is what we're under in Federal Court at this point, maybe. Because the original suit was brought before that was ever done. These are very serious questions and from the contractual standpoint and from what the lawyers are going to have to do...and I have to lean on experts just like you do. I've never done a bond issue for a jail nor have I done the legal work that guards against what those lawsuits are more than likely going to entail. I'm informed that we can expect great scrutiny from that standpoint. So that means that practically every agency around that has anything to do with inmate rights or prisoner rights and fashions from the harder institutions such as the federal prison system, those legal fashions are going to come down to those inmates and we will be hearing about it. So I too, as you are, am concerned, and I'm extremely concerned about making sure that there is a legal arrangement between the Commission and the providers of these services that begins with an open process, as you are concerned as we have talked about privately, so that there is an assurance that the record is kept very clear and kept as open as you have kept it open individually. I think you are the one that's taken leadership in this matter since you were elected to this position and prior to that you had a secondary responsibility at the jail. I know that you were in that secondary role still primarily responsible for paying attention to this legal situation and to the problems that were incurred. Having said that, I want to be sure that I can draft and recommend on a legal basis to this Commission that they are approaching this in the right way. It's not just some discretionary matter to proceed in any fashion they wish in terms of soliciting these proposals and making use of all the resources that you've enumerated. As you've pointed out, there are a lot of them out there.

Brad Ellsworth: And part of that with Mr., is it Falk, with the ACLU?

Philip Hayes: Absolutely, yes.

Brad Ellsworth: They make reference that a lot of the things they'll talk about hinge on what their report is coming back so they must have had some, at least, information that we are moving in the right direction with that. And just one more point, this is going to be...we've got...I guess I'm one of the only full time people that are involved in this.

President Mosby: Right.

Brad Ellsworth: Actually, more than full time. I dream about this place.

President Mosby: I'm working full time, just not paid full time.

Brad Ellsworth: I know that Commissioner Mosby has to work his job; Catherine Fanello has hers as does Mr. Mourdock. Even though we're here full time, my staff, I don't have with law enforcement duties, community corrections duties and all that, I don't have the person that I can pull out of my table of organization. I think we're just that strapped – Council, remember that – that I don't have a full time person to assign. A) I don't have the one with the expertise and if I did have anyone close, I couldn't afford to lose them to try to learn everything that a company...this company...or a company like that would forget. I can go through that book and say never thought of that, never thought of that...I did it Sunday. I went through and said that I may have never thought of that, and I think I'm pretty smart about jails.

Philip Hayes: I didn't see anything in the report about kitchen facilities for cooking for various religious diets for inmates. We know that's the subject of lawsuits pending right now in the United States district courts. Not throughout the country but in the state of Massachusetts. There are religious dietary law cases that are there – no pork. It's the capability of cooking on a custom basis for inmates.

Commissioner Mourdock: I think your comments, Phil, have made the best argument for hiring PMSI because when you spoke before, The Prisoner Reform Liability Act which certainly some of the things you're talking about now with the kitchens that are out there. I mean, that's where even the architects who deal with jails everyday may not be fully aware of all those things. I see PMSI's role as being at the forefront of keeping us protected from those types of issues. It isn't just the ADA, which obviously our present jail is not fully in compliance with, but we have to make sure that the new facility takes care of all those provisions plus all these other things from the PRLA.

Philip Hayes: My final legal concern that I want to make this body aware of is that I believe peer review is an extremely important part of the process. That is involved in soliciting requests for qualifications and soliciting requests...that is putting out requests for proposals. You have a report here; it's a legacy to this new commission. I have no comment with regard to, no business commenting about, that critique and that process. From a legal standpoint, I think that the commission is well advised to follow the standard and well accepted professional processes that all governments have without regard to how little time you may have or without regard to what other distractions you may have with your duties. I think there's a primary responsibility to proceed in a manner which is usual and fair and viewed that way throughout the industry of jail building or, for that matter, capital improvements of any kind. And that you will then get the necessary peer review with your request for proposal of this final report volume that's here that you may feel entirely, personally inadequate to evaluate. I can tell you that it's the good faith effort that any litigation would ever look at as far as your job. So from that purely legal standpoint, I don't think you need be apprehensive about proceeding in a manner which is familiar and usual to the entire nation, for that matter, in soliciting proposals for extremely important such as that, that involves the housing of human beings without regard to their legal status, convicted, unconvicted, admitted to bail, not admitted to bail, on a sentence. I know, Sheriff, that's been your primary concern is providing a humane, just, constitutionally acceptable facility. You would tell me you're not an attorney and I would tell you that I'm not much of one when it comes to this because I haven't signed off on legal contracts for jails either, but I don't approach it with any fear because I know there are professional, such as yourself, who are going to give us and make an appropriate legal record that we can use. So from purely a legal standpoint, not from the policy standpoint at all, I can tell you that the legal process

that you go through here are well recognized and acceptable. I think that our consulting attorney's, Baker & Daniels of Indianapolis, who have done these projects before, jail projects, and have access to legal resources that are beyond ours are going to build in agreements that you will like and will give you the room to seek out what expertise you are uncertain about and that you'll be able to proceed with an appropriate process of getting this planned and built without regard to how this body acts on the proposal from PMSI or otherwise.

Brad Ellsworth: Let me just comment briefly on a couple of the points you made. A) About the kitchen facilities and that. That doesn't concern me at all. We are reactionary every day—

Philip Hayes: Just an example.

Brad Ellsworth: I never wrote a seat belt ticket until a couple years ago. We react to what the legislatures make the laws. B) Legal process. You're absolutely right. I try to put you out of business in my office every day, and there's nothing I want to do more than that. I assume what you said was that you want to put this out for all the jail consultants to bid on what we're asking them to do, if I understood? Although that's true, obviously anybody else is going to come in and they are going to tear that report apart.

Commissioner Mourdock: Let me clarify. Is that what you were saying, Phil? That you were looking to put this—

Philip Hayes: No, no. I think that the process...not with regard to that. It's not tear it apart. It's a matter that you get a square peer review of that report when those people who in the usual course of professional processes of bringing in the various proposals you have invited, you are going to get an evaluation of what you have here. You can take it or you can leave it; there's not any legal requirement whatsoever that you cast aside what findings you think are valuable and can't be used – none whatsoever. It's a tough job. It's one I'm saying that from a legal standpoint need not be intimidating. That's what I'm saying.

Brad Ellsworth: I guess my answer to that is, like I said, being the one person in the room that attended every meeting, this is not PMSI's report; this is Evansville, Indiana's Stakeholders' report. They compiled the information that we come out with and agreed on. Even though there were some different names and faces, these were the stakeholders. They compiled what we, as a group, decided. Now the groups changed some, but...well, you know my feelings.

Philip Hayes: It's understood. That's understood but it is also a legacy contract and a legacy report to a newly constituted, elected body here.

Brad Ellsworth: Absolutely.

Philip Hayes: And I know you know that. It's not...that is not a problem. Your dedication to the hard work that was done is so evident that it need not be commented on either. It is simply that my advice to this commission is that there is a legal process that is usual and customary and expected and possibly if not followed, if it's done otherwise, that there very well may be something objectionable about it. You stated it best when you said it isn't their (PMSI's) report, it's ours.

The RFP isn't PMSI's, it's yours.

Brad Ellsworth: Absolutely.

Philip Hayes: It's this body's right to go with or not.

Brad Ellsworth: I agree 100 percent.

Philip Hayes: I think from a legal standpoint, there's great service to be done if all invitees feel that they have an even shot and they aren't competing against a legacy set of specifications or set of standards or embedded ideas. They have to make the evaluation, they have to make the peer review that best suits them and this body's going to have to come off on it with your good advice.

Brad Ellsworth: I've got some of that?

Philip Hayes: Your participation here tonight is more than welcome and it's obviously expected and I respect the legal viewpoints that you've given to me privately.

Brad Ellsworth: And, I guess, maybe we are going back to a study if we pay another company to go back and study that report, I think we are wasting valuable time.

Philip Hayes: That's not what's required.

President Mosby: I don't think anybody's said that.

Commissioner Fanello: No, no.

President Mosby: Sheriff, I want to ask you the same question I asked him. What are you expecting to pay these people to do again that's gonna tell you any different that what I got right here?

Brad Ellsworth: I don't think anything we talk about will be in that report. Maybe some numbers, maybe a couple revisions. The reason when I questioned, and I'll go back to the headline that I had questions, basically it came from a letter that came down from Indiana Department of Corrections that inferred that Vanderburgh County preferred community corrections beds overnight stays as opposed to day reporting new programs. If that's something that DOC is getting away from funding then yeah, but that's information we didn't have six months ago. This letter came down from Mike Brown and Vaneta Becker.

President Mosby: I guess, I'll get more specific. They've recommended 500 beds, do you agree with that?

Brad Ellsworth: Yes, I came out of that meeting—

President Mosby: Then we have the answer.

Brad Ellsworth: ...with 500 expandable to 700 beds.

President Mosby: But would you be expecting them to say something different if we paid them again to go back in?

Brad Ellsworth: No. What I would ask them then is to help us through...500 beds

is...500 beds dorm style? 500 beds—

Commissioner Mourdock: Direct supervision?

Brad Ellsworth: Medical cells?

Commissioner Mourdock: Linear?

Brad Ellsworth: I work this everyday and we have to think about this.

President Mosby: I guess my point is we don't need them to write an RFP. I mean we've got an attorney, we can do that. My proposal...I guess what I'm looking at...what I've said to Richard is that we need to write an RFP, maybe we go out for qualifications first. We'll go out for an RFQ then we'll get the qualified companies and go out for an RFP. Then let's make a decision, let's move forward but let's don't pay PMSI to double up, and that's what I see us doing. I see us wasting time and money.

Brad Ellsworth: And I disagree.

President Mosby: I know you do.

Brad Ellsworth: The first thing I learned from NIC was, and nothing against the architects – I love you all, but they said don't hire a consultant that's tied to an architecture firm. You just said that we want to make the decisions. I shouldn't make up – it will be somebody's initials; everybody's got initials in this room. If they say you need 10 medical beds –

President Mosby: PM

Brad Ellsworth: AM, that's probably one too. You know, ten medical beds. Are they bringing down a picture of a jail? Give me a few of those Tums. Who do we listen to? I want this to be our decisions – our group, the County Council, all these people who are going to have to live with these decisions along with helping us make them. Not what the architect tells us we need 10 beds in medical, you need this...we'll decide that and then we'll have to live with the decision. That's that help we are going to get from them.

President Mosby: And I totally agree with PMSI's study, our decision, and an architect between the three or four of us if we can't do that, there's something wrong. We got this study and there's parts of it I disagree with. There's things I found in here that don't match. They say one thing on one page and another thing on another page, but that's neither here or there.

Brad Ellsworth: I think Mr. Shepler can explain that, and we did on Sunday. In a meeting.

President Mosby: On one page I find out that in the year 2020 our population is going to be 168 but on the other page it's 172. So we are 4,000 people off. It's just things that I find in here. I went over it again last night and read it.

Brad Ellsworth: My community corrections grant has mis-spellings and you know.

President Mosby: It's neither here or there, I'm just saying that I don't see paying the same person over to tell me what I'm suppose to have in \$100,000 dollar study already.

Commissioner Mourdock: Again, we are not reinventing the wheel. That's what we are trying to avoid, Dave. We are trying to utilize the experience that we have paid for. We paid to go to college; we got a degree; the degree is in that pamphlet, that three ring notebook. Now, if you say we are ready to write – "We" I interpret that to mean the three of us at this desk, to write the RFP or even with the expensive help of Baker & Daniels, if you are suggesting that we're at the point where we can do that better than PMSI, I cannot more strongly disagree. I don't understand that thinking in that. They have years and years of experience. There are...Phil's example of the kitchen, that's a good example. There's a lot more that's not in that three ring binder than is in that three ring binder and those are the elements that are critical in the RFP. If we look to an architect...if we just throw a poorly written RFP out on the street, as I said before, you're going to build a house on a poor foundation because the types of discussions about podular, linear, direct, indirect, all those things are well over my head. I don't give myself more or less credit than I give the other stakeholders here in the room. We need some professional advice. We are not reinventing the wheel, we are basically moving forward on our past investment. The \$98,000 dollars that we've put out, I will argue is one of the best investments we've ever made. If we hadn't done that, I'll guarantee you that we'd have a jail going up right now that we had no control over, and that was part of the plan as far back as the start of the Blue Ribbon Committee. How can we get a hold of this so that a federal judge doesn't order us to be reactive instead of proactive?

Brad Ellsworth: I think there's things in that report, if I remember the original scope of services that we hired them for, there's stuff in there that wasn't even asked for just to give us questions to look at and that. I think that was provided to provoke thought on our part, and it certainly has. Numbers off, fat fingers, calculator, I don't know.

President Mosby: That's just something I run across. On one page it predicts the population to be 172 and the next page it says 168. It's just something that I run across. We base the jail on 1999 figures. I don't believe we are going to build this jail on 1999 figures.

Brad Ellsworth: And I'm not sure we did that, but I know we predicted out to 2020.

President Mosby: Turn to page 58.

Commissioner Mourdock: It was based on the last year's figures which were at the time the most accurate being 1999 in the year 2000 when that was done.

President Mosby: I'm just saying that it's 1999 but we're not going to build it in 1999.

Brad Ellsworth: Do you have any more questions for me?

Commissioner Mourdock: You're not going to build it in any year when you do the planning.

President Mosby: Inaudible...why don't you use 2005 or something.

Commissioner Fanello: Tums?

Brad Ellsworth: Tums! Any more questions for me?

Phil Hoy: With the commissioners permission I'd like to speak to the issue. I find myself in agreement with the sheriff and with Commissioner Mourdock. As you probably know, that was accurately reported in the newspaper. I am not for, as I said the last time before you, hiring PMSI to manage this project all the way through at 1 or 2 percent, whatever that may be, but I do believe what's being recommended is the next logical step. There are things in the report with which I disagree. I can tell you this about the population because it's been my job for 14 years to follow the population figures and the poverty figures and all of that. You're not going to see a great increase in the population in this county...maybe, maybe, four percent at the most so we have to base this on our best guess which I think is a pretty accurate guess. One thing in the report that I disagree with is 700 beds because that was based on this being a University city. We have two wonderful universities, but they do not have as many students as IU and Bloomington – probably a fourth of what they have. The vast difference between cities and we do need to get around the table and we need somebody who is independent of us to bring us around the table one more time to hone these figures and to look very carefully at them. That's why I would say let's take the next step with PMSI. I do not, secondly, if that's my second point – perhaps it's my tenth. I do not think that we are qualified to do an RFP. I'm not sure; I had some problems with an RFP which I'll speak to in a moment. Mr. Hayes is a good friend of mine and a man I respect and he's just said that I've never overseen a project like this as a lawyer – none of us have overseen a project like this, and I think that's why we need to take this next step with a very professional firm. I'll just lay this on the floor, I've looked at their website and I'm quite aware that most of their contracts have gone with one contractor. I would not want to see that happen, and I would say that on any floor. We don't have to let that happen. The last thing I want to say is that we have to be very, very careful with an RFP because an RFP can be so written as to exclude some very, very good firms. Thank you.

President Mosby: You're probably right, Phil, and that's why I think we ought to write it. Anybody else.

Unidentified: I'd like to address you as a taxpayer.

Commissioner Mourdock: State your name and address, please.

Steve Davis: Steve Davis, 1327 E. Illinois Street. I've listened to you all. This is the first other than the newspaper that I heard about it and I have a question for you. If you're building a house and this guy charges you \$10,000 to show you the design of the home then your wife comes back and says, I don't like the kitchen. Do you say that you're not going to pay him to come back and fix the kitchen? It's obvious that they've got a good, rough detail from this company. They've spent \$100,000 in it. On election day I heard the same ads run over and over and over with David Mosby and Catherine Fanello shaking hands with Sheriff Ellsworth back there saying we're going to work with him to get this done. He's a fine man, he hasn't done anything to anybody in this county that nobody has disagreed with. He's standing before you saying that it's his problem and he'd like to address it in this direction. With respect to the attorney, that's the first time I've ever heard a filibuster tried at a county commissioners thing. I'm afraid that he spoke long enough to drain a lot of energy out of the room because my energy is pretty drained; I thought the recipe book was coming out next. I think you're making a large mistake, a lot of people are watching, it's getting a lot of press. There's been some mistakes made with the

Indiana Open Door Law from what I gather in the press. They've never incorrectly accused or said anything to politicians in this county because we are all brothers and sisters and cousins and former roommates in this county. I would like to see this go in a direction other than where it's going.

Commissioner Fanello: I'm going to have to disagree with you on that one, I'm sorry.

President Mosby: You lost me on that one.

Steve Davis: We're all a big family here; it's not a big county here and everybody knows each other. Everybody in this...that's why we need to go somewhere outside the county. Has anybody drove the local roads? The Lloyd Expressway...look at the Lloyd Expressway. We have stop lights every two blocks. If you don't have an independent firm come in with no interest whatsoever or any contractor or anybody's political gain or motives. They are going to give you what the county needs in a reasonable time in a reasonable stature. I'd hate to see you guys waste all the studying, I think it was 16 months, and \$100,000 dollars of taxpayers money and throw it out the door because you think they might have to tweak a few things. That's just my opinion as a taxpayer and the opinion in greatly that way in the general public. I wished that a lot of the people who said they would attend this with me, would have come. They have obligations and I would have never dreamed that it would run this late. I have four kids at home waiting for dad to come home. I'm glad to have said my piece and I appreciate you guys listening and hearing me out.

Commissioner Fanello: Thank you.

Gene Brooks: May I go next?

Commissioner Mourdock: Sure.

Gene Brooks: I'm getting older and I have to go to bed tonight sometime. First of all, I'm prejudiced. I'm Gene Brooks and I represent Ken English who, as you know, is trying to help you build a jail. I'm here with Les Shively who plays center for Evansville College. I've been listening to this and I've been talking to Ken because we want to present what we have. He tells me that will pass every guideline, federal and state, you ever saw. We may not think of every little detail you ever thought about, but it's a good jail. I've had some experience with experts and they have to be 100 miles away from home – we don't have them here. Although I heard a boy...man say here in this very place tonight, we've got a lot of brains in this town right here. He's going to figure it out himself. We don't give ourselves enough credit. I'm sure they can give us more figures; they can tell us in detail every single kind of bed we have to have; how tall it has to be; how many screws have to be in the thing; anything you want to know, they'll tell you. I've heard judges talking this week...somebody's asked the judges how many beds do we need? Why would you ask a judge how many beds you need? They don't know. They don't know how many beds you're going to need in that jail. You can ask a lot of questions, but whether or not when the questions are asked and you read them are they going to do any good is another question. I think you're going to get a lot of puffing but not much substance out of it. When you pay them, they'll provide a service for you. I don't think it's worth it, personally. I think it can be done without it. I think you've done a wonderful job. I agree with Mourdock; maybe perhaps they've performed a service to this point, but I think there comes a time when you have to bite the bullet yourself and say, "By golly, we're not too bad ourselves here in Evansville. We can

do a job ourselves". We don't need somebody looking over our shoulder every single second and tell us how to micro-manage everything we do. We've got a lot of talent here locally and I'm not going to keep you very long because it is late. You know our proposal. I've sent it to everybody, I think, that has an interest in it. They keep calling it a private jail. It's not a private jail; it's build by a private individual, Ken English. I don't care who builds this jail, it will be by a private individual and that's as far as the word "private" goes. Everything we've told the sheriff from day one, a year ago – I stood here a year ago telling you that you need to do something with the jail. We have told the sheriff repeatedly, over and over and over, we'll work with you in any way. You tell us what you think you need. We'll be flexible. We'll redesign it. We'll do anything you want to satisfy your needs and desires so long as you don't, Sheriff, build the Taj Mahal. We'll do that. What better than somebody locally that you are working with. You can trust somebody locally to do if for you. Somebody who knows the people. The citizens need to be plugged into this thing what's going on, and we need to take a long look. As the gentleman just said who was here, it's a hot topic. It is a big project, but I think it's overwhelmed all of you. I think it's new to you. I didn't think I'd ever hear Phil Hayes say he don't understand anything. He did tonight. I think it's overwhelmed all of you, the fact that you've got to do this. You've talked about it; you've thought about it; you've looked at it; you've listened; you've done everything and think, "Oh my goodness gracious, it's finally going to happen. Do we need some help?" And you're getting panicky. If you just stand back and look at it and see the picture, you can do it. I saw a thing on tv about six months ago of a town where the mayor decided he was going to quit all the stuff about studying and restudying and doing everything. What we are going to do is when I have a project, I'm just going to bring people into town and say we need new sewers, what do you think about this? You'd be surprised how many people in town knew about sewers. You'd be surprised how many people in town know about the right screws to put on something to keep it so somebody can't get out. You'd be amazed in this town. They saved thousands and millions of dollars in one year because they went to the source, relied on the people. That's what this is all about. I'm just simply going to say, and we'll furnish you all the information you want, but the project that Mr. English is proposing, as you well know, is a lease agreement. I'm a taxpayer too and I want this county to get the best jail they can get for the best price they can get. You take these numbers...you're an accountant – CPA, excuse me...I don't care if you do it by a bond issue, if you do it with some kind of a tax, whatever you do it with. Put the numbers against what he says and stack them up and look at them and see what costs the most. That's what you have to do. If you do, you'll find out his isn't as high plus the fact that in 15 years you own the thing yourself. Now we are concerned where it goes; everybody else is concerned, but we can work those things out. There's a lot of different things to consider about that. I think it's a new idea; I think it's a novel idea what he's doing and people are sometimes hesitant to accept new ideas. I think that's one thing that skipped Evansville is not going as fast as we should because we don't try new things. I think you need to bite the bullet and go forward with it as quickly as you can. As Mr. Hayes said, all we want is an even shot, fair treatment, equal opportunity. I think when we do, you'll come down and decide that we've got the best project. Thank you.

Commissioner Fanello: Thanks, Judge.

Les Shively: As far as the team working with Ken English, for the record my name is Les Shively, let me fill in some of the specifics. If you use the numbers – that is the number of beds recommended by PMSI, and you use the most recent publically

funded bond issue jail facility in this state, Johnson County, you extrapolate their numbers...bottom line is this. To do a sale and lease back versus a conventional bond issue same size facility, over the course of the bond issue or the life of the lease, you're talking about a 20 million dollar savings to the taxpayers of Vanderburgh County. That assumes the following: Mr. English can start construction post haste. There's no 10 percent contingency, there's no additional studies, there's no delay. If you look at the Johnson County experience, and by the way, they had a consultant as well, it was over two and a half years from the final design by their consultant before they were significantly through the construction phase. We can build this in 17 months. Time is your enemy. It's not only the enemy from the perspective that you've got two lawsuits in federal court causing your activities or lack of activities to be monitored. With time going on, costs increase. The sale/lease back fixes the cost today. It fixes the payback by the taxpayers for the next 15 years today. It's over with, it's done, it's funded, it's paid for. We believe that after doing the preparation that started back the early part of last year in looking at the monies that are already in the budget for community corrections, jail and additional revenue that will come from the Department of Corrections because we have a facility they can place inmates, funds that can come from the federal government who no longer builds facilities. They depend upon state and local facilities. You won't need a bond issue. You won't need to raise income tax on wage earners in Vanderburgh County to pay for the jail and you'll save 20 million dollars. It is in the words a "No Brainer". I've heard Commissioner Mourdock talk about stakeholders; the biggest stakeholder in this whole project are the taxpayers of Vanderburgh County. We have an ice rink to fund; a sewer and water facility, although it won't come from the property tax base, will come from the rate payers. We have facilities that need to be replaced that are over 100 year old providing sewer and water treatment for this community; we have the zoo; and the list goes on and on and on. We all eat out of the same trough. We can save the taxpayers 20 million dollars and do so without having to raise taxes. That's the proposal and that's the plan we need to look at.

Commissioner Fanello: Whoa, whoa, whoa. I have a question which everybody will probably kill me for asking a question.

Les Shively: Go ahead.

Commissioner Fanello: Where do we get the money to pay you every year?

Les Shively: You get the money that's already in the budget for community corrections for the jail and also from the revenue you'll get from DOC and from the Fed's.

Commissioner Fanello: What was the annual payment to you? For some reason I don't have...

President Mosby: Five point three million.

Les Shively: Approximately 4.6 million.

Commissioner Fanello: And you're saying that works into the current budget?

Les Shively: Yes.

President Mosby: I want to know what numbers you're using?

Commissioner Fanello: I'm a little confused there.

President Mosby: Get me the 4.6 million you're talking about because I'm not familiar with this.

Les Shively: Four point six, how that number is derived?

Commissioner Fanello: Um-huh.

President Mosby: Give me your numbers.

Les Shively: It's the 750 bed facility and again that would change depending on the size of the facility.

President Mosby: No, I'm talking about...I know we owe you an annual payment of 4.6 million and yours say we don't have to raise taxes that this money is already built in. Throw me the figures that you've got.

Commissioner Fanello: Where do you say it's built in at?

Les Shively: It's not built in; there's money already in the budget. Money you are spending right now in the community correction programs.

President Mosby: Give me them figures.

Les Shively: We don't have those figures.

President Mosby: How did you come up with the 4.6, if you don't have them?

Commissioner Mourdock: Four point six million is what you would be looking for as cost against your amortization, some profit and all those kinds of things. That's what they would basically lease the space for.

President Mosby: I know, I understand that, but he's saying that it's already built into the budget. I'm wanting to know where these figures are at that your talking about.

Les Shively: Mr. English with Harding & Shymanski has gone through the county budget. These figures and how he obtained those figures were presented in May when we had a more detailed proposal. Mr. English will be more than happy to answer that question for you.

President Mosby: I'd like...yeah, if he would.

Commissioner Mourdock: State your name for the record.

Ken English: Ken English, I'm sorry. Those are the actual budget numbers, and I don't have them with me now, but you have access to them. There was like 1.8 million that was budgeted to the community correction which pays for the guard. I just don't have them with me, but I've given them to you in previous meetings and I'd be glad to furnish them again.

Commissioner Fanello: I don't seem to—

President Mosby: I would like to see them because I was just kind of shocked Saturday morning when I got up and read that we had 5.3 million laying around to pay you. I wasn't quite figuring out where it was coming from. I see the no new taxes and Susan wrote the article, and I didn't know where this 5.3 million was that you were talking about.

Ken English: You know you are paying right now to operate all those facilities.

President Mosby: I understand that.

Ken English: Well, that money isn't going to go away. That money is still going to be in the budget.

Commissioner Fanello: Yeah, but that's operation cost. I think probably what we have in our mind here is kind of like a debt service type of payment. When we...we're just paying you operational cost only, we're not paying you any financing cost?

Ken English: No, we're talking about service.

Commissioner Fanello: Hum?

Ken English: You're talking about operational versus debt service, right?

Commissioner Fanello: Um-huh, yes.

Kent English: Like I said, I'd be glad to furnish those numbers to you.

Commissioner Fanello: Could you send them to me again because I've got your letter here but I don't have any of the figures in this letter.

Ken English: I'll get them for you.

Commissioner Fanello: Okay, I'm just going to add a point there. I think there's been quite a few statements over the past few days in the newspaper about raising taxes, and I just received information today and I'm going to present this information to the Council on Wednesday, but since we're all here I'll go ahead and tell you. As I am an accountant, as most of you know, I'm going to take a very hard look at the financial numbers. This county cannot afford, out of its budget, if we were to go through a bond issue to pay debt service out of the current budget. It's impossible, at this point, according to our financial advisors. That's based on preliminary information only so I'll preface that.

Commissioner Mourdock: To what amount?

Commissioner Fanello: We cannot...they were estimating, I think, a three and a half million to four million dollar debt service payment per year. I think that was on a 40 million dollar bond issue. They have given me numbers from a 20 million dollar bond issue all the way up to a 50 million dollar bond issue, but to them we cannot support carving that money out of the budget to pay debt service. There is not that capability

there. The county is not that fiscally sound. You would have to cut four million dollars out of the budget, current budgets, from every department in total to support that debt service without raising taxes. So, I guess, this is a message to the County Council, if they are willing to cut everyone's budget by four million dollars, which I don't know where they are going to get it, that is the only way that you are going to get by without raising taxes. So I want to dispel that rumor because I've read it several times in the paper, and I just received today some preliminary financial information so...

Commissioner Mourdock: So on a related subject then, I know last week you said, Catherine, that you were going to present a resolution in support of Dennis Avery's tax bill. Are you still going to do that this evening? Since it's not on the agenda has that been withdrawn?

Commissioner Fanello: It has not been withdrawn, but I do not have the resolution prepared and that is my fault.

President Mosby: I will probably word one or we'll word one under new business.

Commissioner Fanello: I'm sorry, what?

President Mosby: I was just telling him that we'll word one under new business.

J.T. Kinkel: My name is J.T. Kinkel and I'm an engineer in town and I've been speaking to the commissioners on and off since early October. I've heard a lot of things that came out tonight and I'd like to thank the English Group for at least bringing forward that there are a lot of great ideas right here in Evansville, Indiana, and they deserve some consideration. I'm not saying only the one I'm pushing. I'm not saying anybody's in particular, but I think we need to have a little self respect and know that some great ideas, especially after years and years of study, can come out of Vanderburgh County. I heard the sheriff say, the Blue Ribbon Committee produced to all of us that overcrowding is the major problem. Okay, that's the major problem. We can study long and go wrong and say we've got to fix this, this, this, and this, and throw...(TAPE WENT TO SIDE B) and quadruple the tax figure that we've been talking about. I think you can either come to the realization that we don't have a terrific amount of money to throw at this problem. If we did, there wouldn't be a problem. Money erases all problems. You have to think about the budget. Commissioner Mourdock said he would never give a budget to an architect or an engineer. Why not?

Commissioner Mourdock: That's not what I said.

J.T. Kinkel: What did you say?

Commissioner Mourdock: What I said was, I would never as a first step say here's how much money I have to spend. As a first step, I would never say that.

J.T. Kinkel: Then I retract what I thought you said, but I think that's where you need to get a budget. If you know what you want and you know how much money you can spend, that's how you get your grocery list down. You have to take some things out of the basket. I think like the English Group and our group what we've said is that we're trying to be the facilitators. We have, I don't know if they've given you a picture, we given you a picture. It has cost data; it has logistic explanations. It's a

design that can be put forward immediately. If that's what you have to have, immediacy and tax savings, that's what we've been proposing the whole time. You're nodding your head that's not what you need.

Commissioner Mourdock: No, I agree, that is not what we need. We do not need immediacy, Mr. Kinkel. In my opinion, we need a plan. You said it a moment ago, you said, "As soon as you know what you want". Judge Brooks said it a minute before, "As soon as you know what you want, tell us what you want". My frustration right now is this board does not know what we want other than "We want a new jail, we want a new jail".

J.T. Kinkel: To solve the overcrowding. Am I overstepping that? You want to solve overcrowding and that is what the law says you have to fix.

Commissioner Mourdock: That's simplistic. One of the first things we learned with the Blue Ribbon Committee was the jail overcrowding is not simply the problem, it's the symptom of the problem. The point that that is true has been made in the fact that we've consistently reduced the number of people in the jail and the number of days they stay in jail.

J.T. Kinkel: And you did that without building a new jail.

Commissioner Mourdock: That is correct. We did that without building a new jail which is why that \$100,000 was a good start for us.

J.T. Kinkel: So do you no longer need to build a new jail?

Commissioner Mourdock: No, of course we still need to build a jail because the steps they've taken have still got us while we are, above 100 percent capacity, at least we are in the point where we have a deal as we presently have with the Indiana Civil Liberties Union to buy us some time. The clock is running; we have to build a jail, but it would be the worse thing I can think of to build a jail without a plan. There's something far worse than building a 40 million dollar jail, and that is building a 40 million dollar jail and two weeks later it's overcrowded. And that's happened. It has literally happened in other counties in Indiana. That's why we need a plan. All I'm arguing, and I'm sorry to be losing my patience here, all I'm arguing is PMSI has the capabilities of working with our stakeholders to give us what we started this whole discussion about, a schedule which Catherine asked for. We have to get to the point where we have a schedule.

J.T. Kinkel: A schedule was delivered October 20, County Council meeting.

Commissioner Mourdock: No.

J.T. Kinkel: Inaudible chart.

Commissioner Mourdock: The schedule...

J.T. Kinkel: Was it not?

Commissioner Mourdock: Not that's been acted upon, no, because we haven't gotten all the stakeholders involved with it. This board has to act on it, and the faster we can get there, the better off we are but we need a schedule. We need to know what we want and at this point, we don't know. I can start the questions: Do we want

it 40 percent female or 42 percent; do we want 10 percent maximum security, 20 percent, 30 percent; should we limit community corrections to 245 or 300 as one of the judges said in his response in a questionnaire or should we take it down to 125?

Commissioner Fanello: Okay, then I'm going to ask this question right here, why do those questions...why are those questions answered now? Why do those questions...what do those questions have to do with building a facility that is, let's go with PMSI's recommendation, 500 beds expandable up to 750? Why wouldn't you get into those decisions whenever you're...if you've decided to bring a design team on board and you start planning the facility, why do you...are you saying you're going to put those specifications in the RFP?

Commissioner Mourdock: Yes, absolutely. Where else would they go? I mean, you're not going to bring a design team on board to start to design something that you don't know what you need. That's what PMSI does versus what an architect does. Even an architect who specializes in jail construction, and I know there are certainly some fine ones and they've paired up with local architects, quite honestly, I don't care who the architect is. You know, the thing I like about Mr. Kinkel's plan is it's over here where I think it ought to be – in this parking lot over here.

J.T. Kinkel: Can you add that it's inexpensive?

Commissioner Mourdock: Pardon?

J.T. Kinkel: Can you add that it's inexpensive also?

Commissioner Mourdock: I don't recall the cost and maybe I would if I recalled it.

J.T. Kinkel: It's inexpensive.

Commissioner Mourdock: But the point is we have to know those things if we're going to hire an architect. If you were going to hire an architect to build a house, would you just say, "I want a house plan" or would you say, "I'd like a two story house, I'd like a bathroom on each floor, I want a great room, I want a basement" or do you just say, "I want a house". That's the difference between this week and last week when I voted to go ahead with the RFP for Burdette Park because we were far enough down the road that when you saw the RFP it says 16,000 square feet, it says it wants a rustic log type structure, it says it wants a fireplace, it says all these different specifics that that group worked through. It was a very simple process compared to this one but it already had those things known so it could put them in the RFP. At this point, if we put out an RFP, again the questions we've gone back to, we don't even know all the right questions and we surely don't know the answers. We need professional help with this folks.

J.T. Kinkel: If I could add something to that, if I were building a house, I would need to know what my budget is.

Commissioner Mourdock: Absolutely.

J.T. Kinkel: If you don't know that, what good is the RFP?

Commissioner Mourdock: Again, I'll use the example...the first step, I'm not saying

the budget isn't important, I'm saying it's not the first thing I would give to the architect. Certainly, you're right. If we're going to build this house, we know in the back of our heads what that range is that we can deal with.

Commissioner Fanello: I think Mike Shoulders wanted to say something. He's been trying to get up a couple of times.

Mike Shoulders: Thank you. I had planned to sit quietly and listen tonight but I'm kind of like brother Pat, whenever I see a microphone, it just kind of sucks me right in.

Commissioner Mourdock: Kind of a genetic thing.

Mike Shoulders: I just want to echo what Judge Brooks said. I think there's a heck of lot of local talent in this community that needs to be drawn on. I heard something the other day on the walkway. I don't know PMSI, I don't know who they are, never met them, never read their report, never did anything like that, but I heard on the walkway from a reliable political person...

Commissioner Mourdock: There's an oxymoron.

Commissioner Fanello: Yeah, where did you get that?

Mike Shoulders: We heard from this gentleman over here that this consultant shouldn't be tied to contractors and we heard from another source, I think the sheriff, the consultant shouldn't be tied to architects. What I heard was that the last four or five projects that PMSI was involved with has the same architect. I think they even threw a name on the street which was RQAW. Now, I don't know if that's true or false and I'm not up here to accuse anybody. What I'm up here to talk about is the local architects, and believe me there's many of them here tonight – they came out of the woodwork. We just want a fair shake and a fair shot at this. We're taxpayers here in this community. We have buildings downtown. We have supported the commissioners. When I did the Centre, the RFP was written by none other than Richard Mourdock without any help, as I understood it, from the other commissioners. So it just shows simply that the commissioners are capable of doing some of that work. Now, again, I don't want to be quoted about anything regarding PMSI. I want to be quoted as requesting that the commissioners check out all credentials, check out all ties of all prospective consultants, and give us local architects a fair shot at the job. That's all I can ask for. Thank you very much tonight.

Commissioner Mourdock: Thanks, Mike. Let me clarify one thing. That's true what you just said, but you will recall it was after we'd had a lot of input from a lot of people and unlike the jail, this is a good statement about this community, we had all kinds of people who came before this board over a period of years to tell us what they wanted in the Auditorium and the Centre because they knew first hand what they wanted. We don't have a lot of first hand people who know what the jail ought to be, and that's a good thing for the community. We don't have a lot of convicts walking around.

Commissioner Fanello: I've never spent a weekend.

Brad Ellsworth: I'll be brief again. I wasn't brief last time, was I? Never mind. I'll be brief this time. A) Every architect in the room somebody will be looking over your

shoulders. Whether it's one of those three or myself or somebody we hire. I can promise you that because this is too important. I don't care if you go with the Ken English plan or the Kinkel plan or whatever, but it's got to work. I think the architects need to wait for an RFP and then we put it out. Instead of them trying to tell us beforehand and start, the architects need to wait for the RFP and then see if they can meet what we want. I've talked to J.T. Kinkel as much as anybody, probably. If we say...I've seen the tower, I don't know if that includes community corrections and juvenile. We haven't decided that yet from what I know so how is the Kinkel solution going to work right now? We need to tell them what we want. What this county wants in a jail. The reason it's important – cells versus females – I had the experience a few months ago when we had 412 inmates when I had to close down...female populations in jails is exploding due to crack cocaine and the ramifications that go with that. I now have to move all the males out of a male cell, and I have to keep them sight and sound separate, if you want a uni-sex jail, I don't think that's going to work, then I've got other lawsuits. But moving all the females and males down and further crowding a male cell because I didn't have enough female cells is what I'm going through right now and experiencing because that's the things we've got to discuss in these meetings. What's the trends in females; what's the trends in males; what the trends in tuberculosis, hepatitis, all those things, how many medical cells? They left, and I hate to talk about them after they left but Les talked about lawsuits and building the skating rink and zoo. Nobody got sued because they took Bunny to Tennessee and nobody's gonna get sued unless somebody falls and breaks their ankle on the ice. I don't care about that. We get sued – we've got three lawsuits pending – we get sued everyday. Phil knows that. How many jail lawsuits...most of them are bogus. Most of them are doing a great job up there and they happen all over the country. I'm sure not going to base this project on that the city is building a zoo or an ice rink. That has nothing to do with this. I wish they would have stayed around because I don't want to talk behind their backs. That's the areas I think we need help on, and I'll stand by it. It's not another study, it's help going from this point forward until we decide, what you all decide, is there a use for them; is there not a use for them going forward? Like I said, I want to tell the architects what we want, not let them tell us what they can build for us.

Commissioner Mourdock: Right.

Brad Ellsworth: I'm sure any architect in this room could build this jail or they've teamed up with somebody that can. I'm looking forward to it, but we need to get what we want and have the builder or architect build what we want. Whether it's the English Group, the Kinkel Group, RQAW. Let me dispute one more thing and like I said, prove me wrong and I'll apologize. I heard the same rumor, and it wasn't on the walkway, but I heard the same rumor you did, Mike, about that Shepler's tied to RQAW. That was one of the things we were pretty careful about when we picked PMSI. That they weren't tied to anyone. If the customer decides, and like I said, unless I'm really naive which I've been accused of being, we are going to pick the architect. It's not going to be somebody that Bill Shepler or PMSI tells us who to pick. If those...I've seen a resume of PMSI and they had 25 different companies on it. Some were RQAW, some were Shinkel/Schultz, some were...I met a guy that came in with Mr. Hafer, is Mr. Hafer still here?... who came into my office there and they'd worked with them before – the gentleman that came in with him. If there is some kind of secret society here of RQAW and PMSI, I don't know about it and I've been in investigations for awhile. If I'm wrong, I'll apologize, but I don't think that's going to be a problem. If they recommend RQAW and we say we want to go with HOK, if that's one of them, we're going with HOK. You all go with HOK. I'm

confident of that.

President Mosby: Anybody else? I was pointing behind...let me...

President Mosby: Bill.

President Mosby: Go ahead, Bill. I'll let you come up.

Bill Shepler: Bill Shepler with PMSI. I'm kind of sitting in the corner here. I am going to be very brief. My job is very much like your attorney's. I work as an advocate for you. I make recommendations. I'm sure your attorney has made recommendations which you haven't accepted and you've done something else. We live with that all the time. We'll give you the choices and options and we understand that. We have developed jail projects, and we have developed juvenile projects, and we have developed community corrections projects. This is not the first one. We have financed projects of those same types plus others. We know how to save you money in this process. I'll guarantee that. If you talk to our clients, we have saved them millions of dollars. Most of our clients would tell you that they would not start another project without us involved in it. That's a very good recommendation, I think. We have worked with judges on projects who were under pressure of the court. We know what that's like. You've already, tonight, heard fruits of this study. There was a comment that you were presented a grant. One of our recommendations was to re-write the grant. That you are seeing. That in itself, if comes, it's about a million dollars. You heard from Mr. Perry this evening on the YCC contract. That was a recommendation from us. The idea from the judge on starting a day reporting. Those are all things that we identified in our report and have been carried out. I feel very, very good about what is happening here with the work that we've done. I feel really good about that. We know what decisions need to be made and when. I'll guarantee you that. You don't have to make them all tonight, but you do need to put together a plan to answer the questions of when you need to do that. We are here without a conflict of interest. RQAW has done several projects with us; the commissioners chose them. I get accused of that quite often. Currently we have four different designers working on projects and each and everyone of them the commissioners chose. Sometimes people have different choices and I very much advocate you choosing someone in the design area that you are comfortable with. That will be primary. My job in that role is to make sure you don't make a wrong decision. That if somebody there that I think is putting your project in jeopardy, then I need to let you know about that. We have the background, we have the experience, and we know we can help. We understand the budgets and I've got to really say from a lot of people who have spoken here this evening, I appreciate the support. It's very, very much appreciated the things that Commissioner Mourdock has said, things that the judges have said, the sheriff and Mr. Hoy, I really do appreciate that. It's nice to work among friends and we'd like to continue.

Richard Helzerman: My name is Richard Helzerman and I'd like to speak to you today about the problem of jail overcrowding. With regard to this...what I want to talk to you about is the headlines today. It says, "Wanted, courtrooms in the new jail." I would like to say one thing. If you would do what Mr. Shepper's recommending, where is he? Mr. Shepper's recommended to you and the judges all agreed – every single judge, did they not sign that they would try to do what you recommended? They all said that. It was all public record. At least of bunch of them did. He recommended that you implement a pre-trial release program. Did you not? You did. A pre-trial release program. If you implement a pre-trial release program and every one of you gets this report. Look at the back of it on the last page "Inmates

by confinement Reason". Now you heard somebody say the population of the jail tonight was 287 or 69 or something like that. One over the capacity but the latest one...once a week I get one...and it says that there was 302 in the jail. One hundred and fifty-three of them are in the pre-trial felonies. The reason the pre-trial felonies, you can see all the rest of the place you have a few number, but in the pre-trial felonies you have a whole bunch of them and most of them are there because they are too poor to raise their bail. If you had a pre-trial release program, you could cut this number down by at least one half and probably more, and the jail would not be overcrowded. You still need to build a new jail because all the standards have changed. I'm not saying you don't need to build a new jail, but if you can get these numbers down, you can take your time and do your studies and do everything in the proper way, but you've got an emergency. It's an emergency situation. If the house is on fire, you may not call a professional piano mover to move out your piano. You may get it out of the fire any way you can, and your fat's in the fire for twenty years. I'm sorry, I don't like to talk about Mr. Brooks, but he could have had a new jail in here with one stroke of his pen. He had perfect control over it and the minute he gets off the bench, he's making a profit or getting commissions which is a conflict of interest in anybody's book that thinks about it. I hope...it's a nice idea that he's got and his numbers are certainly better than Shepper's about how big your jail should be. If you would just do...you paid \$100,000 dollars and all the judges signed off that they would do what he recommended – they all did. He recommended a pre-trial release program and you haven't done it. I offered a pre-trial release program for one person; one judge refused it; a second judge accepted; and a third judge confirmed it. So I've offered one to you. It's very simple – six bucks a day and I'll administer it for you. It would be better if it was administered by the courts and you had professional whatever, people, doing it. What I want to talk to you tonight...my name is Richard Helzerman and I've come to talk to you about the problem of overcrowding. The headline in the Evansville Courier and Press today reads, "Wanted, courtrooms in the new jail". It quotes Magistrate, Jill Marcrum who is President of the local Bar Association and a Magistrate of the Vanderburgh County Superior Court. She says, "If we had court rooms in the new jail complex, those inmates won't be exposed to the public. Now Indiana law requires that all the courtrooms for the Superior Court be in one building. It would be illegal to put a courtroom in jail unless the law of Indiana were changed. If you're willing to entertain some kind of a proposal like this, that the law of Indiana has to be changed for, then what I would like you to do...if you're willing to change the law of Indiana then you should ask our legislatures to make two more changes that would completely end the problem of overcrowding. The first one is if the accused who are indigent were released on their own recognizance, the jail would not be overcrowded. That 153 people here, the majority are just too poor to raise their bail; their bail is unreasonable. They're indigent. They've already been determined to be indigent because they have a public defender. This could and should be made part of a law because the Constitution requires it. A second change in the law that would end overcrowding would be to treat each defendant as if he has filed a request for a speedy trial unless he explicitly denied the right. Anyone who asks for a speedy trial is suppose to be given it in 70 days or they're released on their own recognizance until you can get around to giving them a trial. That's a Constitutional right to have a speedy trial. If this were put into place, the jail would not be overcrowded. In this study 302 are there. Of these 153, 54 have been there more than 70 days. If they got their trial in 70 days, they'd be on their way to the state or they'd be in a different category. They'd be felons awaiting sentencing not in the felonies before trial. That would take you down to 248 which is below the capacity of the jail. Mrs. Marcrum is correct in pointing out that there is a need for more court space. I appeared

before the previous council on this point. I estimate that Vanderburgh County needs 20 judges and 20 courtrooms for criminal cases alone. This would require a new court building but the law requires that all the courtrooms be in one building. The article goes on to quote Sheriff Ellsworth, Judge Pigman, Judge Heldt as supporting the idea of courtrooms in the jail. Here is a glaring example...now we don't expect that the sheriff is going to be a lawyer, but these other people are and they should know the law. The sheriff is still in charge of enforcing the law. Here's a glaring example, the sheriff, circuit court judge, a superior court judge, and a superior court magistrate, all of whom should know the law advocating something that is against the law. If the judges knew the law, and this is what I'm saying, if the judges knew the law and gave the defendants their Constitutional right of a reasonable bail, the jail wouldn't be overcrowded. Here is an example. I'm not a lawyer, how can I accuse the judges of something, but here's something you can look up the law yourself. I have a copy of it here, you don't even...but if they knew the law, they would enforce the defendant's right to a reasonable bail. The jail would not be overcrowded. You are advocating that we hire Shepper's to do another study based on the fact that he can talk to the judges. When I come in here and asked you for permission to talk to the judges, you say that you don't have the authority. At any rate, that's all I've got to say. Here's IC33543-10 Section 10. The Vanderburgh Superior Court shall hold its sessions in the Vanderburgh County Courthouse in the city of Evansville, the state of Indiana or its replacement. Now the Indiana Constitution Section 16, excessive bail shall not be required. Section 17, murder or treason shall not be bailable. There's not more than eight people in your jail charged with murder. The other 150 should be out on a reasonable bail. The U.S. Constitution amendment 6, in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Please don't put the courts in the jail. Bandy v. U.S., no man should be denied release because of his indigence. It's a terrible shame to waste the taxpayers money on a jail that if the people would only do what they're suppose to do, the jail wouldn't be full. Thank you.

Commissioner Fanello: Thank you, Richard.

Troy Tornatta: Troy Tornatta, County Council. Hi. After listening to some things and, of course, I came on after PMSI. I believe that we ought to seriously think about asking PMSI to give us a listing of services that they would execute, if we were to hire them. Find out a cost on that; let's make an educated decision.

Commissioner Fanello: They have.

Troy Tornatta: I would appreciate if they would get in contact with me on that since I'm kind of the party left out. We have to decide also a location with positives and negatives associated. I think that some of those have been proposed. I know we've thrown out back 40. I know J.T.'s got a plan where he's going to put and I'm sure that Ken English has a plan where he's going to put it, but we need to find out the positives and negatives that are associated with that. I think that you talk about real estate. You talk about location, location, location. I think that's a very valid point. I have a hard time thinking that PMSI would pull the wool over all the elected officials eyes that have hired their services before. I'm not saying that this is a professional organization that we should necessarily live and breathe everything they say, but I think that they were hired to do a job; they did their job; there are some parts that were not necessarily in everybody's favor. I think over the long haul they were able to persuade a lot of people to sign on and believe what they said, and that's just looking back at the report. Like I said, a lot of people on both sides are in favor of what they looked at and some of their decisions. I agree with local use of services.

I think some of our best resources are here in Evansville. I know everybody has their ideas, but we must make those decisions and I believe via a professional source – whether it be PMSI or somebody else, but let's don't reinvent the wheel. I think we've talked about that. We need to set the table for the professionals building the facility. I don't believe we should come in...I believe there are certain issues out there and certain buildings that have been proposed, but I think that everybody has to keep their brains in motion and keep their eyes open and not be set on any certain plan. If the location is wider than it is long, how will we adapt it to that? If we have a triangular position we have to fit it into. I think we need to consider that and not be so set on the building. I think in my estimation after listening to some options, some of that can be ascertained by a professional – like you said about facilitator– I'm not sure about a facilitator but by professional people who have done this kind of gig before and allow them to give us some guidance. I believe that's where we stop. I believe that the guidance is what we're after. Thank you.

Commissioner Mourdock: Thanks, Troy.

Bill Shepler: I'm going to come back and talk to the previous gentleman. Yes, we did recommend a pre-trial diversion and that's pulling one piece out of this report and taking it to the extreme. We also included in that report that in your felony no-shows, warrants, has increased 700. Most of those people are in jail because the judges are convinced that they will not show up to trial. Yes, you need a program, but one of the most alarming numbers that I've seen is the drastic increase in felony warrants. These people were released and did not show back up at the jail...excuse me, court. So you can't take one piece of this and say, Gee, we need a...yes, we do and we stand by our recommendation but you can't say that half of those people are no longer going to be in the jail when you do that. That is absolutely not true. It may reduce a few, but I think the judges in their current way are giving every benefit of the doubt to people that they believe will return when their court date is set and they are doing that. So that's an issue. Second thing is courts in the jail. Yes, I can with my shoes off and hands, can count very quickly counties where their courts aren't in one building – real quickly. That is the norm not the exception in Indiana. The state tells you when you're going to get a new court; you don't decide that, they tell you when you're going to get a new court. When they tell you, you have to find a place to put it. Most of the time counties are in the same position that you are. That doesn't mean that they go in the courthouse per se. Yes, we did recommend a courtroom in the jail. It is an arraignment court and a video court. Totally different reason. The reason for that is to reduce the number of movement in prisoners. Why? Because it costs you money to move prisoners. So the idea here is not to break Indiana law, the idea here is to reduce your operational costs in a jail. You need to do that because that's the one that goes on forever. If you look at the cost of a jail over 20 years, 80 percent of that cost is in people/operating, 10 percent is in fixing the doors and everything, and 10 percent of it is in building it. The cost that you're going to incur in this jail is not building it, it's operating it over the next 20-25 years. So just a word of caution, you can't take one piece out of context and begin to draw extrapolations that this is a given or that's not a given.

Brad Ellsworth: I'll go one last time.

Commissioner Mourdock: You'll be brief.

Brad Ellsworth: If you beg me, I'm not coming back. I'm going to echo a little of what

he just said. These people aren't in jail...I think Mr. Helzerman said they're in jail because they can't make bond. That's not true. They're in jail because they committed crimes against persons, against property, they strangled their girlfriend, they cut the person and distributed then in three different counties. They're in jail because they stole the lawnmower off the back porch. They're in jail because they sold drugs. That's what our society says that we do as the police, go out and arrest them. Do what Mr. Helzerman says and you can pretty much take these badges and really cut the budget and do away with the Sheriff's Department, City Police and all that, and we'll just let the country run wild or county run wild and all that. Again, we have over 6,000 outstanding warrants – probably closer to 10,000 outstanding warrants in Vanderburgh County. Those are people that if we had all the time in the world, we'd go out and police them up and then you'd really need a big jail. The first time this person is out on bond and the officer up in Princeton or Petersburg that got shot by the guy on bond. He was out on bond and he shot a policeman in the forehead and killed him and left his child and wife. So I'm not going to buy into this "roll the doors open and let them all out". I've listened to this for several weeks in a row. I read in the paper again this morning about the courtroom in the jail. People go to trial and we don't even put them in the orange jumpsuits for the perception that the jury might think they're guilty. Now we're getting sued because we had a rack belt underneath their jumpsuit. We do a lot of precautions to keep people from perception. Surely, the people don't think that we're going to have the courtroom with bars around the sides. I've been in enough jails and toured enough jails that this is disguised. This building is attached to the courts. Our jail is attached to our courts right now by a hallway. I've never heard one thing overthrown because they come down this...I think it's right out there, if I remember correctly...that we've walked them over there across the hallway over to the courts – it's attached. That's what we're talking about. It will be a shorter hallway, hopefully. We're not talking about taking the judge into the jail cell and holding trial on the picnic tables and one of them sit on the commode. It's not going to happen. I have enough faith in these guys that they can design something better than that.

Jane Laib: We need to do a tape change.

TAPE CHANGE:

Commissioner Mourdock: Maybe I'll bring some closure to this then, if everyone has spoken. You've heard my piece, you've heard a bunch of office holders come up here tonight. Brad started his statement off by saying that D's and R's don't count and I think that's certainly one of those cases because among all the D's I'm very much a minority here. All those D's have come forward to say that they think PMSI has done us a good job and would continue to do so. I will, once again, make the motion that we direct the county attorney to hire PMSI at their hourly rate of \$110 an hour to define for us a basic scope of services for planning, not to do another study but for planning, so that we can continue to move this process forward.

Commissioner Fanello: Okay, now I have a little speech which is probably the toughest speech I'll give but, I guess, there's an election in four years and you can vote me out. This commission is responsible for making some decisions and I want some decisions made. I want to know: Do we accept PMSI's recommendations that have been made in the study? Is this a single project or is it a multiple project? I want to know from the board what sites they are considering? I want to know if court space is going to be a part of this project because I'm going to tell you right now, I'm not going to approve any project without some consideration for court space. I want to know when we are scheduling public hearings? I want to know when some of

these commissioners are going to tour some facilities? I want to know...there have been two proposals laid out from the public, one from J.T. Kinkel and one from Ken English. I want to know at what point in time we either say we are interested in their proposal or we're not interested in their proposal? I think every proposal should be considered. Then I say, at the same time, we need to go ahead and send out Requests for Information and solicit some information from interested design firms. I also would like to see a working group formed that will receive some of this information and be the lines of communication between each of the departments. I'm going to tell Sheriff Ellsworth that if you think that you need to hire PMSI, please do so through your department, but that is the way I feel right now. I spent some time with PMSI yesterday. I have struggled with this thing for the past 24 hours. I do not feel comfortable with the way it's going and these are my recommendations that this commission make some decisions and we come up with a schedule and we initiate some communication. I believe the sheriff needs to do what he feels like he needs to do.

Commissioner Mourdock: You realize that the sheriff cannot issue a contract with PMSI?

Commissioner Fanello: He cannot hire on a contractual basis?

Commissioner Mourdock: No, only this county commission can enter into a contract.

Commissioner Fanello: Then I'm going to say at this time that we need to answer some of these questions and until some of these questions are answered by this commission and when you're ready to answer some of these questions, then maybe we look at that again. Like I said, I want some of these questions answered and how we're proceeding? I want to know when we accept some of these recommendations that these people have made out here and at what point in time we're going to rule those out? I want to know, like I said, what sites we're considering? Is court space a part of this project? I can go through them all again but I think we need to work on a request for information from other design firms too.

Commissioner Mourdock: I understand those are all valid questions, Catherine. Let me try it another way because, again, all the things you just described, virtually all of them, are the things that all night long I've been saying, or trying to say, that PMSI can help put us in a position to answer those questions. So let me modify my motion. I would move that this board direct the county attorney to negotiate a contract for PMSI at an hourly rate to resolve issues regarding location, regarding specific courtrooms or additional space other than simply jail holding space, regarding community corrections issues as being coupled with the jail or in regarding the coupling of juvenile detention with the jail, and to produce a schedule by which this commission would act to hire an architect and begin construction.

Commissioner Fanello: Okay, let me ask you one more question. If PMSI is not hired tonight, how are you going to proceed?

Commissioner Mourdock: If and I presume by that you're saying if PMSI is not hired at all, in other words, not hired this week – not hired next week – not hired the following week. If we do not bring, and if this doesn't answer your question shoot another one at me, I'm trying here, if by bringing a professional into this mix, we are making an error then I want to error very badly because I guarantee you, by not bringing a professional in, we are making a terrible mistake. So if we don't bring a professional into this, I honestly don't know what to do because I don't want to say

on the record and be a part of the group here who's forming an RFP to put out the biggest project that this county has seen in decades based on very little background knowledge. That's not an affront to the two of you anymore than it is to me. I don't know whether we need a modular jail or a direct supervision jail. I don't know if it should be 22 percent maximum security or 28 percent. I don't know those questions. That's why we need a professional consultant to make the recommendations from which we can intelligently act. Right now, the best I could do without the help of a professional consultant is take a guess at those figures. I think that's being unfair...someone made the comments earlier, I think it was Les Shively, that the biggest stakeholder of all is the taxpayer. How can three part time people, who are not professionals in an area that requires great specialization, make very big decisions that are going to impact those taxpayers?

Commissioner Fanello: And I'm going to ask myself why in the world did I spend 12 months and, as the newspaper reported, \$484, 000 dollars to win this seat?

Commissioner Mourdock: We all wonder that, and I didn't spend near that much and I wonder that much for myself, too, especially on nights like this.

Commissioner Fanello: That's jointly though. But I'm saying, I was elected to make some of these decisions and I feel like we are putting these decision on a third party.

Commissioner Mourdock: Let me ask you a question.

Commissioner Fanello: Okay.

Commissioner Mourdock: Is it your intention as a county commissioner to make decisions on the best informed professional knowledge or upon your gut hunch?

Commissioner Fanello: Well, professional knowledge, but I think I want to approach it in a different manner.

Commissioner Mourdock: In what manner are you going to get good professional information? You're telling me you're not going to hire PMSI, or I'm presuming that from this question, so what you're telling me is you're going to hire somebody else so then we are going to reinvent the wheel and throw away much of the \$100,000 we've already spent. That's where the argument breaks down in my mind.

Commissioner Fanello: I don't think that we are because why aren't we building on the study that we have? I guess, is my question.

Commissioner Mourdock: That's what we're trying to do. Again, we're not doing another study. Sheriff Ellsworth said it very well, we are not hiring PMSI to do another study; we're hiring PMSI to begin to implement the details of a schedule and a plan. That's a far different thing than doing a schedule, in my book. Go ahead.

President Mosby: I'm going to answer your question because I'm going to go off this study that I paid \$100,000 for, so I'm going to consider that the professional information.

Commissioner Mourdock: Okay, are you going to do modular or direct linear jail?

President Mosby: The sheriff has an idea on that so I'll probably look in his direction on that?

Commissioner Mourdock: Do you, Sheriff? Do you know if this should be a podular jail or linear jail?

Brad Ellsworth: Neither.

Commissioner Mourdock: Meaning you don't know?

Brad Ellsworth: No. Neither. In my limited travel thus far, I like the idea of direct supervision. I'm not 100 percent sold but that's the things I want to explore. Right now, if I had to say...if you told me to pick tonight, I'm going direct supervision. I'll be calling sheriffs and you all should be calling commissioners and asking what should we build?

Commissioner Mourdock: What percentage should be maximum security?

Brad Ellsworth: I don't know.

Commissioner Mourdock: What percentage should be male and female?

Brad Ellsworth: I'll answer I don't know for the next two or three questions you're going to ask me.

Commissioner Mourdock: Yeah, because we don't know! We don't have any basis—

President Mosby: Well, Richard, maybe it's something we have to decide.

Commissioner Mourdock: But how do you make the decision if you don't have the information? That's what I'm saying. We need to pull information into this process, and how can we better do it than having a professional who's done it many times before.

President Mosby: If we don't have the information and he don't have the information, how is Bill Shepler going to pull it out of the sky?

Commissioner Mourdock: He's not going to pull it out of the sky. The basis of his experience is not the sky!

President Mosby: Is the basis of his experience on this jail right over here in Vanderburgh County? Has he spent all his life here?

Commissioner Mourdock: No, but he's spent part of it here.

Brad Ellsworth: I'll sweeten this pot and I didn't want to do it because I'm the tightest son of a gun.

Commissioner Fanello: I've gone through my thing of Tums.

Brad Ellsworth: At the risk of sounding like the sheriff has a ton of money, I don't, but I feel strongly enough about this...and I'll take PMSI other than they've got the history with us. If you all sign...I agree, I can't sign that contract...if you all agree to hire...and for my piece of mind...if we're all going to work together on this and my expertise, I will fund you all's contract not to exceed \$50,000 dollars out of the jail commissary where the inmates can pay for their jail through their Bama pies and

Double Cola's and telephone calls. Like I said, I wouldn't want it to exceed that because that may be cut in the legislature here in the near future. I fund a lot of important departmental stuff...I funded, I think, 40 percent of the last study and I will fund up to not to exceed \$50,000 dollars of this planning out of the sheriff's commissary fund. That way, you're not out anything and it might help me and I can bring you suggestions. I don't know if that—

Commissioner Mourdock: I'll withdraw my prior motion then and I will try this one. I would move that we enter into a contract with PMSI on an hourly rate of \$110 dollars an hour not to exceed \$50,000 dollars for the purpose of providing the type of information I defined in my prior motion, and I'll say it again if you want me to.

Philip Hayes: To anybody? To whom? To the sheriff?

Commissioner Mourdock: To who?

Philip Hayes: You want the advice provided to whom? To this body?

Commissioner Mourdock: To the county. We are acting as the contracting agency so yeah, the information would ultimately be provided to us to give us information regarding the scheduling, location, necessary types of information we need to determine what type of jail it should be, what the percentages of beds should be male to female, maximum security to minimum security, whether or not community corrections should be involved and those types of issues up to \$50,000 dollars.

Commissioner Fanello: Can I ask one more question?

Brad Ellsworth: Should I stay up there?

Commissioner Fanello: I really don't know who it's for, maybe it's for one of these architects, I don't know. Are those not questions that you talk about once you're design team is on board? Just anybody who wants to answer that. I think that's a valid question.

Joseph Mraic: My name is Joseph Mriac. I'm vice president and principal architect of RQAW Corporation. My company's name has been taken in vain quite a bit tonight and I want to point out to Mike that I don't have horns or a tail, but I have designed over 40 county jails in Indiana.

Mike Shoulders: How many have you worked with Bill Shepler on?

Joseph Mriac: Oh, three or four jails.

Mike Shoulders: Is that all, four?

Joseph Mraic: Yeah. I think the answer to the question is that there is more than one answer and there's never one right answer all the time. I think that what you're wrestling with is a huge undertaking and, I think as somebody said up here, a very daunting task. I think what you need to do is make a decision that makes you feel comfortable – that makes you sleep better at night. Now, one thing I heard a lot of ...people standing here was...you've been told a lot of misinformation tonight. It's very difficult for you to sort out what is truth and what isn't truth. You haven't gone through this before and you don't know who to believe. I think what you need to do is you need to hire somebody who's gone through this before, and I would

recommend that you check references. It was also mentioned up here before that people that specialize – like I said, I've done 40 county jails. I've not done number 16 or 37 or 40 by pulling the wool over somebody's eyes. These people check references and we have a track history that you can check on. I think that's what you need to do with whoever or however you proceed. The question on where the jail is going to go can be answered at a couple of different points. It can be answered now because the second biggest decision is where is this thing going to go? Because it's always "not in my backyard" is the answer. You also need to decide how big is this breadbox? Is it a one story building? Is it a multi story building? How does that decision affect staffing costs which was stated earlier? Staffing costs represents 80 percent of the cost over a 20 to 30 year period. That is true. The decision of the site can't be made in a vacuum. They have to kind of be made all together. The issue of community corrections and all these things addressed in the study cannot be made in a vacuum. The issue of do we do a podular jail, a linear jail, a direct supervision jail? That is, I don't think, a decision you can make tonight. It's a process. I'm probably correct in saying that I'm the only architect in this room that's ever designed a direct supervision jail. There's only one in the state of Indiana. So what you should do is go talk to those people and say, "Why did you do" ...and I'll tell you, the people that made that decision aren't there any long. That was 13 years ago or so. Then you have to decide, the people that are going to adopt this jail and operate it 15 years from now, will they buy in to the same decisions that you make today? I don't think really that you're in the position to do that yet. I think the answer to some of your questions is the more you can do up-front before you bring a designer on, the better. I think most of the decisions are best made with the designer present, at least as a participant because going back to the example of site whether we do one story or multiple story, a designer...the whole operation of a jail is all based on design. How many staff it takes to supervise...one architect may design a 500 bed jail that takes 35 people to staff it and another one might design one that takes 85 people to staff it – it's based on design because they kind of go hand-in-hand. A lot of the things the sheriff said make sense. I like a lot of what he says. In going through this process, I would talk to other commissioners and ask them if they had a consultant on board? At what point did you make those decisions? Did you make all these beforehand? Are you glad you made the decisions the way you did? I think that would probably make it a little easier. In order to get proposals from architects, you need to have all the parameters defined. Your first step is basically to get qualifications. You want people who have been through it before. You want people who have been through it successfully, before. I think the key is that if you need guidance to go through this process, if you feel that you need to, hire it. I don't care who it is. The issue about every jail that PMSI has done has been designed by RQAW is not true. You can contact clients. That isn't true. The thing that a consultant will bring to you is the experience to do next and that's your difficult thing right now – what do you do next? I think you need somebody whether it be the architect or a project manager like PMSI. I would bring on someone to help you through the process.

Commissioner Fanello: I want to say that I want a chance to interview several consultants and pick one then.

Commissioner Mourdock: There's a motion already on the floor in regards to the \$50,000 maximum.

President Mosby: That didn't get a second.

Commissioner Mourdock: I'd like you to say it for the record then.

President Mosby: Okay, it didn't get a second.

Commissioner Mourdock: Okay.

Mike Shoulders: Since Mr. Mriac got to do his sales pitch, I'll do mine. We work projects all the time that have in the front in what we call a feasibility study which is the document that you received from PMSI. When you select an architect, an architect very, very rarely takes everything in that feasibility study literally, accepts it as the gospel, and moves ahead. We have a process called program verification. Program verification entails interviewing all of the stakeholders, as they've been called, trying to verify the numbers, projections. When we worked on The Centre, we had a firm out of Houston by the name of Coopers & Livebran that did an extensive market analysis of how we could compete with other communities of our size in the convention business. We had a programming company out of St. Louis that did program verification of all the previous meetings that Mr. Mourdock alluded to...all the public hearings, all the years of work in the area of gleaning citizen participation. To say that the architect draws pretty pictures is very, very far from the truth. No architect worth his or her grain of salt is going to take the feasibility study and just take it as literally the truth. Each team will have some form of program verification involved. I agree with Mr. Mriac with one aspect: that the designers should be on-board very, very early in this process. There are square foot requirements for using this site. There are height and elevator requirements for using a different configuration. There are geometries involved. There are site utilities. There are sewers to be built over. There are streets to be vacated. As a local architect, I want to make another pitch. I'm sure RQAW and others who have worked for PMSI would love to see that company get that job. Again, I know nothing about that company, but I will tell you that you do have local resources here that have done major projects and I would urge you to check the credentials of all teams and all people who are coming to you, soliciting work and do what's right by the local taxpayers in this community.

President Mosby: Thank you, Mike. Do you want to speak Ed? You haven't spoke.

Commissioner Fanello: Oh, Lord, okay.

Ed Hafer: My name is Ed Hafer, and as the only architect in the room that hasn't spoken yet, I felt somewhat obligated to. At some point in time, PMSI is going to hand this project off to a design team.

Commissioner Fanello: Or whoever.

Ed Hafer: Or whoever. That transition won't be just a simple - they stop and another one starts. There's a document that they put on the table. You can pick that up. There's a lot of information that's not in there, that I think you are aware of, in terms of how they did arrive at some of their conclusions. That information is necessary. It needs to be drawn out of either PMSI or somehow reinvented. I would hope it would be brought forth by PMSI. The point I'm trying to make is that I agree with everything that Mike said. I think those are very good points. I also think that somehow these two teams need to overlap. There is probably a role for PMSI to play in terms of transmitting that information. Maybe's there a role on down the road for them to play in operational issues, transitional issues, the like. I think it's imperative that a design team of correctional specialists; architects, yes local

architects and engineers be brought on-board as soon as possible to work with you and answer Ms. Fanello's questions. I'm sure there are many others with questions...all of those that have been involved with the Blue Ribbon Committee, PMSI committees, whatever still have on the table that have to be answered before this project can proceed much further.

President Mosby: Thank you, Ed. Anybody else that hadn't got a chance to speak?

Commissioner Fanello: With all that being said, I want the opportunity for this board to pick a consultant and maybe we need to send out a request for proposal for a consultant.

Commissioner Mourdock: Consultant—

Commissioner Fanello: I'm not comfortable with the route we are going at this time.

Commissioner Mourdock: Consultant to do what? You're not—

Commissioner Fanello: To answer these questions.

Commissioner Mourdock: You're not talking about an architect; you're talking about a consultant?

Commissioner Fanello: I'm talking about a consultant.

Brad Ellsworth: I withdraw my offer of \$50,000 by the way.

President Mosby: Is that a motion on the floor?

Commissioner Fanello: That's a motion.

President Mosby: Second.

President Mosby: I just want a verification here though. Are you saying a consultant to answer the questions of how big, where, things like that? You're not talking about a study?

Commissioner Fanello: I'm not talking about a study. I'm talking about somebody to come in and go from what we have now, answer these questions, pass off those recommendations to a design team. Is that?

President Mosby: I seconded your motion.

Brad Ellsworth: Then I would call upon the things I learned in a couple classes that that consultant not be that they do the research, their backgrounds are not tied to a consultant, they are not employed by a consultant, and—

Commissioner Mourdock: You mean architect.

Brad Ellsworth: I'm sorry, architect. Then we check their resumes to see if they have four or five projects with the same one — every consultant that you consider. So that we make sure that we don't get somebody sneaking in like they did.

President Mosby: I would definitely go with the fact that they have the qualifications and they have worked on projects before.

Brad Ellsworth: Not just one...not just with one company.

President Mosby: I understand that, and more than one project.

Brad Ellsworth: Absolutely.

Commissioner Fanello: I just feel like...I want to, I want to say this. This is not easy for me. I feel like this is the most important project that we're going to do. At this point in time, I don't feel comfortable with the way it is going. And I've got to have these questions answered and I've got to feel comfortable with the person who's going to help me answer these questions.

Troy Tornatta: Troy Tornatta, County Council. I don't think it's going anywhere. Therefore, I don't know why we are stalling the process. We're not only going to stall the process, you saw how the County Council put a bullhead into what the commissioners wanted and to different things that were brought up. I think we are looking for a big time struggle here if we don't all get on the same page. This is not about Republicans or Democrats, it's about getting a process solved.

Commissioner Fanello: I don't this is about Republican –

President Mosby: I don't think anybody said it was about Republicans and Democrats. I heard that pitch before five times.

Commissioner Fanello: I don't care who in this room is Republican or Democrat. Before this is all over I may turn Republican, I don't know. That is not my point. I may turn independent, I don't know.

Troy Tornatta: What I've heard is that there is a lot going on that PMSI caused and it was all during the campaign. I was part of that too and I listened to it. I believe anytime you bring a bunch of people together and get the attention that they got, there's something to be said for that. At this point, where the attention where it is now, to hold back and to fight against other people and to fight amongst one another.

Commissioner Fanello: I don't think there's any fighting going on.

Troy Tornatta: I believe that there are a lot of people who think that PMSI should continue this and should bring things along, and I don't think it's a bad thing. I think it's a good thing to move things along. I think we can sit around and hem-haw around and find somebody who might come up with a decision later and prolong the process. We need to get on it and we need to get on it now. I think–

Commissioner Fanello: I'm not prolonging the process. PMSI was hired before and they performed their scope of services. Now it's up to this commission which this commission just made a decision on how they want to move forward. I want these questions answered. Do I want PMSI to answer these questions? I met with Bill Shepler yesterday for two hours and after I left there, I was probably more upset than when I went in there. I don't feel comfortable and I'm going to say that publically. I do not feel comfortable.

Troy Tornatta: And I don't feel comfortable spending \$50,000 or more or the taxpayers dollars, if I don't have to.

Commissioner Fanello: This is going to...

President Mosby: Troy, I'll say it this way – other people in this room have had a year and we've had 35 days. Other people in this room have had a year and \$100,000 study and they can't make a decision. Now, if you want the information, it's in this book. You can have my book. Maybe you can make the decision, but after 35 days, no, I don't feel comfortable sitting here telling you that I will make a decision tonight when I have went through this book and I got a whole list of questions I'll ask you. I got a whole list of questions that I'll go over with you.

Troy Tornatta: I'm not saying that you need to feel comfortable with–

President Mosby: Oh, I am when I'm spending \$50 million dollars or \$40 million dollars, I'm going to feel comfortable. I think the gentleman just stood up and said that if we don't feel comfortable then you don't need to make a decision. You need to get somebody to help you make that decision.

Troy Tornatta: Because you don't have the knowledge at this point to make those decisions. I believe you have to use the resources that you have to guide you onto what direction you need to take.

President Mosby: And them are the resources that don't make me feel comfortable.

Troy Tornatta: Those aren't the resources that we're going to be talking about in the near future. None of those resources are in that particular document.

President Mosby: What are you referring to?

Troy Tornatta: Well, we're talking about location. We're talking about how the thing is going to be set up.

President Mosby: Location does not even concern me, really. That's not something that I don't feel comfortable with.

Troy Tornatta: We have to make a decision on an item of one to ten. How are we going to move things along. That's all I'm asking. Are we going to hire this place, this PMSI, to decide how things are going to move along and at what points we're going to move. I think that's what we're looking to do – to move forward in that capacity. I would hate to think that we'd have to interview and get references and take this three to six months down the road. I don't know, Sheriff Ellsworth, how long–

Commissioner Fanello: I'm just going to say that I've checked a couple references from PMSI. I've had favorable and unfavorable and you're going to get that with every certain consultant. You're going to get favorable and unfavorable and I've had both.

Troy Tornatta: And I agree. You are going to find that, but I'm going to ask you, how long did it take to acquire PMSI as a service from start to finish?

Brad Ellsworth: A couple months.

Commissioner Mourdock: Sixty to ninety days is my recollection, Troy.

Troy Tornatta: So we are looking 60 to 90 days down the road before we even make any kind of decision whatsoever. I think, at this point under the time restraints that we have, that is a problem. All I ask is that you reconsider your thought and let's move forward. I don't think that we're making a big mistake here because they actually do those processes. Their an independent situation and we can decide what their scope of services will be once they get into it. We can decide what we want to do by the information they give us. I don't think we are talking about going to everybody and finding out the same information that was put in that book.

President Mosby: I don't know what we're really discussing, there was a motion and a second.

Philip Hayes: It's over.

Scheduled Meetings

Commissioner Fanello: Scheduled meetings, number seven.

President Mosby: No. Is there any other group or individual that would wish to address the board? Seeing none.

Richard Helzerman: Mr. Shepper said that I took one of his things to an extreme—

President Mosby: Is this under scheduled...we're under scheduled meetings. We done had a motion and a second.

Richard Helzerman: I thought you asked if anyone else wanted to address the board.

President Mosby: That was the last one. Now I'm under scheduled meetings.

Executive Session

Commissioner Fanello: Executive Session, do we need to announce that in this meeting? This is the first time I've ever talked about one.

Commissioner Mourdock: If you're going to schedule an Executive meeting, it needs to be advertised.

Commissioner Fanello: February 26th.

Commissioner Mourdock: February 26th at?

Commissioner Fanello: We meet at 5:00 o'clock.

Commissioner Mourdock: If that was a motion then I'll second.

Commissioner Fanello: Yes, that was a motion.

President Mosby: So ordered.

Old Business - Abandoned Vehicle Ordinance

President Mosby: Old business, abandoned vehicles.

Commissioner Fanello: If you'll go ahead and explain that.

President Mosby: Explain what we've got.

Philip Hayes: By consent, the Abandoned Vehicle Ordinance which was prepared apparently during the last session of the commission by the county attorney, Joe Harrison, found its way to the county council. At the county council level that Abandoned Vehicle Ordinance was removed from the advertising list in order that the county auditor could do a thorough examination of the numbers that were available to her. I have met with the county auditor and I've also spoken to her today and based on her available figures for production of potential income from passing an abandoned vehicle ordinance, it was her considered opinion not to go forward and ask that any of that work necessary to administer the fund to be established under the ordinance go to her employees. I had reported that, I think, back and what I was then referred to was the process of inter-governmental contracting where the same agency which is now doing this work, the controller of the city of Evansville, could probably administer such a fund for and on behalf of the county without any additional costs. The county would agree or negotiate a fee per title per abandoned vehicle. The issue has been taken up with the city attorney's office, and more specifically than that, with Mr. Hamilton who is the attorney for the city council. I intend to contact Kevin Winternheimer also with the city attorney staff to determine if we can do that kind of inter-governmental contract without having to burden any of our own folks. I think what we'll find is that if the numbers that Suzanne has run – or rather the county auditor has run hold true, even if you don't produce any income you will have a solid effect on the environmental problem that you have with the abandoned vehicles at this point. There are two points of view about it. One is that the state system that is going on now where the state gets all the revenue is working satisfactorily. There's another point of view afoot that it is not working satisfactorily because the funds aren't being kept locally so as a result there's not a lot of incentive to tag these cars and do the appropriate investigations. I will go ahead and continue that work as far as inter-governmental contracting and see if it just can't be administered where it is now and it would be no burden then on any of our county offices whether it be the auditor, the sheriff or our office itself, the county commissioners. By the way, that abandoned vehicle ordinance, I've talked to Mr. Ahlers today, who's the attorney for the county council, he's indicated that he'll work with us on a rewrite, if necessary, in order to tailor make it for that kind of administration.

Brad Ellsworth: If I could jump in for a point of clarification? Phil's point about the incentive for doing that, I assigned a full time officer in May of 1999 –

Philip Hayes: Right, theirs is a full time –

Brad Ellsworth: Before there was any money involved to specifically take for quality of life issues to get these abandoned vehicles out of backyards with trees growing through them and used as dog houses. I don't care about the money, I care about the neighbors that are calling in about that. We've been doing it for two years. I know my officer has towed over 300 cars or caused 300 cars to be removed from the county outside the city limits. He may have picked them all clean but I don't think so.

He told me there are still plenty out there.

Philip Hayes: If my information is correct and the auditor's information is correct, the state has gotten the county money so this ordinance effort would redirect those funds back to us at whatever level is happens to be.

Brad Ellsworth: I think the critical issues here is, is it costing us more to provide this service than...if my person sent \$20,000 dollars a year in time to bring in \$10,000, then let the state have it.

Philip Hayes: The idea would be in order to try to localize it would be to eliminate burdening any of our overhead, so to speak, and go directly to the agency that is going to continue to do it which is the city controller.

Brad Ellsworth: Absolutely.

Philip Hayes: Hopefully by working with the council's attorney and with the city attorney, we can come up with a solution that just provides a fee basis. They get the money, cut the check back to us, we have an ordinance in place. As you say, if we get zero dollars - fine, but if we happen to make money on it as well then even better.

Commissioner Mourdock: So is the bottom line so that this evening you are working with the city on it and there's nothing we need to act on?

Philip Hayes: There is at this point a discussion that's going to have to be held, Commissioner Mourdock, in regard to the abandoned vehicle ordinance. There's a bit of difference between my review of it and what Mr. Ahlers has and I think the better part of valor is that Joe Harrison has given me this draft that was originally introduced. I think that this body needs to consider it and do it's appropriate—

Commissioner Mourdock: But do we have that language to consider tonight?

Philip Hayes: You do not have it in from of you. I have a draft of what was brought forward last year, and that's what was hung up at the county council level the other day. That's where we are.

President Mosby: So when we get that information, we'll bring that back on the table.

Philip Hayes: Yeah, we'll bring it back and it will have specifically what the county commission...I promised the county auditor this morning that I sure wasn't going to take a grab at anymore of Jane's time and kept that promise.

New Business - Public Records & Open Door Law Responsibilities

President Mosby: Discussion on review of access to public records and open door law responsibilities.

Philip Hayes: Once again, very briefly, I have contacted the office of the public counselor. That is to say the public access counselor. They have an excellent web site which gives information concerning two things. One is the availability of documents and how to provide those. Second is the open door law. In talking about the issues of both with David particularly, he has some concerns that we don't get to some trivialization of this law. The rule is all meetings are open. The exceptions

of the rule are then embedded in those regulations and those precedents that are done and collected by the public access counselor. I've been in touch with them last Friday, I talked with the auditor this morning who tells me that we can link their web site to our county web sites so that all employees have access. I want to try and set up a shortened abbreviated version of the public access to records law and the open door law so that everyone begins to refocus on the importance of it and we get past the trivializations that I think occur because there seem to be contrary pieces of advice that come across not only elected officials but that come across to those boards which are appointed but are still subject to the open door law and, of course, the open door law and, of course, access to public records law. Beyond that, it is the need for public comment on it. What I'd like to be able to do is take this synthesis and circulate it around the Bar Association Rules Committee, for example, so that they can take a look at whether litigants can go to a court first and be more specific about what they want and save a lot of money, a lot of time, and a lot of argument in litigating. For example, whether pictures of autopsies can be released when the request is "give me the entire file" and that's submitted to the coroner. We also want to avoid conflicts of advice, for example. We just ran into one last week, last Wednesday, when I'm advising one way with regard to the presence of both commissioners before the county council and the county council process being upset because there seems to be some misunderstanding in that board. I talked to Mr. Ahlers about that. There's no...and I'm going to send this over to him for his comment, input, assistance, if he likes. The main idea is to, as Commissioner Mosby said to me the other day, refocus on this and not get into trivial arguments about whether we have an open door law responsibility in a particular instance or not and try to have those questions settled up front and in a fashion which is not going to be trivialized. So I will proceed ahead then, if I have your okay on that and try to do a synopsis of this and continue to coordinate with others to have the public access counselor's very excellent work. We're getting ten of these little hard copy handbooks which are excellent. I had to borrow one because I couldn't find one available. I'm sure there may be one stashed around the commissioner's office somewhere but couldn't find it.

President Mosby: I would just like to get a clarification. I was with two commissioners today again at lunch, of course, I was by myself--

Commissioner Fanello: It wasn't us two, let's clarify that.

President Mosby: It wasn't us two, but they said that's the most absurd thing they've ever heard in their life. They said that they go to county council meetings every week together.

Philip Hayes: As I was saying, and I think I said to you the other day, when they say absurd thing I think that is the example of the trivialization. That's kind of a popular trivialization, but it has to be eliminated. I think this law, if we go back and take a look at it was passed in the '80's and it took a long time to get it through. Each new body that comes in finds certain awkwardness with enforcement of it, if you're brand new. Others tend to see it as a political issue so we get into this issue whether a meeting should be open because of appearances or should it be open because it's required under the law? Those decisions are very clearly set forth, I think, in the precedents and in the opinions that the public access counselor has collected for us. It's not that you have to do it, but I think the more that it is worked with...and you've worked with it for 13 years in the city council level and I don't think it's ever created an inconvenience. It's the kind of absurd thing that you're talking about is when you

get in a public meeting and the group gets up in a big blow up about whether or not you can both be in there. Once again, when I give these opinions, I'm pretty sure I was right. For technical reasons, I don't think both of you could be in there. We probably could have settled the question had we known that definitely you would have been back in town from your Indianapolis trip and definitely going to be at the meeting. The problem that you ran into there, I think, hopefully, we can avoid having that last minute decision and saying...and risk offending the body that we're trying to work with by prior notice.

President Mosby: Any other questions? Any other new business?

Commissioner Fanello: Yes, I have one thing since we're not going to meet until the 26th and Richard, you're going to have to help me with this. Do you usually at the end of the year if there is unencumbered monies in the riverboat, you know how we have it designed – 500, 500, 500, do you reappropriate those unencumbered monies? Do we get to roll those over in some way? I know there's \$500,000 in each account for the 2001, but I didn't know if you reappropriated the unencumbered balance?

Commissioner Mourdock: It's my recollection that what we've always done is basically by encumbering those monies, we do dedicate them to the items by which they were originally appropriated. So, yes.

Commissioner Fanello: So I do need to ask that the unappropriated funds be reappropriated for this year? And I did forget one board appointment and that is...I'll make a motion to appoint Rob Cahill to the Home Inspector Licensing Board.

Commissioner Mourdock: Second.

President Mosby: Inaudible.

Commissioner Fanello: Yes, but I don't have his name here, I'll do that next week or next time. I do need to clarify who's going off that. I don't have his first name...Tammy, do you remember Zehner or Zeiner?

Commissioner Mourdock: Chuck Zehner.

Commissioner Fanello: Oh, you do have it here for me.

Tammy McKinney: Charles Zehner.

Commissioner Fanello: Okay, so I'll make a motion to reappoint Ronald Dauby to the Home Inspector Licensing Board.

Commissioner Mourdock: I'll second and—

Commissioner Fanello: So Cahill takes Zehner's place.

Commissioner Mourdock: Chuck is going off, okay.

President Mosby: I have a motion and a second. So order. The one other thing we wanted to bring up under new business...we mentioned earlier tonight and we didn't do it under action items was to have Phil write a resolution to support, I think it's House Bill 1627?

Commissioner Fanello: 1726, I think. The one that is the quarter percent increase on the local option.

President Mosby: 1627, the .25 percent increase on the LIT which Dennis expects to go in from of the House Ways & Means within the next two weeks. I would make a motion for Phil to write a resolution of support–

Commissioner Fanello: Well, didn't we do that last week?

Commissioner Mourdock: Uh-huh.

Commissioner Fanello: We didn't do that last week? Okay.

President Mosby: The bill, the way it is written in its form, that the .25 increase – up to .25 increase, that the tax would come off immediately when the jail is paid off and that it can only be used for the jail or correctional facility. That language is all in the bill and he had his staff go back and rewrite part of it. I don't have the bill with me. I do have it over in my office. I thought it was 1627, I don't know.

Commissioner Fanello: 1727.

Commissioner Mourdock: Formally, Catherine needs to make the motion.

President Mosby: That's right.

Commissioner Fanello: I'll make the motion that we direct the county attorney to come up with a resolution in support of House Bill 1727.

Commissioner Mourdock: And for the purposes of a roll call vote, I will second the motion which means we need to do a roll call vote.

President Mosby: Now, we're going to have to have him write this resolution before we're going to meet again. That is the purpose of what I'm trying to do is show our support for the .25 to fund the jail. I have a motion and a second. We'll have a roll call vote.

Commissioner Fanello: Yes.

President Mosby: Do I call roll?

Commissioner Mourdock: Yeah, you call the roll.

President Mosby: Over there the clerk always called the roll.

Commissioner Mourdock: Yeah, right, the first time.

President Mosby: So it would be Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mourdock?

Commissioner Mourdock: I will vote no because I'm not at all convinced that number

one, we don't have some of the funding within the county budget currently. I don't think we've looked at all the options we need to look at. For instance, the type of thing that Mr. English was talking about. We don't know the size of the project. We don't know the schedule of the project and I'm hard pressed, at this point, to say we are going to raise taxes when the national trend seems to be to lower taxes because of a fearful bit of economy. One other technical thing on the bill, as I read it and understood it, it was the tax would only apply to people who both live and work in Vanderburgh County, not simply those who also work in Vanderburgh County but live elsewhere, which I technically had that problem with it. So, I would vote no.

Commissioner Fanello: And maybe that could be revised in some way.

President Mosby: My understanding from Dennis was that people who lived outside of Vanderburgh would also pay the tax.

Commissioner Fanello: He did tell me that there were a couple of errors.

Commissioner Mourdock: That's not the way it was worded.

President Mosby: I'm going to vote aye and pass this resolution for the pure and simple fact that if we are going to move forward and not be at a standstill like we have in the past, we are going to have some source of funding. I don't see that source of funding right now anywhere within the county budget and from some of the preliminary figures that I have seen from Crowe Chizek, I don't believe that anybody in this room thinks we can cut 4 million dollars out of next year's budget. So for the fact that we've got to move the project forward; we've got to build a jail; we can't be at a standstill and stalemate like we have in the past, I vote aye. Passes two to one.

Commissioner Fanello: I just want to say, Richard, I did receive some of that preliminary information today and I'm going to make a presentation to the council, but I will put a copy of the information in your box. I just received it this afternoon and didn't have time to do that.

Commissioner Mourdock: Okay, thank you.

President Mosby: Any other business to come before the commission?

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: Amen. Motion, second, and so ordered.

Meeting was adjourned at 9:57 p.m.

CONSENT ITEMS:

Employment Changes:

Recorder
Clerk

Sheriff
Circuit Court

Community Corrections

Travel Requests:

Voter Registration Public Defender
Assessor Health

Treasurer
Weights & Measures

SWCD

Weights & Measures:
Surplus List

Tony Greubel:
Transfer Old Auditorium Sign to Coliseum

Circuit Court:
Submit Monthly Report for December 2000

Auditor:
Submit A/P Vouchers
Council Call for March 2001

Sheriff:
Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
John Stoll	Ralph Kissinger	J.T. Kinkel
Brad Ellsworth	Bill Shepler	Mike Shoulders
Ed Hafer	Richard Helzerman	Brett Niemeier
Troy Tornatta	Phil Hoy	Tammy McKinney
Steve Davis	Gene Brooks	Ken English
Les Shively	Steve Perry	Rose Zigenfus
Barb Miller	Jerry Bryan	Clifford Thomas
Bill Cottun		
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**Vanderburgh County
Board of Commissioners Special Meeting
February 22, 2001**

The Board of Commissioners of Vanderburgh County met in session this 22nd day of February at 6:05 p.m. in Room 301 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call to order the special hearing of the Board of Commissioners. I'd like to introduce with us tonight is Suzanne Crouch from the Auditor's office; Jane Laib, Recording Secretary; myself, David Mosby; Phil Hayes, Counselor; Commissioner Fanello; Commissioner Mourdock; Acting Superintendent of County Buildings, Tammy McKinney; and Tom Pitman with Baker & Daniels out of Indianapolis. Before we start the meeting, if we could, please stand for the Pledge.

Special Meeting - New Vanderburgh County Jail
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President Mosby: If anybody would like to speak during tonight's hearing, there are some slips of paper back by the door in the wooden tray. Please sign one, put your name on it, bring it forward to Suzanne and she'll pass it over and we'll call on you during public input. At this time, Commissioner?

Commissioner Fanello: I want to start the meeting off first by giving some information that Counselor Hayes gave to me. The memorandum of understanding between the ICLU and the County has been extended to June 1, 2001 that places our cap at 329. Accordingly, I'm going to read you a paragraph from the agreement.

The parties stipulate and agree that by June 1, 2001, they will either present to this court a private settlement agreement in lieu of a preliminary injunction which will contain definite dates for hiring an architect, approving of plans, initiating and completion of construction, and opening of a new or improved Vanderburgh County Jail with a population capacity designed to alleviate overcrowding at the jail or present this court with a case management plan containing a request to set the matter for trial along with relevant dates and deadlines leading up to a trial date.

I just want to reiterate that this county is committed to moving forward on this jail project. We are committed to working with every county official and the public on moving forward with this. I have submitted a request for statement of qualifications to be sent out to interested design firms. It's been reviewed by each commissioner and their input has been given. Tonight I make a motion that we send this request for statement of qualifications out immediately.

Commissioner Mourdock: Before there is any kind of second on the motion and, yes, Catherine, obviously you did send it at and I did get your copy back about 2:20 this afternoon. I appreciate the chance to add some comments to it. I know Mr. Hayes has certainly looked at it and I understand that Mr. Pitman has as well, but I would like to talk through several points of that.

Commissioner Fanello: Okay.

Commissioner Mourdock: Without an agenda I'm not sure how you want to structure this, this evening?

President Mosby: This is fine.

Commissioner Mourdock: I want to start with this issue. I guess, the primary point that I have that I think needs to be discussed, as you know, I included with my comments what I called in some quasi official sounding statement the minimum acceptable standards. I have the concern that while the information that is now included in this RFQ is fine, I don't have any problem with that, but I want to make sure that the county gets off on the right foot with this thing and that we don't run the risk of litigation down the road by someone feeling that they were not assessed fairly under this document and/or by not having people go through the exercise, and it's a pretty...I do this everyday. I respond to these kinds of things everyday. It's a strenuous exercise. It takes a lot of time and money on the part of firms to respond to these things. I want to make sure that this gives direction as well as request information. If we don't do that, we're not being fair to the contractors. Again, I say that with lots of experience in filling these things out. With that, I had submitted seven items that I felt and still feel, are legitimate points of discussion as to what we need to set for the minimal level of experience for the people that we might have design this facility for us. I understand that Mr. Hayes has said that he prefers not to include that, but I need some more definition as to why we don't want to set some minimal level of standards?

Commissioner Fanello: Well, what I think we need to do is probably read out loud the minimal acceptable standards and also read from the RFQ the evaluation criteria that I included and that you also made some recommendations to.

Philip Hayes: Inaudible.

Commissioner Fanello: Let's just wait on that for a minute. Do you want to read the minimal acceptable standards?

Commissioner Mourdock: Sure and as you just suggested, I'll read them one at a time and we can discuss them that way.

Commissioner Fanello: Okay.

Commissioner Mourdock: Let me just read the short paragraph...

Commissioner Fanello: Instead of doing that why don't I read the selection process and criteria that we include in the RFQ and then you read your memo of acceptable standards and we'll go through them line by line?

Commissioner Mourdock: Okay, which page are you on?

Commissioner Fanello: I didn't have the pages numbered. I think it's page three. Is this microphone working? Can you all hear me?

Jane Laib: It should be working.

Commissioner Mourdock: Can you hear me?

Unidentified: You can speak louder.

Commissioner Fanello: I'll try and scream. I've got a small voice. Okay, the selection process and criteria...let me read this section to you and how it reads:

The Board of Commissioners will evaluate all the responses with consideration given for:

1. Demonstrated experience and expertise with jail, community corrections, and juvenile facility projects.
2. Demonstrated ability to work with the owner, county sheriff, county judiciary and community justice system agencies on programming a site-specific facility.
3. Demonstrated experience and expertise in programming and designing a jail, community corrections facility, and juvenile detention facility responsive to all applicable criteria, rules, regulations and statutes.
4. Demonstrated experience and expertise in developing energy-efficient and economic utility programs.
5. Ability to coordinate and react to diverse project and program requirements.
6. Demonstrated experience in relating potential operating costs of the constructed facility into cost saving components during design.

Now there's a lot more to this document but that's just a section on some of the evaluation criteria that we would look at. Now, I'm going to let Richard read his minimal acceptable.

Commissioner Mourdock: I think what you just read, excuse me, is a good...very general...I think what you just read into the record, Catherine, I have no problem with as a very general characterization. I will tell you...I will absolutely guarantee you, that every architect that's sitting here in this room, and I'm sure there are more than a handful, when they heard you read those things, they are thinking "Yeah, I meet those standards". It's that general. In contrast what I suggested as the final page of this document as minimal acceptable standards:

The Vanderburgh County Commission seeks to have the county's new correctional holding facility to be designed and built efficiently and to all current and reasonably foreseen standards. For this reason, the commission establishes as minimal standards of experience for the architect or design team of the facility:

7. Past experience by the firm or team in the design of not less than five jails or correctional facilities.
8. Past experience by the firm or team in the design of at least one jail or correctional facility having more than 700 beds.
9. Direct, first hand, experience by the lead designer, project manager, or other individual designated as the primary point of accountability in a similar position in the design of a jail of not less than 500 beds.
10. Demonstrated experience in converting operational cost issues into cost saving methodology in subsequent designs.
11. Design experience in the construction of the jail type, for example: podular, linear, direct supervision, etc., subsequently chosen as an integral part of the Vanderburgh County specification.
12. Design experience incorporating the expertise of not less than

four other firms of technical speciality, for example: security, communications, food services, etc., in the construction of a jail facility.

13. Excellent references and excellent is in quotes. That's a term of art, if you will, in the ways companies are typically ranked by owners for whom they've worked. Excellent references from past clients on, at least, 75 percent of the jail projects previously designed by the team as a whole or by its individual team members.

Let me state that I present these...obviously this is a piece of paper; it's not a piece of stone, but I will tell you in the reading of this there were probably some of those same architects who a moment ago heard what you read and thought, "Oh yeah, I'm good there...I'm fine, I'm fine...I'm in the hunt" and when they heard me read this, now they're starting to think, "Am I up to the task of this project?" and that's what we, as commissioners, need to make sure we do. I'm not looking to make this hard on the responders. I'm making this proposal so that we do a better job for the community making it easier for the three of us to do the short list, to evaluate the people who are interested in doing this project and conceivably even some of them who are sitting in this room right now to team up because they suddenly hear something like this and think maybe they need to join with this other company. That's not a bad thing. That provides us more experience and expertise so let the games begin.

Commissioner Fanello: Well, let's have a little discussion about it. I don't have any problem...I think the three commissioners here are going to take these proposals and we're going to know when we receive these proposals by what they submit whether they are qualified to do a job or not and we are going to rank them accordingly. By saying that the past experience by the firm or team in the design of not less than five jails – I cannot say that somebody in the audience who only has done one to three jails is not qualified to build our jail.

Commissioner Mourdock: And that's a fair comment. That's where I said that this is not stone; this is paper. Maybe five is not the right number but would we agree that zero is the wrong number? Do we want to issue a learner's permit on our jail? I think not.

Commissioner Fanello: No, I don't want to issue a learner's permit but I can't say that I cannot close this process to everyone...I just think it's too restrictive.

Commissioner Mourdock: Even with zero being number is too restrictive?

Commissioner Fanello: Tom, you had some comments about that because I...

Tom Pitman: When I reviewed it just purely from a legal standpoint, I could understand why the three of you or any individual among you might lay out criteria in your mind to provide guidelines that you're going to use to evaluate various proposals. Where I ran into problems was the idea that if you purport to have bound yourself by these criteria, you may later find that the architect or group you most prefer doesn't meet any of those with a possibility that others would come forth and say, "Why are you giving them consideration?" at that point.

Commissioner Mourdock: Let me be the devil's advocate on that one, Mr. Pitman. Why would it be that we prefer someone who doesn't meet minimal qualifications?

That doesn't sound right.

Tom Pitman: For example, just hypothetically, theoretically, there may be an architect firm out there that's new to the business but has done the best four jails in the state of Indiana in the last two years.

Commissioner Mourdock: Then by definition, they're not new to the business.

Tom Pitman: Well.

Commissioner Mourdock: If they've done four jails, how are they new to the business?

Tom Pitman: Well, but they...right. When I read this, and again, just purely a legal reading, that the minimum standard that you must have met for consideration would include design of not less than five. In my hypothetical you've got one who is truly the best in the business, new in the sense that they've only done four, but is very up and coming and you have erased the possibility. Others competing for the business might say, "You have no right, Vanderburgh County, to even consider them at this point because they didn't meet your minimum standards. Why are you considering them?" The problem is that you will want to consider them, if there is such a firm out there. You will want to do that in furthering the interest of the county.

Commissioner Mourdock: I realize that your example is hypothetical –

Tom Pitman: Right.

Commissioner Mourdock: – but again, we're not going to find...I think, and again this is the industry I work in when I'm not in this building, you're not going to find the best in the business simply because they've done three or four jails. Again, understand that I'm not saying five is the magic number; maybe it's something less than five, but zero is clearly the wrong number.

Tom Pitman: Um-huh.

Commissioner Mourdock: This is inferring, "this" meaning what you read into the record, Catherine, there's no definition here as far as what a minimum is. A firm that worked as a teaming partner, again hypothetically, a team that worked as a teaming partner with three other companies that were actually the lead architect could claim they had the experience and expertise with jail or community corrections. They could claim that they had the ability to work with the owner. They could claim to have experience in programming. They could say they have experience in developing energy efficient and they could say all these things but they've still never built a jail...or designed a jail rather.

Tom Pitman: But saying those things, as I read it, doesn't entitle them to one minute of further consideration. When you get the responses to the request for qualifications, you will then sift through those and it will make sense at that point to have guidelines in your minds as to how to evaluate them. You'll be able...you can apply every one of these. You have the discretion to do that.

Commissioner Mourdock: Every one of which of these?

Tom Pitman: You are free, and any of you are free or all of you are free, to apply criteria to the facts that you think make sense in the context.

Commissioner Mourdock: So do I interpret that to mean that these seven items and maybe it should be five and maybe nine and maybe instead of the number of five jails, it should be four – whatever those numbers are – are you inferring from that, that this board should act outside the RFQ to establish standards and then judge the RFQ's that come back or the proposals based on those standards?

Tom Pitman: It was my understanding that what you were trying to accomplish here was to notify the industry of what you're doing and to request, at least, a minimal description from those interested and their qualifications as a general matter without requiring them to do all the work that goes into a formal proposal and to use those submissions to narrow a field based on what appear to you to be appropriate qualifications.

Commissioner Mourdock: Okay, then let me ask it again because I think you just said the same thing. You're saying that we establish a standard but we don't send it out with the RFQ package?

Tom Pitman: I think that in your own mind...when you get back materials, some of them will obviously show that you are dealing with highly qualified companies and others will tend to do that less. You'll be able to read them all and I think the best ones will present themselves. It's my understanding that what's to be done with this is to ask for not the full scope of work that goes into a response but to collect those qualifications and then based on what your review leads you to, to narrow to a group all of which will surely be very qualified and then from that list to request a more full response. Again, Commissioner, my only concern was that if you appear to set out definitive criteria that legally, I feared that you would tie your own hands in a way that you might think, "Geez, we really, really like what these people are telling us, but we get down to criteria number five and can we really say they met that one?" It's more of a...I think you're looking for more of a gestalt impression when you go into the review of the RFQ's.

Commissioner Fanello: I just want to say that I met with Joe Wisinger from the State Building Commissioner's office and under his direction of Susan Williams and this was modeled after the state. I had extensive discussion with him on the process that they follow in the state. They don't apply or make a part of their RFQ any time of restrictive standards like that. In fact, we even asked more questions than they do in the state process.

Commissioner Mourdock: And we should because they do that job in the Department of Buildings and the Department of Corrections eight hours a day and we are three part-time commissioners who don't do this job full-time. I'm trying to make this easier and...I'm trying to get us to the best possible answer in the shortest period of time. Let me put on my other hat...again, my eight hour a day hat. By leaving this as constructively vague, to use the legal term, I think we're being unfair to companies because I don't think...I think we're sending a message that is send it in and we're going to give it full consideration, but based on what Mr. Pitman said, with a wink and a nod we're all going to say that we'll short file those real quickly. I don't think that's fair to the people.

Commissioner Fanello: I think the whole purpose of the RFQ is to go through them and see who is the most qualified. Like Tom said, right off the bat, you're going to know when firms submit if they are qualified or not.

Commissioner Mourdock: Let me go back to point one then. Are you comfortable in saying as a minimal acceptable standard whether we send it out with this package or not, that whoever is going to be awarded this project will have designed at least three jails?

Commissioner Fanello: I don't know because we have not received the responses back. I think that is the...

Commissioner Mourdock: But doesn't the experience dictate what our answer is going to be?

Commissioner Fanello: Are you saying that just because they build a jail but maybe they're not experienced in other areas that means they're not experienced to build our jail?

Commissioner Mourdock: What do you mean other areas?

Commissioner Fanello: Well, I mean architects build more than jails.

Commissioner Mourdock: Sure, but we're building a jail. I don't care what they build otherwise.

Commissioner Fanello: Well, but they have had to have demonstrated competence in all projects, I'm sure.

Commissioner Mourdock: That's a great point. The folks...and that would have included Sheriff Ellsworth, Jim Raben and former Commissioner Tuley when they were in the PONI meeting out in Colorado, one of the things...and I think several of them are here, if they care to join in on this...one of the things that they heard about was when it comes to building a jail, it is a specialized form of construction.

Commissioner Fanello: I agree fully.

Commissioner Mourdock: Of design...of architecture.

Commissioner Fanello: But the fact that I'm going to put something in this that's restrictive...I'm trying to keep this process as open and fair as possible.

Commissioner Mourdock: But you're not and respectfully I say that. You're not being fair to people who are going to turn stuff in and spend days putting this together only to have it quickly thrown in the corner.

Commissioner Fanello: I can't imagine that any architect in the audience would waste days on proposing...or sending a proposal or statement of qualifications, if they were not qualified to do this project.

Commissioner Mourdock: Qualified under what definition? That's the "if" right there.

Qualified under what definition?

Philip Hayes: I'd like to speak briefly to the issue of doing it...there's public policy matters here that are overriding in doing a Request for Qualification or and RFP either one. First of all, this is not a private enterprise operation, this is a public community building. Second, this is governed not only by our wants, desires, practicalities and desire not to put any architects or engineers to too much work that they just don't get anything. We're also concerned with the eighth amendment to the U.S. Constitution. We're working under applicable law and we're working under applicable court orders now. I can tell you that in order to meet, I think, every possible qualification that may be out there for you to come back in with, you will avoid any suggestion of legal activity if you truly make a record here tonight that you are going to let "come one, come all, come in." You may apply your experiences with the National Institute of Corrections at Longmont, Colorado, under the auspices of the justice department but so far the record of events in here is that you've ignored those completely. They have not become part of any of the previous documentation in regard to building this. It has not been of consideration.

Commissioner Mourdock: Time out, time out, what have we ignored? I'm sorry, you've lost me.

Philip Hayes: The NIC's operations in Longmont, none of the community aspects of their recommendations have been followed. Their template that is available on the internet as far as involvement of the entire community in planning and looking at what is a life time experience basically – you build these and you do one in a lifetime. You don't do any more than that. One would hope that this time the 30 year span in the future will comport with the U.S. Constitution as the last one did not. Functionally and legally, it was determined by 1979 that a jail built ten years before that, barely ten years, was an unconstitutional facility. It had a lifetime of ten years. It's an issue then...and we're not conceding that legally on the record here...but those criteria that you have aptly suggested or those which I think fit private industry perfectly do not fit a government/public extension of invitation to participate because you have a wider public policy purpose. I think that is where the foundation of the lawsuit comes if you don't apply that in your critical analysis of what the responses are. Apply your minimum standards as you see fit when you receive the responses at that time.

Commissioner Mourdock: Apply them but don't state them, is what you're saying?

Philip Hayes: I'm saying apply them and state them but not in the request for the proposal.

Commissioner Mourdock: That was my question to Mr. Pitman a minute ago, when do we state them?

Philip Hayes: I think that the three of you can state those positions once you see what has been submitted and you apply your legal critical analysis to the submissions, the responses to this request. When you see that...and you can do so at your discretion. You can narrow them down. You can ask for more if you believe they are insufficient. You can one by one do it, but to plant them in the invitation unduly restricts the ability to have responders come forward with their qualifications whatever they may be.

Commissioner Mourdock: Okay, fine. That was my point and question to Mr. Pitman.

Philip Hayes: We don't want that wide field by (inaudible) cause of action.

Commissioner Mourdock: If we don't want to include this page, that's fine. I'm okay with that, but by the same token, if we don't include it, are we saying that we are going to adopt either in this meeting or some other meeting what the standards are? Because we use the terms up here all time – this isn't Republican; it isn't Democrat and I mean that from the bottom of my heart. The bottom line is, we need to be seen as above reproach in how we do this—

Philip Hayes: Yes, Commissioner.

Commissioner Mourdock: – and I have great concern that if we don't establish standards and we have companies with qualifications here, here, here and here and all of a sudden we choose somebody down here for whatever reasons, all of a sudden we're not above reproach and that's going to have a bad smell.

Philip Hayes: And may I say simply that bad smell and above reproach are not the least of it. The standard industrial and government industrial procurement protocols that are established and I think the pattern setter is the Indiana State Office Building Commission because they build every single corrections operation that we have in this state, and they RFQ all of those; they RFP those and they're in our community now doing a hospital on the east side of town. Those protocols are as far as they're concerned virtually no brainers. The amount of hours they put in a day in looking at that is not an apt comparison on the legal side, at least, as a lawyer here looking at the format of what I can recommend for you on your invitation or I think Mr. Pitman either one. It's not above reproach and all of that, is there a sign...is there a flag going up that what you're doing is gunning for the narrowest sources of providers? This is in an atmosphere where again the head of NIC says basically of the 500 jails that were in construction at the time he wrote this are not particularly anything to get terribly excited about because, in his opinion, many of those are outmoded and under attack by the legal operations...the litigation that gave rise to the Prison Litigation Reform Act that's been superimposed on this county since 1995 and exactly why we're in federal court, and there will be more of those. They will be on each and every inmates mind as they continue to attack this system of incarceration that we have in this country. In drafting the legal documents...advising a community legally as to what to do, I've talked to bond counsel, I talked to other counsel on a more casual basis about it, I try to look at what the literature and history has been of this prison industry that we have in this county which is \$26-\$28 billion dollars. What it comes down to is that my best advice is go in the community, send out an invitation to those persons who believe they have the qualifications to build a prison, examine those...to build a jail, corrections facility, and/or a juvenile detention facility and then you are the folks who were elected here. You have every legal discretion available to you to apply such standards as in your best knowledge is in the best interest of your community. I know you're trying to do that, but I would ask that on the legal aspect of this document that providers feel that they can come here and they can have the widest submissions possible rather than the most narrow. That, I think, will avoid the litigation operation that you're looking for and I think it will also encourage those persons who are involved in the communities that we've listed specifically which is yourselves, the commissioners; the county sheriff; the county judges and those justice system organizations which would include a wide variety of folks to be able to get involved in this process with you. That is the reason for the

legal opinion that we're coming with. It's not to diminish your ability to apply critical analysis to who responds.

Commissioner Fanello: Just let me say, Richard, you and I talked and I told you that I had samples of evaluation criteria that we could use. I'm not opposed to us coming up with some evaluation criteria that we want to set as maybe standards. I think these are too restrictive and it just opens up a whole new can of worms. Tom, let me ask you this question. Have you seen or heard of lawsuits that have come from and RFQ being too restrictive like this?

Tom Pitman: Well, let me answer that slightly differently. I have among the samples of RFQ's that I've seen for this type of project, I haven't seen any that did purport to bind the county to minimal standards.

Commissioner Fanello: In all the samples that I've looked at, I've never seen one...

Tom Pitman: I think that Counselor Hayes and I really are just taking a legal approach here. What our advice is that the Indiana statutes allow you to have discretion. As your counsel and bond counsel, we advise you to preserve that discretion and not to bind yourself when Indiana law really is written in a way that suggests that this type of judgement needs to be within your discretion and that discretion needs to be preserved. We just are advising you consistently with that.

Commissioner Mourdock: Okay, well two points. Number one regarding the Indiana statute. The Indiana statute also says that we have to have the hours the documents that we referenced in here are available within our office. It's a minor point, but we need to add that to this document. Second point it –

Philip Hayes: No you don't.

Tom Pitman: No.

Commissioner Fanello: Not in the RFQ?

Philip Hayes: No you don't. Not in the Request for Qualification. Bidding documents I think you may have to.

Commissioner Mourdock: I'll pass on the reference. Second point is that certainly while there may be litigation if, in fact, people have seen RFQ's too restrictive, it has also gone the other way because people will sue over anything at the drop of a hat. I'm sure you'll both agree with that. Okay, so we're not going to include this, this is clear. Let me also ask the question, if we're not going to include this – and Catherine you made reference to the thing –

Commissioner Fanello: Samples?

Commissioner Mourdock: Yeah, whatever. Would you agree at this point that all of these items, and I'm not talking about five jails versus six jails versus nine jails, would you agree that all of these items are worthy for consideration as we go through that format? If not, which one of these do you not want to include when we evaluate companies?

Commissioner Fanello: I think some of them are worthy of consideration and I think

that's something that we need to in a meeting adopt what we would like to consider when we evaluate, but I'm not going to say because a person has built less than five jails that they are not qualified to build a jail in Vanderburgh County.

Commissioner Mourdock: Okay, same question. Would you agree though that they have to have had built at least one jail?

Philip Hayes: No. (Inaudible)

Commissioner Mourdock: If five is too many, and as I said, this is not stone, this is paper. If five is too many, is one too few? Do we want...do we expect to build...we've got a project that's coming up here that's going to cost every man, woman, teenager, toddler and infant in this county between \$200 and \$300.

Philip Hayes: Is that the library?

Commissioner Mourdock: No, that's the jail. That being the case, are you willing to agree at this point that we want whoever we're going to select to have built at least one jail?

Commissioner Fanello: I don't know at that point. Let's leave that up for discussion. Why don't I distribute some of the samples of evaluation forms that I have and we leave that up for discussion. We've got some time to adopt that in a meeting. I think it should be up for discussion.

Commissioner Mourdock: Well, we're here to discuss. The other seven points –

Commissioner Fanello: The problem with discussing it now is that I would like for each one of us to take a look at the sample of evaluation forms that I have before we –

Commissioner Mourdock: Are there any of these seven points that right now absolutely, positively you feel should not be included in our evaluations?

Commissioner Fanello: Yes, I do.

Commissioner Mourdock: Which one?

Commissioner Fanello: Number seven where you say excellent references from past clients in at least 75 percent because I think it's too subjective. Who says what excellent is and why 75 percent?

Commissioner Mourdock: Again, 75 percent, if it's not the right number, I won't argue the number.

Commissioner Fanello: When you say excellent in quotes, it's kind of a subjective–

Commissioner Mourdock: But this is the way the business operates because architects, construction people routinely go back and ask for references.

Commissioner Fanello: I don't have any problem asking for references; I would ask for references.

Commissioner Mourdock: No, no, no, no, you don't understand what I'm saying. I'm saying that sure we're going to call people and ask them, but I'm telling you as a routine matter companies that do work for owners, whether it's private sector or public sector, routinely when that project is over go back and ask for a reference. That's what I'm asking for. The reference that's given at that time. Normally, it comes in the form of a letter.

Commissioner Fanello: Okay. I think if we could spell that out a little more clearly. To me that's not what that means when I read it.

Commissioner Mourdock: Okay, how about six?

Commissioner Fanello: Design experience incorporating the expertise of not less than four other firms of technical specialty. I'm going to need a little more time to explore that. Design experience –

President Mosby: Are we incorporating these now or what are we doing?

Commissioner Mourdock: No, I'm just asking the question to see if they are going to be incorporated later. They're not going to be incorporated in the RFQ.

President Mosby: Right, then we have time to decide that. I'd like to move on with jail discussion. We got people that want to speak yet.

Commissioner Fanello: Just let me say that I would like for us to look over some of the sample ones that I have and then come back to the table and talk about these along with the samples we have and maybe we can come up with something even more definitive than this. I think we need to discuss it at a time when each of us have a little more information on some evaluation criteria that has been used from other RFQ's.

Commissioner Mourdock: Before we move on, and obviously there is a motion on the floor but I presume you're looking for people in the audience to have some discussion before we act on that motion?

President Mosby: Before we vote I would.

Commissioner Mourdock: I would also request that at some point I'd like to talk through, and this is separate from the RFQ, but I'd like to talk through what I see we need to continue to do as a system. I obviously did not know until you made the opening remarks tonight about the statement of the time period, calendar, that's necessary as part of the agreement with the Indiana CLU but I have a thought on that and I'll even present a tentative schedule also for discussion.

President Mosby: We're going to do a tape change real quick.

TAPE CHANGE

President Mosby: Okay, the first name I have is John Klipsch. I hope I pronounced it right.

Commissioner Mourdock: Yeah, you did.

John Klipsch: My name is John Klipsch. I represent a firm. Our name is Lamb, Klipsch & Associates. My partner Lee Lamb is with me. We're an owner's representative firm. We're not a design firm. We're not here to compete with the designers, but we have over 30 years experience in public projects. We've been the owner's rep and project manager on large public projects like Circle Center Mall in Indianapolis, Conseco Fieldhouse, Indianapolis Arts Garden. We're currently working for the entity you were talking about, the State Office Building Commission on the Indiana State Museum. Before I talk about the public process that we work on in those projects and our firm I wanted to also let you know that I am originally from Evansville. I grew up here and graduated from Bosse and I have a stake in this community. I have lots of family here and I am very interested in seeing what happens here with the Evansville landscape. The owner's representative services that we provide help you, folks who don't have a staff to work on projects like this. I wanted to take a few minutes of our time to introduce us to you while you are considering the process for the selection of architects and while you're considering what to do about how to build the project. Over the years when we have worked on these large projects we went through the same kind of struggles you're going through. Whether to send out a RFQ or an RFP. What to put in the qualifications for the RFQ. I would request of you on behalf of the vendors to leave yourself some flexibility. Use the information submitted as your selection process. Don't box yourself in with a hard and fast rule on how to select the professionals. Evansville has got a great group of design professionals, a list of talent that will be able to fulfill your needs and you need to take a look at their resumes, give them a chance. You can talk all night long, all day long, for the next ten months about how many jails need to be in a vendor's resume for them to be good, but what matters is the service that they give you as the owner. This is a people business. It's not a manufacturer line and it's the people that these design teams, these contractors, the engineering firms, it's the people they put on your project that make a difference. I have seen some of the biggest construction companies and architectural companies in the country give poor service to their clients because they didn't put the right talent on the project. We wanted you to know about us. We wanted you to know that we have experience in giving advice on this kind of venture. We wanted you to ask questions and leave yourself some flexibility. We also are looking for business. I wouldn't want to kid you. We think we would add some great talent to this project in the project management portion of the project. Once you get the talent onboard that you finally decide on you need a staff to help manage these folks. That's what we provide. We could be your staff. We could help manage the architects and engineers. Help manage the contractors and make sure the team works together. Have a win-win team that produces a product for you, the Sheriff, the citizens of this community that you deserve. Get the most bang for your buck. Bring the project in on budget, on time. One of the things that we specialize in is maximizing and using local contractors. We have increased and improved minority participation on all the projects we've worked on. We help the contractors figure out a way to get the project done quickly and within budget and have a high safety record. We have a lot of experience in public participation. We even held publicly held forums for contractor recruitment to find local contractors to work on these projects. We want you to know about us and we appreciate the time that you have allowed for me to speak.

President Mosby: Any questions? Thank you very much. I appreciate it. Clark Field.

Clark Field: Good evening. I know a lot of people, a lot of you, are very impatient to

get this done and you field the impact of a court order or a possible court suit. I'm going to ask you tonight, the Commissioners, to be patient. I am a little disappointed that the public has not been invited before this. If it has I've missed it. But it seems like before you make decisions, and it seems like a lot have already been made, you would want to get as much input from the taxpayers, the people, as possible, so I am a little disappointed that this is so late in, you know, in the development of your decisions. I talked to the Sheriff's Department today and found out the population of the jail is 268 so that is down from over 400 not so long ago. If you remember the headlines in Section B of the January 29, 2001 Courier & Press was that crime is down here locally and nationally. So if crime is down and we're below the maximum number of beds in the jail then I think we need to look at the purpose of building a jail. What is the purpose? Former Judge Brune was a prosecutor for many years and a judge. He said two elements in people that came before him during those years were two main elements were the people didn't have a job and they didn't have an education. So it seems to me that when we build jails one of the things that we're doing is, you know, we're closing the door after the horses have all run out. We're not preventing crime. We're locking people up after they commit the crime, so I think when we think in terms of spending money and human resources for the next 50 or 100 years we might look at what are we doing to prevent the crime, from people being hurt in the first place? The thing that former Judge Brune says is that we need training. We need programs so that people don't keep coming back. I would wonder how much money is being allotted to training programs, job training. As far as I know in the state of Indiana very little is done. When I came here 27 years ago the paper said that the average inmate at Michigan City got less than one minute of counseling during one year. Less than a minute of counseling. In talking to a friend who is at the training center up out of Tell City he said the only people that got trained there was the staff, that none of the inmates got any training even though it's called a training center. So if we're not training people and we're not trying to rehabilitate people then we are just warehousing people and is that good? Is it good for the people that are being locked up? According to a former jail commander that was there many years he said about five percent of the jail population would be violent. According to Judge Brune again we don't need to have a maximum security facility for those people that are not dangerous or violent. According to the jail commander, the former one, he said perhaps ten to 15 percent of all people in jail were there because they couldn't make bond. I would guess it would be higher. People are in jail because they can't make bond. In St. Joe County years ago they had...the churches went together and had a revolving fund and they had certain criteria but if somebody fit that criteria then they would put up the money and get them out of jail and when they came for trial the revolving fund would be replenished. There record was that more people showed up for trial through that revolving fund than the average person, so they had a better record. I have talked to a church leader here in town that said he would like to get involved in that, so if we can get people out of jail that are awaiting trial who are innocent, presumed innocent, that makes up about 50 percent of the jail population, people awaiting trial, so if we get some of these people out through a revolving fund then we don't have to lock them up and they can get a job or keep a job or get an education or whatever. So what I am saying is what is the purpose of the jail? Why are we going to spend so many million dollars and then we have to staff that jail and then we're going to fill the jail. Once we build it we will fill it. Evansville, Vanderburgh County, for some reason locks up more people than anybody else in the state. So whether that is good or bad that is what we do. So I guess I am asking how much research has gone in to community based corrections having a great facility, having great training programs where we actually train people while they are in the facility to get a job. Judge Brune

says we don't need a jail. We do not need a new jail. He said the state hospital is going to have plenty of room out there for all kind of people once they build the new hospital. So that's what I am asking you all tonight to take a look at that, to get more input to figure out...what are we just going to build a building and we're not going to have programs, not going to have any training programs? We're not going to try to keep people out of jail or are we just going to lock them up? I mean, I would hate to see us just do that. Thank you.

President Mosby: Any questions?

Commissioner Mourdock: I would just make a couple of quick points, Mr. Field. First of all regarding the public meetings we've been having public meetings for almost...well, probably better than two years on the jail issue in various groups. Part of what I'll be talking about in a few minutes is about the processes we need to continue to go through to talk about both the juvenile facility and community corrections, so I'm sure there will be more discussions coming up on that in the future. Third, on the job training issue, one thing this Commission did, not this group of people, but the County Commission did six years ago was we used part of the county's riverboat funds, about \$600,000 a year since 1996 for job training. I was a big supporter of that and much to my amazement very little of that money has ever been used and I don't know if that comes back to how good the economy has been or what, but that has blown me away every year that there has been no demand for it. But certainly the process is public. We're here every Monday night, same time, same place.

Clark Field: Yes, but people don't realize it. I mean, I know what you mean. As you know, I have come before, but the public has I don't think been invited to come. I thought I read where you was going to have a special meeting for the public to come. I mean, people can come, but they don't always know when, where and if they are going to get to speak or what. I mean, if you want the public I think you have to have a public hearing and really advertise it early.

Commissioner Mourdock: Okay, duly noted.

Commissioner Fanello: And we are considering scheduling public hearings on the jail, so we have not excluded that.

Clark Field: But it seems kind of late.

Commissioner Fanello: No—

Clark Field: It seems like you all have made all kind of decisions.

Commissioner Mourdock: Not at all.

Commissioner Fanello: Well, no, we have not made any decisions.

Clark Field: Well, okay.

Commissioner Fanello: We're trying to start to process.

President Mosby: I was going to say, that's my comment is I don't believe any decisions are really made. We're here tonight to try to get an RFQ out to get an

architect and design team onboard, but there has been no decisions made.

Clark Field: But that is the biggest decision, to build a new jail.

President Mosby: Well, that decision was made by PMSI after their \$100,000 study that we needed a jail of five to 700 beds.

Clark Field: Well—

President Mosby: Now maybe PMSI should of held public hearings—

Commissioner Mourdock: They did.

President Mosby: —and had more public hearings, I don't know. I wasn't here at that point in time.

Clark Field: Well, I don't want to criticize that study. I mean, I think we have to have studies. I'm not criticizing that study, but I just think before...I mean, that is one consulting firm, but I mean I think before Ft. Wayne built their jail they went all over the United States and took about a year and talked to all these people that had built the jails before and the impression that I've got is number one, you have to somebody that has built a jail before. At least that is the experience that I have heard from the professionals, but it just seems like to me it would be good to go to Minnesota who has lead the nation, at least a while back they did, in community based corrections and see what they're doing and see some of the programs other than just a building. A building is a building, but I mean people are people and we need programs. We need training programs. We need to be helping people to stay out of jail, you know. Once they get in jail they've already committed the crime. I think we need to be forward thinking and not just trying to, you know, build something because there is a court suit. That can be dealt with.

President Mosby: Questions?

Clark Field: Thank you.

President Mosby: Thank you. Jeff Drury.

Jeff Drury: Hello, greetings. Thank you all being here tonight at this civil forum. I'm glad we live in a good society where we can gather together and discuss matters of how we will deal with mistakes which are made by our citizens. I hope to not trouble with any punitive rhetoric. I hope to speak clearly and precisely to this matter. I believe that it does matter if we build this prison or how. I think it actually is very important in how we build this prison.

Commissioner Mourdock: Excuse me. It's not a prison, it's a jail and there is a big difference because in the jail presumably under the Constitution in theory presumably everyone there is innocent. A prison is where people are sent after they are convicted so this is only a jail.

Jeff Drury: Huh. Well, I think about that. I know we're dealing with a...this will be a local jail. I guess...I presume the dollars will be state dollars.

Commissioner Fanello: Oh, how I wish.

President Mosby: I wish they would give us—

Commissioner Fanello: I wish they would send us a check.

Jeff Drury: Well, I have been reading of the now corporatization. I understand you can buy stock for jails on Wall Street. Anyway, I guess it is a lucrative business. I think what is most important here is that we maintain our ethics and that we remember that it is inherent in our Constitution and in our nation that we remain civil to one another always and always respect human rights and to never forget human rights regardless of what a person...how heinous a...whatever crime a person has committed. This person may face and may need correction, no doubt, no doubt, but we need humane conditions. If there is overcrowding well, we may need a new jail. You know, this is not my decision. In God we trust. I just hope that above all if there is one thing I leave before you tonight it is that we keep our eyes on the prize of human rights. I have a brief article I would like to share that has inspired me in better understanding for this situation in regards to our current criminal justice system and our society at large. It's written and it is brief. It is written by a man named Robert Jeffrey and the title is Black on White. Robert Jeffrey is pastor of the New Hope Missionary Baptist Church in Seattle, Washington and I'll read this brief:

"I am an African-American man, 52 years of age. For most of my adult life I have been angry. It is an anger that I have diligently learned to control in order to maintain my sanity as well as my freedom.

I have seen in my lifetime how anger such as mine has led many to sedate themselves with drugs or lobotomize themselves with religion. Many others have been driven by this anger to lives of crime and violence.

I consider myself and others like me to be survivors, controlled sufferers of a rage that swirls inside the mind and spirit like a never-ending storm. It's a storm that can be ignited by the slightest provocation, a misguided glance, a mis-spoken word.

My anger grows out of my despair over the sewer that I must walk through each day. It's a sewer filled with the waste, the unfulfilled potential of countless brilliant men and women. Their decomposed lives litter the alleyways and roadsides that I must travel as I walk between the two worlds I live in.

It's a world where brilliant people that you know personally are hopelessly strung out on drugs, a world where most of your high school friends are already dead or in prison. It's a world where you daily see teenage children spread-eagled face down in the street because the country is at war with them. A world where you bank with institutions that launder the money of corporate criminals that provide the drugs to your children and then refuse to give loans to the community-based businesses that could create the jobs they so desperately crave.

Life in the sewer is life lived in full knowledge of statistics. You learn early to know how many are in jail, how many have good jobs, how many are on drugs, how many drop out of school. It is a world filled with memories of civil rights struggles, of men hanging, or preachers in

jail or Klan sheets blowing in the wind.

In my life I have met very few white people who fit the old stereotype of race haters. Most white people I've met have been decent, respectful, and sincere. But my anger towards them is on most occasions without compromise.

What do I want from them?

I want them to do what any decent human being would do when confronted by a tragic situation: I want them to jump in and try to make it better. Instead, they usually respond with defensive expressions of regret, prefaced by abdication of any personal responsibility. Sometimes they blame those who live in the squalor for its existence.

It is their indifference to my things, the horrors of my life, that angers me. For unlike my white brothers and sisters, I am forced to care about the things of their lives. Just to survive, I must care about their fashions, their political processes, the threats to their survival. I must care about the threat of communism, or the threat posed by Iraq. I must care about their industrial pollution of the planet. I must work in their companies and care about their government, their police, their clean streets. I must care about their children on drugs, and about protecting their banks – the ones that won't give me a loan. I must care about their mass murderers that kill only their kind, while they ignore the murderous effects of drugs and ignorance on my people.

I must care about their things. I must also be prepared to intelligently discuss them and even to offer solutions for them or be deemed ignorant, regardless of my educational qualifications.

It is impossible for me to understand what I must do each day, and then do it without feeling angry. It is an anger that comes from the absence of real freedom, a freedom to be a person with bearing the pain of a group I did not choose.

I am assigned to the group by those who stand outside and require me to mark a racial box on every registration form from the cradle to the grave. They do this while accepting no responsibility for either their present indifference or the past racist actions of their fathers."

Commissioner Mourdock: Excuse me, Jeff.

Jeff Drury: Yes? I have one more paragraph. I will complete this, sir, please. This is our civil forum. Is this now too much to ask?

Commissioner Mourdock: It's about the jail, please.

Jeff Drury:

"They do this oblivious to the fact that although racism has in a moment become as extinct as the dinosaur, its racial waste, like nuclear waste, remains resistant to their failed attempt to clean it up.

And so I am left alone to live with my anger in the midst of this waste, alone to grieve over and over again, alone to hope that one day they will get it, and my anger will subside."

Yes, this is the topic of jail, incarceration, imprisonment. I guess there is a difference between a prison and a jail. You know, I guess this is what I will take home with me to reflect upon. I just offer my petition that we always remain focused on human rights and that human rights be and remain our primary motivating force. Not (inaudible), not corporate wealth, but human rights. Ethics, our Constitution, which is based in an understanding of morality based in spiritual understanding. In God we trust.

President Mosby: Any questions? That's the only three speakers I had. Did you want to give your—

Commissioner Mourdock: Pardon?

President Mosby: That was the only three speakers I had.

Commissioner Mourdock: Oh, that was the only speakers then?

President Mosby: Yeah, I had three.

Richard Helzerman: Can I speak?

President Mosby: Pardon?

Richard Helzerman: Can I speak?

President Mosby: Yes, come forward.

Richard Helzerman: My name is Richard Helzerman. I'm pastor of the Seventh Adventist Church in Newburgh. I'm president of Dictionary Data, Incorporated, a data processing consulting firm. Your second speaker indicated that the new jail is not needed. I think a new jail is needed simply because the standards for a jail have changed so much and the old jail does not meet the new standards, but you do not need a new jail to handle overcrowding. The problem of overcrowding, and this is a report that you all get once a week, inmates by confinement reason. If you look at the categories of people in the jail there were 283 in the jail and 152 of them were pretrial felons. These were people who are to be considered innocent, but they have not received their trial. One half, over half, consistently for the last year or so over half of the people are waiting for a trial. Now the...when PMSI did their study and I have here from their proposal the top page that I have given you, acknowledgments it says we will ask for commitment letters from each of the individuals listed below. In other words you paid \$98,000 at the last meeting you said you paid \$98,000 for a study, why don't we follow the study and why do we need additional work? Here are the people among who signed a letter like this. Circuit Court Judge Carl Heldt; Superior Court judges Scott Bowers, J. Douglas Knight, Maurice O'Connor, Robert Pigman, Robert J. Tornatta. Now the letter that they were supposed to send back, and this is a sample commitment letter on the second page of what I have given you and the fourth bullet there says:

"I will act to implement changes in policy or practice as recommended

in the PMSI teams' final report whenever reasonable and practical to do so."

And there are a few other conditions, but as my understanding according to what is in the paper that all of the judges returned back a letter like this and they agreed to do what PMSI said. They put in one other condition about whether it was legal or not, but still the...all the judges have agreed to this. Now, when PMSI gave this \$98,000 report I have a page from one of the executive summaries here that was passed out at the Commissioners' meeting. At the very bottom one it says PMSI recommends that the courts strategically plan to implement pretrial conditional release programs. Now, so the judges all agreed to do what PMSI says. PMSI said develop a pretrial conditional release program. Now if the judges would implement a pretrial conditional program the jail would not be overcrowded. You can see half the people in the jail there pretrial. Now, I have listed here of the 152, this is on the 2/14 report, the latest one that has been distributed, and on here I have three pages, 101 people in the jail who could be released if they could afford their bail. Now of the 152 there is some that don't have bail, but 101 of them do have bail and the only reason they are sitting in the jail is simply because they are too poor money-wise to raise their bail. Now, in my pocket I have \$485. Okay there are two people on this list that the money that I carry around in my pocket would get out of jail. Now I have a credit card that has a \$15,000 limit on it. Now if you go through this list of people there is 12 that could be gotten out if they had \$1,000. There is 22 that could be gotten out if they had \$1,500. There are 30 that could be released if they had \$2,000. There is 43 that could be released if they had \$3,000 and there is 48 that could be released if they had \$4,000. The median bail is \$5,000. In other words, half of these 101 people would be out of the jail if they had \$5,000 to raise for their bail. Now if you were accused of something or if your son, or your daughter, or your sister, or your brother, or somebody and \$5,000 would get them out of jail they would not be sitting in jail. The only reason the jail is overcrowded is because the people are poor and this is what the rage comes in. Just because some...it shouldn't be a crime to be poor. But you have people that are sitting in jail that are just there because they are too poor. Last time I said this to you and one of the people got up and denied it so I went through the list and here it is. These are all people according to the jail records that if they had the money they could be released. There is only a few that have this real high, but 100 could be out. Now, in the jail was 283 as of 2/14. The jail's capacity is 268 so there is only 15 over the capacity. Twelve of those if they had \$1,000 would be out. Now, just because you need to have...the capacity of the jail cannot be at capacity though because you have...in a jail you are supposed to separate people. You're supposed to separate them according to four categories. Whether they are violent or non-violent which was referred to. Also, if they are juvenile or if they are adult. Also, if they are male or female and also if they are felony or misdemeanor. So there is four categories, 16 different groups of people that you have to deal with in the jail. So the jail, if you have 16 blocks, the jail could be full with 33 people because you would have 16 in one and one in all the other categories, so it is necessary to have the population of the jail way below lower than what the capacity is in order to not have an inhumane situation where you've got violent people beating up on non-violent people. Now, it would be a shame...I would like to say one thing about the cost of the jail because that has been in the news a lot and I want to give my appreciation for Commissioner Mosby for standing by the \$50 million dollars. Now the State of Indiana says it takes four jail beds for every thousand population. There is about 170,000 population in Vanderburgh County. If you take four times that, that is 680 beds. The cost of building a jail is \$75,000 per bed. If you multiply \$75,000 times 700 that is \$52.5 million. If the

County Council has only authorized you to spend \$30 million it is not enough. You might as well not waste your time and money building something that is not adequate. Now, the jail will fill up. The only reason that these numbers are so low in the jail and not the 430 that somebody mentioned before is because all the public attention has been put on it, but there are 10,000 arrest warrants outstanding in Vanderburgh County. Unless you build a jail of 5,000 or so the Sheriff can have that jail filled immediately. Any number of beds that you put out there, even the 680, could be filled in an instant. He knows where the people are. All he has to do is go round them up. He can't round them up now because there is no room to put them there. The answer to the problem...the reason the jail is overcrowded is because these pretrial felonies and until you deal with that problem it doesn't matter how big a jail you build. Now I would like to say there are over 50 people who are sentenced that are in the jail. They're not contributing, but if you look at these categories, inmates by reason, the SENF there is 13. That's those who are sentenced felons. Now when someone is sentenced they have like 30 days or so many days they have to sit in the jail before they get sent to the state, but sentenced misdemeanors, anyone who is accused of a misdemeanor and the jail term is a year or more will be spending the time in the Vanderburgh County jail, not sent to the state, so there are people in the jail who are prisoners, so it's not as simple as what you were telling that gentleman there. Further I would like to say the Constitution of the United States...the Constitution of Indiana says the basis of punishment, the basis of the criminal system will be reform and not punishment, okay? When you go to build a jail there should be as much room there for classrooms or whatever. You should get someone who has built a school and has some experience building a school that knows what kind of atmosphere it takes to be in a classroom situation so we can deal with some of those problems. Thank you very much.

President Mosby: Change tapes again.

Tape Change:

President Mosby: Was there anybody else that wanted to speak?

Roger Madden: Roger Madden from Evansville. I was kind of surprised to hear the constitution mentioned so much tonight since it is the supreme law of the land, I wasn't sure that the government still used it or believed in it. But the article about the 50 million still needed, ten years ago Lewis Silva and Secretary of Health and Human Services said that 70% of juveniles in long term correctional facilities do not grow up with a father and there is no substitute for paternal affection and discipline. So actually, if you take your 50 million and multiply it by the 70% of juvenile delinquents that were denied visitation with their fathers, you could actually cut the cost of the jail down to about 15 million so, like I said, the constitution was mentioned, 14th Amendment, equal protection, prevention was mentioned. You enforce the visitation, you're going to reduce a whole lot of your crime and instead of spending your 50 million, you could spend 15 million, solve the problem, keep the people in there that need to be kept in there and we'd have a whole lot safer neighborhood. That's it. Thank you.

President Mosby: Any questions? Thank you very much. What was your name? I'm sorry.

Roger Madden: Roger Madden.

President Mosby: Thank you. Is there anybody else that would like to speak? I see quite a few County Councilmen in the audience.

Commissioner Fanello: Wait now, is this the whole County Council out there?

President Mosby: I hope there's no majority here, really. I also wanted to note that I see the Sheriff in the back of the room and Circuit Court Judge Heldt and Judge Niemeier, so I didn't know if any of you all wanted to say anything. It don't look like it.

Commissioner Mourdock: I promise this will not take more than about twelve minutes, okay?

President Mosby: You're on the clock.

Commissioner Mourdock: Alright.

President Mosby: I'm just kidding around.

Commissioner Mourdock: No, I respect that.

Suzanne Crouch: Do you want the lights out?

Commissioner Mourdock: Yes, would you get the lights?

President Mosby: Right on the wall, Suzanne.

Commissioner Mourdock: Catherine, you may want to, and I don't know if you can see if, David, but you may want to move over also. I will sit down to get out of other folks way, but we've had several discussions over the past six weeks or so regarding what we do with this entire facility and the building. Mr. Field mentioned during his comments that the resolved and unresolved parts of this, you know, how much discussion yet needs to take place. As you said, David, I think there's a whole lot of discussion, I don't know of any decisions that have been made yet that are really key to the facilities. In working through this process for what seems to be the entire time I've been a Commissioner, but in fact, has only been about half of that time, the thing that comes back to me time and time again is, if we're going to make good decisions we have to base those decisions on a sound process and we've spoken of that several times and I blame myself here because I don't know that I've said what I need to say very clearly. A picture really is worth a thousand words. I hope so, I've put a presentation together that, again, I'll go through quickly and I've given you hard copies of and I have a few other copies here if folks want them. But I'm not looking to make a motion with this necessarily tonight, but I think it's what we need to continue to talk about. So, first of all as we start down this thing, the purpose of the process is just to make sure that we get the expertise into the discussion from all the valuable parts of the community. We've been referring to those as stakeholders. You'll see some lists here. Inherently, every list includes the public. It's not stated that way, but inherently, it's there. With the process that we need to deal with, there's four specific areas: the jail, itself; community corrections; juvenile detention; and the courts facility. We've had the judges and the bar association tell us that a key to the whole thing with jail overcrowding is how many courtrooms we have. We have to work through that as part of the process. Community corrections, how many beds are we going to have? We don't know. We know we've got the

largest community corrections in the state and certainly, we're not the largest area in the state. I think we need to question ourselves if that's the right number. And juvenile, do we incorporate that facility? Do we do it separately? And obviously, the jail itself. Stakeholders, now this is specific to the jail, not those other three areas, just the jail. Inherently, there I see the Sheriff, the Commissioners, the courts, the Building Authority. Undoubtedly, I think we're going to build on the property of the Building Authority in some location. They need to be involved. Police Department has been involved up till now in the lot of the discussions that PMSI facilitated. They need to continue to do that. We need good representation from the defense attorneys to deal with the kind of issues Mr. Helzerman typically brings to us, and obviously, the Prosecutor. Critical questions that that group of stakeholders needs to work through and this is just a summary list. I'm sure this list doesn't begin to scratch the surface, but number of beds, there is a wide range in the PMSI report: 500 to 700. That's a huge difference and obviously the number of beds is going to be determined by budget and a lot of other things. We need those stakeholders to help make that decision. The ratio of beds, as we spoke a couple of weeks ago, male to female, maximum security to normal security, special needs, and then all the things that I'm sure the Sheriff deals with every day that we never even think of, kitchen, exercise space, resource areas, courtrooms. One that was mentioned here tonight by Jeff, I believe, or maybe it was Clark, maybe it was Mr. Helzerman, about classroom space. I mean, that's certainly an issue. Location, square footage, and then we come down to the type of jail that's a huge issue. I know the Sheriff has some strong thoughts there and that's going to affect what we do in architecture. Electronic surveillance processing areas. You're going to see a bit of repetition here and I'll speed through it, but the way I see this process working now for the jail, the stakeholders meet, discuss all those issues like I just went over. They work through the issues, the build consensus among the stakeholders and then I see the stakeholders submitting a draft letter to the Commissioners. David, in one of the earlier meetings you made the point, it's the Commissioners decision. I agree absolutely. It is our decision but we need their input to make the decision and I think it's important that they sign off on a document coming to us with what their recommendation is. We would review that draft and then have several options. Obviously, we could vote to accept it, we could vote to reject it outright. If we don't want to deal with the issue, for instance, if it's classrooms and we say classroom is inappropriate, we basically just veto it. But if we want more clarification, we'd send it back. The final letter, if the initial draft is not accepted by us would be signed by all the stakeholders, we would accept it and then I see that as being a page of the RFP, basically. I mean, that's some thing that the final selected architects, as we narrow down that list from the RFQ, those folks are going to start to have to get a feel for that information and the best way to do it item by item in the RFP. With community corrections, the stakeholders for community corrections are the ones I have listed. Again, the public, those are all public meetings, what we do with that remains critical. The last one, the state DOC representative, at this point, we have not had the state DOC actively involved at the board meetings, the advisory committee meetings, but obviously, with the funding request that's before them, we need to get them better involved. The critical questions they're facing, number of beds, programs, ratios, guidelines, location and more of those facility needs, here we do have classrooms listed, counseling areas. What are we going to make community corrections? The advisory board, under Sheriff Ellsworth, I will say he's done an excellent job getting the advisory board more active in running that facility. I think we need to go further with that, but he's built them a good base to do that. Again, the stakeholders, that list I had up there for community corrections should kick through all those same issues just as the other stakeholders and the jail did.

They would give us a draft. Same thing again, we vote to accept, reject it outright, get clarification, they send us a final letter and wham, bam, we have another part of the RFP if that's what we want to do. Juvenile detention, here we've got a slightly different group of stakeholders obviously Judge Niemeier, his staff, I think, would be appropriate, Youth Care Center reps, the sheriff, police chief, county commission, defense attorney, prosecutor. Critical questions, and here we've had the least discussion on this issue as a board. And I mean, not just the three of us but the previous commission as well. And thinking of it, you know, we always say the youth of the community are our future. It makes me feel pretty guilty when that's the least amount of time we've spent. We need to spend more time with this one. Again, number of beds, secured, non-secured, and the stakeholders again. Repetition, you're getting the feel by now. They work through the process and let us know. We vote, accept it and put that in the RFP. For the courts, court's representative, county commissioner, sheriff, police chief, defense attorney, the public at large, County Council ought to be on there certainly and I apologize, I left them off some of the others, too. Obviously, funding is critical. How do the present facilities impact the process, the number of people in the jail? If we add new courtrooms, where would they be? How should they be built? Should they be in the facility? Should we go to 24 hour courts or some other court system to expedite the handling of folks? Huge questions. Again, location. Where are those going to be? I jumped to juvenile detention. I don't know how that happened. That brings up a good point with juvenile detention, it's certainly the suggestion by the Rescue Mission, is that they might want to build a facility for us. So that's one we needed to look at as well. Sorry, I got one out of order there. Stakeholders again, doing their thing, reviewing the issues, we vote to accept, reject, and include it in the RFP. Okay, we get to the point of the RFP, all those various pages are not included and I think, and you don't have to nod in agreement, but I think this is what we've said in the previous meetings, once the RFQ respondents come back, how ever they're going to be judged, we're going to end up with short list of potential architects. That's my understanding. Those potential architects, and I'm guessing there's going to be four or five of them would receive the final RFP. Then as they respond to that, we would probably again, short list maybe down to three, call those three in for interviews. The RFP that we send out needs to certainly include information about our budget and what the approximate schedule is. Those are two key components that outside what the stakeholders will be providing us. That, I think, falls clearly on our shoulders. As I mentioned, the short list, I presume they'll have 60 to 120 days. Then we go to the shortened short list to do the interviews and get down to business as to who we finally want to select. We select the architect and they begin that first pass to determine a better, approximate budget for us. The architect then would refine our schedule greatly. Prior to receiving the first pass numbers from the architect, though, and we've not gone down this road but this is a critical one. The three of us, representatives from the Council, certainly the Sheriff, and potentially the other stakeholders, but I think it's going to come down to those three groups you see right there, are going to have to put the wish list together in order. Regardless of what the final number is, I'll guarantee you we can come up with a budget to exceed it and that's not our mission. We're going to have some budget number that we're going to work by. If it's 35 million dollars as I read in the newspapers, then we need to say I think in fairness to ourselves, we need to put the priority list in order not when it happens, but before we get there so that we can say the most important thing for this community is at the top of the list and all those other things are in the list so that when budget cuts have to come, we start at the bottom. We don't start picking and choosing and playing politics and talking to who wants what. We've got to know in advance. And that is going to take a lot of deliberation on our part and I'm sure a lot

of head butting. But if we don't do it advance, we're setting ourselves up to fail later on. After consultation with the architect, the final design proposal would be based on the funding that available. Obviously council, bond counsel, everyone else will be working together. Financing method by the County Council, then that bid package, building authority, again, assuming it's on this property, would need to be involved. Finally, we bid the project. In quick summary as to what the stakeholders are doing on a flow chart, that's it real simply. Stakeholders identify issues, they resolve them and then we go to the left hand. They recommend them to us. We might send them back. If it's rejected by us then they would take another look at it. That is the first place you'll notice in this presentation where the word consult professionals comes in. I know your feelings on PMSI. You know mine. But I heard last week or whenever our last meeting was, there was a motion made to hire a consultant to help us get us to the design point. I don't know who that person is going to be or who that company is going to be. But the sooner we get that group in place to work with our stakeholders, the faster this process can be turned through. Again, the product of this is the bottom line, the RFP Catherine, you commented earlier about the needs for dates in our agreement with the Indiana Civil Liberties Union. I worked through some of this just based on some experience and thinking how this might work, and that's what I see as a tentative time line. And again, that's not even in stone, that's not on paper, that's just on the wall. That's going to come down in a minute. But the point is, unless we start thinking of dates soon, this process is going to get muddled and we don't want that to happen. I think having ten to eleven months to actually do the design from the time the architect is selected is reasonable. There may be a whole bunch of people in this room, and I'll leave this one up there if you want to talk about it, this is the last slide. But I think that's a reasonable start for a schedule. I think this is as simple – and I don't want to be restrictive here, Phil. I think this is as much as we need to give the court under their request in our deal with the ICLU.

Phil Hayes: I think that you're going to have to give them an architect, Commissioner. On or before June 1 they want an architect hired or engaged or certainly...

Commissioner Mourdock: Well, from what Catherine read into the record, she said the process she was defining. And I won't argue with you, Phil, but I am just saying –

Phil Hayes: (Inaudible – microphone not turned on) – but may I simply say that there is no question but that this legacy case has come to the point where it is very clear that the judicial process has sharpened on us and they are not going to make any decisions and I have assured them by repeating the record in these proceedings so far in 2001 and by showing what had happened, what motions had been made and the fact that this RFQ was going out, the only thing the court was willing to give us is engage by on or before June 1. And there's no real argument that it can't be done. After that, I think that your working group suggestion certainly – been something that you all, this body has suggested and I repeated that to the court, too, that a working group can get done, but the people in the judicial process, the sheriff being, obviously, one of the most important persons there, if not the most in terms of talking about the physical aspects of this, the judiciary and then those groups that are around the (inaudible). But quite frankly, the court made it quite clear to us that they were glad to hear that, they're going to expect to see an agreement entered into by - and, in fact, about ten days before June 1st, I'm not sure of the date, but we have a progress hearing to show where we are. So Commissioner, I can tell you that the

pressure is on there and I believe that the representations that were made are reflected in your record here, but I do think that your architect selection needs to be done or your design selection and then you can have some breathing room – when you have some breathing room you can get done exactly what your –

Commissioner Mourdock: Yeah, and I'd like to review the text that, Catherine, you were reading from earlier as far as what the standard is. The concern I have in hiring an architect too quickly is...well, I'll use the simplest example. We won't know until the end of June what the – end of June, Brad, or beginning of June on community corrections funding from the state?

Brad Ellsworth: We should know by the first of June.

Commissioner Mourdock: We won't know until the first of June what the community correction is going to do with the funding for our current facility. It's certainly the advisory board's pulse that what they do is going to be critical to the future of that project. So if we don't know until June what their funding is going to be, we're not going to know how many beds we're going to need or if we're even going to go in that direction. I mean, there's a lot of issues that have to be resolved that I think should play a part in who the architect is and, again, I'm not going to go into a long argument on qualifications again. But I just think that this is a process where there is some level of patience required especially given the fact that we have superbly changed the numbers over the past year. Any other comments on the dates?

Commissioner Fanello: I'll get it out in a minute. I mean, they look like some workable dates except for the architect selection and I need to give you a copy of this from the courts and I'll go ahead and give you my copy.

Commissioner Mourdock: You gave me two.

Commissioner Fanello: There are two separate things there. But I think we need to consider working around that and modify the schedule, but as I said before at some of the other commissioner meetings, I asked some of the same questions that you did, when we were going to answer some of those questions and I encouraged us to come up with some type of schedule. So, I'm more than willing to work with this when you modify...because we need to.

Commissioner Mourdock: And just going through the list, again, the issue that came up last time about the hiring of a consultant. Is April 1 something that you see as feasible so that we can get that consultant working with these various stakeholders, again, and energize those various groups to start to get us where we need to be?

Commissioner Fanello: Well, let me – go ahead.

President Mosby: The working group idea that you had earlier on when we were discussing, I think that's the (Inaudible – microphone not turned on). Whatever euphemism is used but basically you're talking about organization of a working group and I think that those, as I had understood it, you were talking about the sheriff and the role this body itself, representatives of the county council, just as pretty much the same lines the commissioner has just gone through there.

Commissioner Mourdock: Okay, but when you use the term working group –

President Mosby: Same thing.

Commissioner Mourdock: But you're seeing four different groups for the four different areas?

President Mosby: No. No.

Commissioner Mourdock: Well, that's pretty different. Okay.

Philip Hayes: I didn't really see four different groups getting done because it seems that as far as the timetables are concerned, now I am just speaking to that, what the court order is looking for is that fundamentally, the agreement is that we have definite dates, in other words, the court order can be framed around dates to do that and we will know by that time and that the counsel not be asked – legal counsel not be asked to go to court and to basically stall or nudge the process any further. May I explain it this way? The case is a 1979 docket. The judicial administrator in Washington calls the seventh circuit court of appeals who puts the heat down on the chief judge of the division and they go straight to the trial judge. And so what we have is this legacy of a 1979 case with a grafted on – what amounts to a personal injury case that says that the 8th amendment rights of an individual were violated when he was put into an overcrowded jail and was beaten and severely injured. What is going to happen is that we have damages, hook-ons, on the liability portion of these cases so that as we try to nudge or slide or push and hope to fit in the contemplative processing here and the involvement processing, we begin to pay for that in damages. And there will not be discretion then on the part of the fiscal body to make a determination. In fact, the fiscal body's signatures will be on the stipulation. They'll be required. So that if we peaceably settle our hash with the lawsuit, they will ask for the signatories of this body and then on the money end of it, they're going to ask for the signatures of the County Council in order to assure that it's an enforceable order. So without trying to over-complicate this, it's like this, pay now or pay later. And if you will need that \$458, Reverend, because that sounds like about the size of the fine per day...optimistically, if we don't get a move on. So that's what I see from that aspect. Commissioner Mourdock, yes, I think if we have a definitive schedule down, if we know what we're doing on it, and what you've presented is a standard operating procedure that certainly makes sense and it's the working group and I think it needs to be narrowed so that these individuals who've had the experience, the sheriff primary among them, the circuit judge is here tonight, the juvenile judge is here, the prosecutor's office, the council, you folks, I think you can get a job done and do it right.

Commissioner Fanello: One of the things that I wanted to do was clarify my motion that I made in the last meeting about a consultant and as I was doing this RFQ and you made your suggestions and input on it, we talked about how architects had teamed up – several of them have teamed up with experts and jail experts, jail consultants, or whatever you want to call them, so it seems to me at this time if we're going to go out for a design team or architects who are willing to put their hat in the ring for this project, that it would almost seem a duplication of services and a duplication of expenditures to hire a separate consultant outside of what we're looking for at this time. So if I need to modify that motion or rescind that motion, I will.

President Mosby: You've got this one on the table.

Commissioner Mourdock: Right, you've got one on the table so we'll let that one sit for a minute. I know I am one vote here and I know I am going to lose, but I know that by not bringing in a consultant independent of the architects, and architects are fine people, I've got no problem with architects, but architects, yes, they want to serve the client. Every one of them does. But they're also looking to build the biggest, the best, which usually translates into the more expensive. I think anyone who worked with the process that was put in place with PMSI will tell you the \$98,000 we spent was probably the best \$98,000 this county ever spent because we took the jail numbers from 400 down to 268 at times. That's a pretty good investment because it kept a federal judge from conceivably coming forward eight months ago and telling us, you're going to build a jail whether you want to or not. I think that was a pretty good investment. Again, I'm one vote out of two. I know at the PONI meetings, the professionals who came through here and I'll contradict something you said earlier tonight, Phil, that we hadn't followed any of their suggestions. When they were here, in fact, they complimented us for being ahead of the curve on the kind of suggestions they make.

Phil Hayes: No, I meant the process.

Commissioner Mourdock: Well, here we're at words again.

Phil Hayes: No, it has to do with the preliminary processes. The time for that is gone. I mean, it's over. But the preliminary processes that the justice department and the institute does, that's gone. The Sheriff mentioned the other day, they don't build jails and that's right. They send –

Commissioner Mourdock: That's right, they don't build jails. I understand that.

Phil Hayes: All they do is set the foundation for bringing the very entities that you've talked about here into being and into focus. So from the legal standpoint of focusing that's what, as I see this RFQ put together tonight and the invitation to respond to it, I see it as the first point focus on this so that it will possibly refocus so that the body can move forward here and...

Commissioner Mourdock: Okay, well before all the bodies turn cold sitting here, the people who went to that group at Longmont, the one thing, and I know the sheriff quoted this, I think, the last time you stood before us, it was one of their recommendations, was always use a separate specialist consultant as opposed to using the architects to get you to the point of preliminary design. I still think that's good advice. Obviously, it's not something that this Commission as a whole is going to accept and I will let it rest with that.

(Unidentified – inaudible, comments not made from microphone)

James Raben: I would like to address that issue and my name is James Raben. I am the Finance Chairman for the County Council. A few points that Richard has made here tonight and along with the consultants and I, for one, have never been a great fan of consultants, but I would like to echo his last statement. That is very much true. And, Brad, maybe your memory serves better than mine, but there were a few different jurisdictions or counties that were part of this conference that we attended that did just that. They hired an architect before consultants and they were

actually under construction with their new jail before they realized, hey, we're doing this all wrong. Is that not correct?

(Unidentified -- inaudible, comments not made from microphone)

Brad Ellsworth: And I think just to add, I know he's going – stopped their project midstream and went back to the drawing board even after some bricks were laid. And even, I think, a couple were going back that they had teams with Commissioners, Council and the Sheriffs at this class, and were going to go back and rethink their entire process because of that they learned in the two weeks at Longmont. That's two weeks and we've been at it forever, or it seems to be.

James Raben: And again, I certainly don't want to come here and act like I am 100% behind Richard's comments, but it was said earlier that none of us here are professionals at building a jail and part of the stipulations that he mentioned tonight haven't gone over very well with this body. So, you know, again, maybe if we're not going to maintain a consultant, maybe we do need to adopt his ideas on service or how many jails that these individuals would have been part of. Let me address the time schedule issue. Councilman Hayes, you had mentioned that the judge would like to see something by June. In hiring an architect, that's all you've done is simply hire an architect. I see a time schedule like this, we're beneficiary and I am sure that would probably meet the criteria that they are looking for. And with that one last note, the stakeholder issue that Richard has brought up several times, how would you even address this project with the architect if you don't what exactly the stakeholders want?

Commissioner Fanello: Are you asking that question of anyone?

James Raben: Exactly.

Commissioner Fanello: I see us working with the design team selected to go through this process and plan. I'm not saying we have all the answers in place before we hire that design team, but I see us working with them. Like I said, several of these design teams, they've teamed up with experts and I think you'll see a lot of that as we get these RFQ's back. But my concern is us duplicating costs and I'm understanding that from people I've talked to in the state, that once a design team comes on board you do a lot of your planning at that time and answer a lot of questions at that time.

Councilmember Raben: Again, I think that we, as elected officials for this county, need to determine what our needs are, what we want and how much we want to spend. So again, just purely for the sake of hiring an architect by June 1st, you're doing nothing more than that because you still don't have any of the particulars, what we want this individual to do at that point. Again, I think we need to continue meeting as elected officials, prosecutors, judges, councilmen, we need to determine what our needs are and then select an architect.

Commissioner Fanello: Well, I am not saying that we don't answer any of those questions before we get an architect on board. I think we do as much as possible before that architect gets on board. But I am saying they'll be able to help us answer some questions that I don't think any of us can answer because we're not professional enough to answer those questions.

Commissioner Mourdock: But they're not professionals in answering those questions, either, Catherine --.

(Inaudible – several speaking at once)

Commissioner Mourdock: – let me finish –

(Inaudible – several speaking at once)

Commissioner Mourdock: – let me finish mine here this time. You're saying that we need to hire an architect who will be an expert in this field. Earlier this evening you wouldn't clarify for me that even having completed one jail was sufficient minimum standards to get the job. Now wait a minute, let me finish. And everything the experts have told us at the PONI meetings, we're trying to put ourselves by not hiring a consultant into a position where we're more expert than those PONI experts, and that seems to me to be contrary to the best interests of the taxpayers of this county. The little bit of money that we would spend for consultants, and I am going to define little bit as less than \$500,000, okay. It's normally not little but it's little compared to what I hear is a 50 million dollar project. That \$500,000, I would submit to you, would be a huge savings compared to what an architect who, again, by your definition hasn't necessarily built very many jail, is going to bring to the project when he's helping to do the design. Clearly, that architect needs to be involved with each of those groups. And I'm not suggesting, ever suggesting, that we have those four working groups, as Phil called them, stakeholders, as I call them, I am not suggesting that those groups never meet with the architect we select. I think they need to –

Commissioner Fanello: Oh, I agree.

Commissioner Mourdock: – but before we get to that point, their needs need to be better defined by the professionals.

Commissioner Fanello: Yeah, I am not saying just architect as in architect. Like I said, we don't know what we're going to get back with these RFQ's. We're going to get back a lot of design teams, which those teams are going to contain some consultants I imagine. I'm not saying we're making the process to –

James Raben: Again, that's the importance of even so much as an architect having a great deal of experience in building jails.

Commissioner Fanello: And I'm not saying that. What I said earlier was –

James Raben: But you also stated earlier that you could award a contract to someone who's had no experience building jails.

Commissioner Fanello: I didn't say that at all. I said let's get back the qualifications and evaluate the qualifications. I said let's – I have some samples of evaluation criteria used in prior projects. I've talked to the state like I said before. Let's get those together and set down our evaluation criteria. But I'm not going tonight to say that someone who has built less than five jails is not qualified to build a jail in Vanderburgh County.

James Raben: Okay. Again, I'm speaking for only myself and I may share a few

views of the other Council people but –

Commissioner Mourdock: I know what that's like.

James Raben: Richard has said it, I have said it. You know, we're not in the business to build jails, okay. And that's, that in itself is important enough that we would want to look at a consulting firm much like PMSI or someone like them to carry us into the next phase. So again –

Commissioner Fanello: I just want to add one more comment to what Richard said earlier. An architect would like to build the best and the most expensive and that's probably true. If I were one, I would probably want to do the same. But we are going to drive the budget, not the architect.

Commissioner Mourdock: But how are we going to know what's good and what isn't? We're not the experts.

James Raben: I hope that two or three years from now there is not other representatives from this county making the same statement that I heard two or three other counties make, that they were underway and laying mortar, bricks and mortar on a building when they decided that, hey, they needed more than just an architect.

Tom Pitman: May I comment on my experience as part of the working groups?

Commissioner Fanello: Yes, please.

President Mosby: Oh, we've got to change tapes first.

Tape Change:

Tom Pitman: If I could comment on my experience working as part of a professional teams that include elected officials, financial advisors, architects, I think the county is in for a very pleasant surprise as to what an architect design firm will bring to bear to this process. My experience is that the architects know all the questions that need to be asked in that the detail of the design becomes an interplay between people with more experience and elected officials and working group members who have to make the ultimate policy decisions. But that's my experience. The architects, once they're on board, will bring a wealth of value to the process and to the decision making.

Commissioner Mourdock: Even if they've only built one jail?

Commissioner Fanello: I don't think we're – that's not really the point here tonight, Richard. Because I said, you know, let's put that on the table and leave it up for discussion. I'm just not –

President Mosby: That's another meeting.

Commissioner Fanello: I'm not just...

Phil Hoy: My name is Phil Hoy. I'm a County Councilman, and for the record there were six out of the seven of us here tonight because we are very concerned about

this project. We have indicated as a body, almost unanimously, that we do not want to overspend. I think you all know that. I think we made that clear. I don't know how to say this kindly so I am going to say it as kindly as I can. We, that's a plural we, republicans and democrats, worked very hard to get to this point using a very fine consulting firm, PMSI. And here we are almost at the end of February and I think we've lost a lot of time because we simply should have taken that next step with that firm so that we can put things in order as Mr. Mourdock has suggested. I don't agree with everything that Commissioner Mourdock said, but I do agree with him on the fact that we should have already reached this point of having them on board and spent some money. The sheriff offered some money to do that. That offer should have been taken. And now we are continually pushing ourselves toward a deadline that I don't like to see us pushing ourselves toward. We are all elected officials. The election is over, the good of the county is what should have abided by now and it has not and I, frankly, am disappointed. Thank you.

Brad Ellsworth: Sheriff Brad Ellsworth. I am not going to address PMSI and the consultant because I'd like to move on and I'd like to address about a hundred things I heard tonight and Mr. Helzerman, he and I have had lots of talks and Clark Field and, like I said, I could address a hundred things but I won't. I would like to tell you I think and kind of echo what Councilman Hoy said is, this is going to take a lot of working together. I started calling some sheriffs today, got a list of the most recent completed jails and called one up north and I actually didn't get the sheriff, he's going to call me back tomorrow, but I think this will drive home the point of how we need to work together on this and then make smart decisions. I got the chief deputy who, when I asked him about his jail project, he said oh, you mean the one that is done and we haven't moved into yet? And I said, well, I guess. I just heard you built a new jail. And he said well, true, we don't have operating expenses for it. And so they have a six to eight hundred bed jail, I can't remember the exact numbers, I believe it was an eight hundred bed jail that's sitting vacant because the planning wasn't there. They didn't have operating costs for it. It's a beautiful jail. He said it's beautiful. He said when they designed it, it said when the design was done, it was going to take 50 more correction officers to staff it than what the county currently had on duty. Those are things we're going to need to know going into this. What we can do. They had an agreement with – and it could happen here. I'm looking at these dates and I may be out office by then and maybe some of you. I can't remember all these dates, but, you know, they said they had a sheriff change, they had commissioners change, and the Council agreed to replace 20 correction officers. They bought into 20, 20 and 10 over the three year period and they've not gotten one new correction officer on staff and so they've got an 800 bed jail for only 200 and they can't open their jail, brand new, under mandate, because they didn't plan and think of operating expenses. That's why I am begging as the guy who is going to live there, and for me and my staff and the sheriffs after me, we're the ones to deal with it every day. I am not the expert in this, I promise you, but I think my staff and I have some good insight and what we can learn from other Sheriffs who live there. Let's see, as of today, about 17 hours a day. You know, you all don't have to do that and we do and it brings some insight. So I want to be a stakeholder, we've been a stakeholder since the start but I think we can learn from other people's mistakes in this and that's as easy as a phone call. And planning is going to be crucial in this and, like I said, I don't want – I want to be the ones that said we did it right the first time and not afterward. Thank you.

Troy Tornatta: Troy Tornatta, County Council. Richard, I don't want to jump the fence on you, and I don't want to appear to be wishy-washy. I've done some

investigating myself and I thought that at the time that PMSI was the right way, and maybe that was the right way to go at that particular time. The other Commissioners didn't feel that way and it was voted down. And that scattered the field and in that scattering of the field, a lot of those people you might find on some of these new teams that were working. So I guess the one thing I say is, the Commissioners have decided, two of the Commissioners have decided to go the one way. You know, we know how the system works, and if that's what they do, then I think we need to maybe – and I feel like I'm talking to you –

Commissioner Mourdock: I sense that too.

Troy Tornatta: But I feel like now we must look at what positives we can make in that direction and if that be the case, at some point in time, if we feel that we need somebody on board, would that be available? I mean, and I think I talked to Catherine and I'm not sure if Dave and I talked about that, but I think we said that would be a viable point once they had gone this direction.

Commissioner Mourdock: Well, the silver lining, Troy, since you were speaking to me, I'll speak to you, the silver lining that I saw here is the motion that was made at the last meeting which now I'm hearing Catherine say she wants to rescind. You know, without question, I like your term. The field is scattered. I mean, the quail have come out and the covey is headed every direction right now. I do suspect that there will be some jail consulting firms that join up with jail architects if we head the way my fellow commissioners want to head. But I am telling you as a business person, by taking away their autonomy, we're losing something in value. I would rather have them report to this board directly rather than to have their words filtered back through an architect. And by the way, the check gets made out to the architect, not to that consultant when it's working for the architect, so don't think their voice doesn't get filtered. I understand what has happened here and yeah, I am sure some of those people are going to work for the architects. It's the process that's the problem right now.

Troy Tornatta: Right. I mean, I understand that, too. I've got to try and make a positive spin and I'm somebody who wants to bring everybody in and I think we've discussed this between you and I, but I want everybody to be a player. And that goes from top to bottom. I think everybody is going to have their say and I think that can be achieved, but I also know that these architectural firms that come in here and whether it be a group or assembly of several firms that are going to handle this, I believe they're going to want their best foot forward. I think we're kind of putting them out to...you know, screw us, is the best way to put it and I don't think that's the intent of the architect firms and all the people involved. And that's the only thing I say. I see you've got to put a little bit of ethical boundaries on that, that they are going to try and do their best. They are out to make money, but you can make money and not necessarily put somebody over the barrel.

Commissioner Mourdock: I fully agree with that. I mean, and again, eight hours a day I work with some really good consultants, some of whom are in this group that we're talking about. Maybe that's a conflict of interest. In working with them, I understand there are a lot of people there with ethics, but I understand the capitalist system, too. And right now I don't represent them, I don't represent them most directly even if they are local to this community. I represent everybody in this community. And that's what I am trying to serve. And Catherine and I had

correspondence today where I said that to her. This isn't personal, and your comment about jumping over the fence, there's no need to apologize to me. Stand up for what you believe all the time and I'll never disagree with your motives. I may disagree with your ideas but not your motives. I'm a big boy, this is going to go a different direction. It's not the direction I would like to see if going –

Troy Tornatta: I mean, I see the same thing happening and I'm not going – I would never, and I'm not saying you would either because I respect your integrity – but I would never paddle with that but I've got to see Catherine, if she sells me a bill of goods and tells me a direction that she wants to take and I think that it sounds like a decent direction, then now if that's the direction I think they're going to go, then I have to try and figure out what ways we can go and then go from there. And if that takes PMSI, who has been in question, if that takes them out of the picture, there is another one out there that might be in the picture that we could pick up at a date when maybe that's going to be more pertinent and maybe not right now.

Commissioner Mourdock: Well, if that's an option and this board sees that as an option, then I would suggest Catherine not rescind her motion of last time and we keep it live on the floor to schedule at some later date.

President Mosby: Royce, come on.

Royce Sutton: Good evening, everyone. I guess it's not a good day to be an architect in the house today. They're kind of taking their lumps today. Just real briefly, just wanted to commend the commissioners and all those that are involved for at least putting this forum together, an opportunity to discuss whether you agree, disagree, it's an opportunity to at least get the issues on the table and openly provide an opportunity for us to clarify our positions and get an opportunity to see which direction we would like to take this process. And I guess that's really the intent of my coming up here. I didn't really intend to speak, but what I'd like for you guys to do, Richard has put together what is a schedule, a timetable, I would like for, if you guys can tell us what the next step will be.

President Mosby: Thank you, Royce. Anybody else that hasn't spoke that wanted to speak?

Royce Sutton: No response?

Commissioner Mourdock: Yeah, there was a question there.

President Mosby: Well, I don't know they we actually got a timetable yet, –

Royce Sutton: Is there going to be another meeting? What's next?

Commissioner Fanello: I don't know at what point in time you came in tonight, but we have an RFQ that we would like to send out, or I made a motion that we send out an RFQ, but is a request for statement of qualifications from interested design firms. Once we get back those qualifications, we would evaluate them and narrow it down to a short list of three to five firms that we may send request for proposals to or may negotiate with or however we proceed to do it at that time.

Royce Sutton: Granted, you can develop your list of needs based upon the RFQ

With my limited experience, and I know there are many others who have a little bit more extensive experience than I have in terms of construction and project development, but what I have found in my experience is that architects, design firms, tend to work best when they have a clear set of objectives and needs laid out before them. And I think that when you begin to – you, what I'm talking about is an architect – that you begin to try to design something. If you know specifically what the request is or what the wishes are, you feel more empowered to put together something that is within line with the desires of those who you are working for. So as you guys looks through this, whether you're intending to develop that list of needs based upon the RFQ or develop that list of needs based upon some of these stakeholders that we have heard about tonight, it's going to be very important that before any design is put forth or any pen is put on paper, the architect, the design firm, can do the best work when they know exactly what it is they're supposed to do.

Commissioner Fanello: I agree with that, Royce, and I don't think that at any point in time, and whether there's been some miscommunication or whatever, that I said that we cut off all communication and we don't continue to develop specific plans of what our needs are. So I do agree with that, that we continue to keep communicating with each other and I agree with some of Richard's suggestions that we get some of these needs that everyone wants in writing and we try to come up with as clear, concise plans as possible.

Royce Sutton: Any ideas, timetable-wise, when we may expect the RFQ process to begin? Immediately?

Commissioner Fanello: I would like to – yes. We have one assembled here so I would like for it to go out tomorrow. I was also going to make a motion that we advertise the RFQ over the next couple of weeks.

Commissioner Mourdock: The return date is the 21st?

Commissioner Fanello: Yeah, giving them 21 days to respond. So March 26th would be the return date.

Royce Sutton: If, I guess, council members, I can't speak for all of them, I know I would like to see a copy of that if at all possible.

Commissioner Fanello: We have some copies up here for anybody would like one.

President Mosby: It's being acts on now, so assuming we vote on it, there'll be copies to distribute here.

Royce Sutton: I'll get my copy now.

Commissioner Mourdock: Councilman Sutton, on November 19th, 1863, a group of people in Gettysburg, Pennsylvania heard a speaker talk for two hours and fifteen minutes and afterwards, Abraham Lincoln got up and spoke for less than two minutes and said what's been remembered. Your little comment there about giving good direction is what this meeting is about. That said it better than anything I've tried to say all night. Thank you.

Royce Sutton: Is anyone going to learn from that? (Inaudible – comments not made

from microphone)

Commissioner Mourdock: I hope so.

President Mosby: Is there anybody else that hasn't spoke that would like to speak before we move forward here? There's been a lot said tonight and I think we have a motion on the floor and I'm not even sure what it is at this point.

Commissioner Fanello: Motion is to –

President Mosby: I don't have it wrote down but...I have not made a lot of comments but I've listened to what everybody here has had to say tonight and I guess it's one reason I haven't commented. Most all of the things I've heard said here tonight is totally what I agree with and it's to move in the right direction. I, for one, was against hiring PMSI and I'm against hiring another consultant. I think I heard Jim Raben say a while ago, we need to decide, we're elected officials. And he's right. We don't need a consultant to decide for us. We need to decide. I think with an architect or a design team we'll get exactly what we're looking for. I seen one of Commissioner Mourdock's qualifications that said they need to have a 75% approval rating from all their references. Well, I don't believe any design team or architect is going to come in here and do this county a bad job because they're going to want to be a part of that 75% if they ever petition Vanderburgh County if they work for us. So I believe that the sheriff will get somebody to work with and all the stakeholders, whether it be the court representatives, building authority, police department, the sheriff, the prosecutor, defense attorneys or whoever, I am willing to work with all stakeholders. I've stated that. If it comes down to the point where when we decide what we're building and the sheriff needs help in staffing that jail, or what to do on running it, and no, I don't want to be like the county that has a brand new jail sitting there they can't walk into it or open it up because they don't know how to staff it. I am more than willing to work with the sheriff in getting him somebody who he needs to help do that job. Phil, I don't think we're dragging our feet. We've been here approximately 45 days, not two or three years, and I think in 45 days we've moved to this point. We've got an RFQ ready to go out and we intend to send it out tomorrow. We intend to get qualified people back within the next 21 days so that we can move this process forward. There are some of things I've just heard said tonight that I wanted to comment on. I will have the commissioner restate her motion because I totally forgot what it was. We'll try to move forward here.

Commissioner Fanello: I move that we send out the RFQ to interested design firms for the Vanderburgh County jail project, jail detention facility and possible community corrections project and possible juvenile detention facility project as soon as possible meaning tomorrow.

Commissioner Mourdock: Okay, and with that motion and it duly noted that the suggestions that I had in there for minimum acceptable standards not be included, in the spirit of working with the two of you and moving forward, again, I have some doubts that we're going to necessarily put ourselves in the best position when we review the RFQ, but we do need to be talking to people. I don't want us to move too fast on this project, I want us to move correctly. But having heard the motion, I'll go ahead and second the motion.

Phil Hayes: And if I may, just make a note for the record that I need the proceedings tonight, there were other changes that were made and they were incorporated to

your satisfaction.

Commissioner Fanello: You did read the last draft that –

Commissioner Mourdock: The last draft that I received was at 2:22 –

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Okay, and I would still suggest, Phil, that the statute says that when those public documents are available, we have to state the business hours of operation. So you might take a look at that and see if that if that –

Commissioner Fanello: We can add that into the letter.

Phil Hayes: Duly noted.

President Mosby: I have a motion on the floor by Commissioner Fanello to send out RFQ's as soon as possible, stating tomorrow and I have a second, so ordered.

Jane Laib: And I need a motion to advertise that.

Commissioner Fanello: I make a motion to advertise the RFQ for two weeks. I guess you advertise them on a Friday each week?

Jane Laib: Friday.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second. So ordered.

Jane Laib: And then also, Phil, if you could furnish me with a draft of what I will be advertising for -- that wording.

Phil Hayes: We'll mail that over for you first thing in the morning.

Jane Laib: Okay.

Phil Hayes: And I might say that the advertising is not a legal requirement. It's being added as an effort to supplement the request for statement of qualifications that's being mailed to as wide of audience as possible. Did the place of advertisement, you wanted an Evansville and Indianapolis?

Commissioner Fanello: That's something that we can discuss. Think it's advantageous to advertise?

Commissioner Mourdock: I would say as wide an area as possible. We want the best.

Commissioner Fanello: So if we can move – do I need to make a motion for that or is that accepted in your –

Commissioner Mourdock: No, it's alright.

President Mosby: We have a motion to advertise.

Phil Hayes: I'll send you that language then first thing tomorrow.

Commissioner Mourdock: Two other quick items of outstanding business then was the discussion of the previous motion from last time given what Councilman Tornatta said, are you willing to shelve your rescinding of that?

Commissioner Fanello: I don't have any problem leaving it on the table at this time.

Commissioner Mourdock: Okay, and lastly, since this is under the jail umbrella to the financing, I understand there was a meeting Friday with Crowe Chizek. Can you report on that meeting?

Commissioner Fanello: We did not have a meeting Friday. Crowe Chizek cancelled the meeting, but they are going to reschedule in the next two weeks.

Commissioner Mourdock: So there was no meeting?

Commissioner Fanello: No. As soon as they reschedule, I'll let you know the date.

Commissioner Mourdock: Okay, and I presume when that meeting takes place, the auditor and council folks will be involved.

Commissioner Fanello: Yes, Suzanne will be attending and I think Councilman Raben will be there and anybody else, I guess, that wants to attend who might have an interest in finances.

President Mosby: Do you have the original for signature tonight?

Commissioner Fanello: We can take any one of these and –

Commissioner Mourdock: We can make that amendment and then go ahead and stamp it, that's fine.

President Mosby: Okay, but I can talk to you about the amendment you want in the letter? Tom, do you have it? Do you understand?

Commissioner Fanello: I have one item that I want to bring up. It's an emergency item. The lights have been shut off at the Radisson so that means Weights & Measures has no electricity over there.

President Mosby: No, they're fine.

Commissioner Fanello: They're okay?

Commissioner Mourdock: Even if it isn't, since this was a special meeting for the jail we can't discuss that.

Commissioner Fanello: Okay.

President Mosby: Well, I didn't know if we could or not since that was an emergency.

But I can tell you the lights are on. Loretta was nervous yesterday but...is there any further business to come before the Board of Commissioners on the jail issue?

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

(Meeting adjourned at 8:18 p.m.)

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
Tammy McKinney	Tom Pitman	Phil Hoy
Troy Tornatta	Royce Sutton	James Raben
Brad Ellsworth	Jeff Drury	John Klipsch
Clark Field	Richard Helzerman	Roger Madden
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Jane Laib
Transcribed by Jane Laib, Charlene Timmons and Teri Lukeman

**Vanderburgh County
Board of Commissioners
February 26, 2001**

The Board of Commissioners of Vanderburgh County met in session this 26th day of February at 6:00 p.m. in Room 307 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call to order the Board of Commissioners of Vanderburgh County meeting of February 26, 2001. We have with us tonight, Charlene Timmons, who will be the Recording Secretary. She used to do these meetings and missed us so she wanted to come back; Suzanne Crouch, Auditor; Commissioner Mourdock; myself; Commissioner Fanello; Counselor, Phil Hayes; and acting Superintendent of Buildings, Tammy McKinney. If we could, I'd like to stand and say the Pledge of Allegiance.

Approval of Minutes

President Mosby: We're going to start in on action items. If you're following along here and you have one of these agendas, we might deviate from that at some point in time due to the fact that a couple things didn't get on here and some things need to be moved forward so we can deal with them at a later time. We have a lot of things to go through so I'm going to ask everybody to hold their comments to a minimum tonight so that we can be out of here before tomorrow morning. Approval of minutes from February 5th's meeting.

Commissioner Fanello: I'll move approval of the minutes of February 5th.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second. So ordered.

Certification of the Executive Session

Commissioner Mourdock: I would also move approval of tonight's summary minutes from our Executive Session. We met beginning at 5:10 and concluded the meeting at 5:45 and discussed pending litigation against the county.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and second on the Executive Session. So ordered.

Royce Sutton - Emporia Project

President Mosby: Next, I would like to have Royce Sutton come forward.

Royce Sutton: Good evening commissioners and other officials. I'm here this evening to bring something to your attention. A request is being made by a couple gentlemen that speak a lot more eloquently than myself. I'm not going to say much more than that. They put together what I consider probably the most aggressive and

innovative and needed projects in the central city of Evansville by way of the Emporia Project. Perhaps many of you have read about it, or seen it, or even actually shopped at the Emporia grocery store. This project is a project that's provided an opportunity to bring commerce and economic development to the central city. When we think about economic development, quite often we think about development coming from larger companies or the peripheral areas of our county. We often look some of our more established neighborhoods where economic development is sorely needed. This project here is bringing an opportunity to bring commerce to a neighborhood that for many years has not had the type of commerce that they have brought together. It's been a culmination of a number of people in the community that have made this project come into fruition. I come today in support of that project as County Councilman. I support that project because I think it is a true indication of what economic development is and what it ought to be. I'll allow Reverend Rascoe and Reverend Terry, who are the principals in the Emporia Project, to come before you and speak. Thank you.

Reverend Rascoe: Good evening. It is a joy and I really appreciate this opportunity to come before you and share with you something that has now come to fruition. We've been working on the Emporia Project for some five years. In looking at the community, one of the things that came to light was the need for shopping – a full service market in that particular area. It's been phenomenal to see the transformation of the center city area in particular in that Lincoln/Garvin/Governor area. As a result of the efforts of so many individuals, not only our former mayor but present mayor as well, our county reps as well as our state representatives. We have at this point had a chance to actually open the Sunshine Supermarket which is a tenant of the Emporia Project. The shortfall that we incurred is primarily due to the fact that when we began our project it was our intent to actually get someone else to come in and to provide and build this kind of service. However, when others would not, we were still blessed with opportunity to acquire the land and to get the building up. Even after getting the building up, we were told that if we would get the building up and then another company – a national wholesaler – was considering coming. So as we began our projections that pretty much resulted acquiring the land and getting the building up to then turn around and lease it back to a national grocer. Those grocers usually provide their own refrigeration equipment, their own shelving and all of the things that go to make up "the grocery store". At that point, when the national chain decided that they really didn't have time, that gave us a shortfall in essence of about \$750,000 which was what it would cost us to not only acquire the equipment but have it installed as well. So we've had a campaign going where we've been seeking support and we've had corporate support from the community where individuals have contributed and shared in gifts as well as grants to assist us, but there is still a shortfall. One of the things that I want to express: it was not an issue of just having bad projections. It was our intent to get the building up and then the grocers themselves would provide their own refrigeration equipment and that's the way that is normally done. When they did not, we had to raise those resources to do that as well. It's been a great project. We have some 30 employees that are involved in it. We'll have another tenant by the end of the month. We anticipate the Family Dollar to be opening then. We expect that Family Dollar to be the largest Family Dollar Store in the district. We're also blessed to have as part of the Emporia Shopping Center, Fifth-Third Bank which took the old Mason Funeral Home and transformed it into a full service bank. Across the street is Lincoln Estates. If you haven't had a chance, I do want to encourage you to come down and be a part of what's going on in the center city. You're going to find a beautiful store with great products and very fair prices. Your support would be greatly appreciated in lieu of

the shortfall that we've experienced. Did I leave out anything? Okay. If there's any questions I'd be more than happy to answer.

Commissioner Fanello: I have a question. How much support are you seeking from the county?

Reverend Rascoe: We are seeking \$110,000.

Commissioner Fanello: And how much have you raised so far to date? Do you know?

Reverend Rascoe: So far to date, just in our last corporate campaign, we raised over \$200,000 just in that alone which was a few months ago. Up to this point, between an \$800,000 collaborative effort between three banks, we have in the range of some \$3.1 million.

Commissioner Mourdock: It's my understanding, Reverend Rascoe or Royce, please correct me if I'm wrong, the \$110,000 that you're looking for would be primarily for those refrigeration units to help?

Reverend Rascoe: Yes. Not only is it the cost of purchasing, and we were really fortunate. The Hussman Company out of St. Louis have really given us the rock bottom prices...even the same prices that someone as big as a Kroger would have received. We received great pricing and very efficient products as well, but it's not just the issue of acquiring the equipment itself but also the cost of the installation of all the equipment.

Commissioner Mourdock: And the hope is that if, in fact, the commission went with what's been suggested this evening or proposed...what your asking us to think about, let's put it that way...is that part of the money that the county receives from the riverboat which we classify as infrastructure development might be used in this manner? Is that...I'm sorry, economic development. It's not exactly a road, I'm sorry.

Reverend Rascoe: One other thing that I want to make sure that everyone understands is this was done as a non-profit...with the intent of allowing us the opportunity to pursue grants such as Build Indiana Funds that otherwise would not have gone to perhaps a for-profit. Also with the intent of recognizing that all the profits from this entity will go back into the community to support other worthwhile...I think that one of the things that I appreciate so much about this entity is that once we are up and going strong, it's not something that we will have to continually come back. Of all the organizations or social organizations, per sei, annually it's just an effort of where are we going to get the money? This is one true economic development piece, I think, that not only is providing jobs but will also provide resources to help provide those kinds of services that are needed in building up our community.

Commissioner Fanello: Well, thank you for coming in. I do think that this is a project that the board should take a look at and I encourage the board to get involved in these types of projects. I guess, I'll ask the board to take it under advisement for a week and come back and talk about it.

Commissioner Mourdock: Before you make that as a motion what is the timing that you're looking at? Are these refrigeration units already in place?

Reverend Rascoe: Yes, they are in place. Timing is of the essence. While you're thinking about it come down and shop. We will give you a personal tour.

President Mosby: Reverend Terry, do you have anything?

Reverend Terry: No, I just appreciate you all taking this under advisement. Thank you.

President Mosby: We'll have it back on the agenda next week.

Reverend Terry: Thank you.

President Mosby: Anyone else want to add anything on the Emporia Project? Thank you very much.

Phil Hayes - Opening RFP's for Burdette O'Day Discovery Lodge

President Mosby: Next, we're going to go to Phil Hayes opening RFP's. I'm sorry, my mike wasn't on. Opening of RFP's for Burdette Park O'Day Discovery Lodge. Commissioner Fanello: We should have those.

Commissioner Mourdock: I'll move that we direct the county attorney then to go ahead an open RFP's for Burdette Park O'Day Discovery Lodge.

Commissioner Fanello: Now don't we also have some bids for some highway equipment?

Commissioner Mourdock: But that's separate.

Commissioner Fanello: Okay.

Commissioner Mourdock: We need a second.

Commissioner Fanello: Oh, second, sorry.

President Mosby: I have a motion and second for the counselor to open the RFP's. So ordered.

Commissioner Mourdock: Phil, what we've traditionally done with these when we have RFP's, we go ahead and make the motion so you can open them. Then you can begin to review them and begin to tabulate them. We will come to you later in the meeting during your report.

Philip Hayes: Right.

Betty Knight Smith - Petition for Smoking Area

President Mosby: So, at this time while the counselor is opening the RFP's we will have Betty Knight Smith.

Betty Knight Smith: Thank you for letting me be on the agenda. I have come for something that's not popular for a lot of people. I smoked for 46 years and haven't had a cigarette in my mouth for over six years but during the bad weather I saw 20-30 people standing out in the rain smoking at every entrance of this building. The biggest revenue in the State of Indiana comes from cigarettes and alcoholic beverage. I feel that as big as this building is there should be a designated area that they don't have to stand out in the rain and smoke. You may not like it, but you're not going to stop them. It didn't stop me for 46 years. Anyway, I came because they asked me to bring this to you. I've got 139 names on this petition of people that work in this building. Some of them wouldn't sign it because they were afraid they're boss's would get mad at them. I want to present this petition to you and I want you to take it under advisement of maybe one of the lounges. You can put a smoke eater in. I did in the county clerk's office in the lounge there and it stops the smoke from getting around everybody. Anyway, I was asked to bring this to you and I'll bring it to you and ask you to consider it. Thank you.

Commissioner Fanello: Thank you, Betty.

President Mosby: Thank you very much.

Commissioner Mourdock: I appreciate that you had the guts to do what isn't popular.

Betty Knight Smith: I know it's not popular, but a lot of people smoke. If you'd see, and I'm sure you have, them standing out in the rain smoking at every entrance of this building, then I feel that we should fix a place for them to smoke.

President Mosby: I will say that I've seen them standing outside. Not only their health but it looks very tacky when you drive around the building and see them all standing around. I guess, we take this under advisement?

Commissioner Mourdock: I move that we take this under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Linda Nalley - Purchasing

President Mosby: Linda Nalley.

Linda Nalley: Good evening. We have about five bids to open for county equipment.

Commissioner Mourdock: Those are the five on your agenda request?

Linda Nalley: Yes.

Commissioner Mourdock: I'll move that we direct the county attorney to open the bids for the tri-axle truck, for the one ton truck, for the dump truck, for the snow plow, and for the eight foot hopper spreader.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second to open the bids by the corporate counsel. So ordered. Do we come back to that too?

Commissioner Mourdock: Yes.

President Mosby: We'll have to come back to that as soon as he gets the bids open. Kent Irwin? I don't see Kent in the room yet. He said he might be running late and to put him at the end of the agenda. Okay.

Jim Daniels - Recycling at Burdette Park

President Mosby: Jim Daniels.

Jim Daniels: Good evening. I'm here representing the Vanderburgh County Solid Waste District asking for your approval for an experiment about recycling at Burdette Park. What we plan to do or what we'd like to do is to seek some bids for collection of aluminum cans and one and two liter soda bottles at Burdette Park along with the same pilot project of collecting it in three city parks, but the county park would be Burdette Park. The idea is that we would put about five 100 percent recycle content containers out there with a plastic bag inside them. I've already spoken with the director out there and they have agreed to check into their staff and essentially servicing those five containers staging the plastic bags that would be full of the recyclable material in a central location on Burdette Park grounds. The Solid Waste District would have a contractor that would collect those on at least a weekly basis. Depending on how many containers got full, it could be collected more than weekly but we are looking right now at a weekly collection. There would be no out of pocket expense for Burdette Park or for the commissioners at all except in that small amount of staff time it would take per week to do that. Any trash that would be included in these containers would be handled by the contractor that we hire. Right now, we are going out for bids and have not received the bids from a contractor to do the servicing yet. There's a potential, depending on what kinds of bids come back, that the project may not go forward if the bids are not acceptable. This project may not go forward if the bids don't fly right. Right now we are seeking approval to allow the Solid Waste District to have a look at bids to do this project as part of an overall recycling collection experiment in area parks.

Commissioner Mourdock: Is the key issue for the contractor, Jim, the separation of trash from what you're going to recycle?

Jim Daniels: We hope not. That is an issue that we will include in the bid request...that any trash that is collected in these containers even though we intend to decal them very heavily with what's suppose to go in them. They will be placed in locations which are movable depending on how much trash gets put in them. A trash container will be in fairly reasonable proximity so that people know that these containers are for recyclables and there will be a trash container not that far away that they can use for the trash. We do expect that there will be a little bit of trash in these. We will have an education program that kind of goes with this to minimize the trash that will be included in there. If the trash volume in these containers is unacceptably high, we will essentially stop the program if we can't do anything to alleviate that.

President Mosby: So you're asking that the park employees basically collect it, take

it to a central location and you'll have a contractor come by and pick it up?

Jim Daniels: Yes, and this is only as long as the park employees are agreeable. Anytime that they want to stop doing that, that will be their decision to make and the program will stop in that location.

President Mosby: Okay. Steve, I guess, we don't have a problem with this? I'm going to go ahead and ask you, you're the department head.

Commissioner Mourdock: Park employees are always agreeable.

Steve Craig: From the way the program was explained to me, once a week to grab five bags out of five of those containers and take them to a central location, I didn't think would be a burden on the park or to the employees. We agree with the program and I figured it couldn't take us over a half an hour a week to round up those bags and bring them to an area.

Commissioner Mourdock: Is your staging area going to be out of sight? Do you have some place?

Jim Daniels: Sure will.

Commissioner Mourdock: I'll move then that Burdette Park staff continue to work with the Solid Waste District to implement the program.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second to recycle at Burdette Park. So ordered.

Suzanne Crouch - Vacation of ROW for Beringer Drive
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President Mosby: Suzanne Crouch.

Suzanne Crouch: This is the first reading for the vacation of a platted public right-of-way dedicated for Beringer Drive as shown on the plat of Deerfield Section One. We have received all the certifications and utility letters so we would ask that you move for a first reading and ask if anyone is here to speak to the issue.

President Mosby: Is there anybody here to speak to this? Yes.

Dr. Dulay: Thank you Board of Commissioners. My name is Dr. Dulay and I own the property just north of Beringer Drive, the road that is to be vacated. The reason I showed up is because I got a little notice for this meeting in my mail and my attorney told me I should ask the commissioners because they are knowledgeable. He found out that if a road is vacated adjacent to a property then half of that road becomes property of the plat adjacent to that which would include my plat to the north and whoever owns the south plat to the south. Is that your understanding of that?

Commissioner Mourdock: That would be correct. First of all we are dealing here with a public utility easement not a road, but the same thing would apply, if in fact that easement was placed directly on the property line so that, as county roads typically are, property owners actually own to the center line the right-of-way then comes from

the center line back. If that road is vacated then, yes, those people get their property back.

Dr. Dulay: So am I to understand that the Beringer Drive on this diagram, Ms. Crouch, is just the right-of-way for sewage?

Suzanne Crouch: You'll have to instruct that to the commissioners or their attorney. We just send out the notices and do the advertising.

Dr. Dulay: Thank you.

Suzanne Crouch: So maybe one of them can answer you.

Commissioner Mourdock: I'm sorry, restate your question, Dr. Dulay.

Dr. Dulay: The question I have is if that so called right-of-way to be vacated is to be vacated and approved by the commission here, does that north half of the road become my property, basically, and the other half split to whoever owns the south side of that road?

President Mosby: That would be the way I understand it.

Commissioner Mourdock: That would be my understanding as well.

Dr. Dulay: I just want official approval of that because I'm not sure whether someone might come along and want to purchase that plat and then they might be purchasing land that technically might be mine.

Commissioner Mourdock: I understand your question. If, in fact, your property line is described as the center of this easement, and it's not shown on this map that way, but it doesn't show all the property lines so that's not particularly alarming. If, in fact, your property line is the center of that easement and this would be granted, then property that is yours – is yours. It's yours now, it's simply that that easement disappears. This is the first hearing on this issue and our county attorney, as you can tell, is deep in the middle of looking at RFP's. Before we would vote on this, we would want his legal opinion. I'm not an attorney.

Dr. Dulay: Sure.

Philip Hayes: I think the commissioner's opinion is bankable. It's a dedicated right-of-way and in effect they are asking to undedicate it. It's public purpose would then be relinquished back. Those of you that have lots within the subdivision...our understanding would be that your frontage would simply...

Dr. Dulay: Widen.

Philip Hayes: Exactly.

Dr. Dulay: I just wanted to make sure. I just moved in there and then I got these notices and I didn't know exactly what was going on.

Commissioner Mourdock: Let me raise one question just to play "what if" here. Again, the plat that I'm looking at does not show a property line down the center of

the easement. If, in fact Phil, his property is defined as the north line of this easement and we vacate, then I presume the property goes back to probably the subdivision or something?

Philip Hayes: Once again, it depends on the organization and subdivision. John Stoll is here and I'm not sure if you are familiar with this request or not? Are you familiar? You might enlighten us further on whether the petitioner would be then the title owner or whether the lot owners who abut the now dedicated right-of-way would own. Do you know? This is specific to Deerfield.

John Stoll: I thought the right-of-way was dedicated on the plat and the property lines only went to the property lines rather than the center line of the right-of-way.

Philip Hayes: So if it's undedicated...

John Stoll: It's dedicated. It was dedicated by a subdivision plat.

Philip Hayes: But they're asking to vacate it. This petition is to vacate that as a dedication to the public, correct?

John Stoll: Right.

Philip Hayes: So assuming that vacation is granted, the net effect is does the lot owner own? Do you know?

John Stoll: Typically, like he had said, they go 50/50 to the abutting property owners.

Commissioner Mourdock: But again there could be, within the Deerfield Subdivision, a covenant or whatever...some other provision.

Philip Hayes: I haven't read the petition so I don't know.

Dr. Dulay: My attorney was familiar with Deerfield Subdivision after I moved in and he still thought that the property line would then move to the middle of the vacated road.

Commissioner Mourdock: And it may well.

Dr. Dulay: How would we determine whether that is true or not?

Commissioner Mourdock: An attorney.

Philip Hayes: One manner of doing it is that there will be...this is a petition to vacate...then there will be an order of vacation. The order of vacation, from that, you will probably be able to tell. If not, I'm sure your legal counsel or the petitioner will be able to enlighten you on that.

Dr. Dulay: Thank you.

Commissioner Mourdock: Again, this is the first hearing and it always takes two hearings to do this. Normally, we do this in back to back weeks but given this situation and to give you more time, Mr. Dulay, I would move on first reading that this request be granted and that we schedule the second hearing two weeks from

tonight.

Commissioner Fanello: I'll second.

President Mosby: March 12th?

Commissioner Mourdock: If two weeks from tonight is March 12th, that sounds right. The second hearing will be March 12th.

President Mosby: So your motion is to hear this on second reading on March 12th?

Commissioner Mourdock: Correct.

President Mosby: I have a motion and a second. So ordered.

Marsha Abell - Computer Equipment Storage
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President Mosby: Marsha Abell.

Marsha Abell: Thank you. I'm Marsha Abell, the County Clerk. I have a piece of office space that's granted to me as county clerk to be utilized for the election office. I have sent you a letter but I don't know if you've had an opportunity to read it. We have to upgrade the Indiana Support and Tracking System which is a piece of equipment we use for child support. It is owned by the State of Indiana. They pay for all the upgrades and equipment. They have contracted with IBM to install a...for lack of a better word I'm gonna say server although I'm not a computer person. I don't know if that's exactly what they're going to install. It's about the size of four filing cabinets and there's not room for it in the computer room and SCT does not support this system anyway. It's supported by the state of Indiana. I'm looking for a place to put it and the only place I've got room is in the election office. I'm asking to use a corner of the election office to put this piece of equipment in.

Commissioner Fanello: Will there be anybody using this equipment or it's just going to sit there with nobody actually...

Marsha Abell: Well, once a week we have to change the backup tape. Other than that, no one is going to be using it. It will be wired to the prosecutor's office and also to my office.

Commissioner Mourdock: I'll move the request of the county clerk as requested.

Commissioner Fanello: I'll ask one more question. Is there anyway that you think you can find some other space, if we could just house this temporarily in the election office?

Marsha Abell: I'd be glad to house it temporarily and if you can find some space, I'd be thrilled to have any space...I have no space.

Commissioner Fanello: I just have a problem housing other types of equipment in the election office which really don't have anything to do with the election office.

Marsha Abell: Quite frankly, if I had room for it in my office, I'd put it in there. The

county prosecutor tells me that he has no room in his office for it.

Commissioner Fanello: That was going to be my next question. Okay.

President Mosby: Is there anybody in the courts over there that's got any room?

Marsha Abell: We are absolutely...I have people four desk abut. We have no room in the courts at all.

President Mosby: I would just hate to think that we start housing equipment in the election office.

Marsha Abell: I'd be happy to house it anywhere, but the contract with IBM runs out the end of March. If we don't get it in, we have to pay to have it put in after that.

Commissioner Fanello: I don't have a problem seconding the motion but with a piece of contingent clause, I guess, that we find some other place to house the equipment. Is it going to cost us to move the equipment then later on?

Marsha Abell: I have not asked them. I suspect that they would charge us to move it

Commissioner Mourdock: Is it a yearly contract, Marsha?

Marsha Abell: It's not a contract; it's a federal statute that I have to use the equipment, I have no choice.

Commissioner Mourdock: But I meant the IBM installation part of it. You said we have until the end of March.

Marsha Abell: The state just contracted with them for this upgrade. The state contracted with them to do the upgrade in the 92 counties. They are to have them all done by the end of March.

Commissioner Mourdock: I'll amend the motion this way, Catherine, and see if this applies. I'll move that we go ahead and use the elections office for this purpose with the understanding that we seek to find some permanent location within the next year.

Commissioner Fanello: I'd like for it to be a little less than a year but...

Commissioner Mourdock: I'm just trying to think of the cost because I know it's going to cost.

Marsha Abell: Do you have any suggestions? I think the judges have told you and all of us...we have no space, absolutely no space!

Commissioner Fanello: I understand that. I just have a problem. I think the election office is an office of integrity and I just have a problem housing other types of equipment in the election office. That's my only concern. I don't have a problem housing it there temporarily, but I do want it moved as soon as possible.

Commissioner Mourdock: Just to validate the year. Fortunately, this year there is no election so that would give us the year.

Commissioner Fanello: That's true. I'll go along with that as long as we find another place to house it.

Marsha Abell: Who's job is it to find that other place because I went through this for 30 years.

Commissioner Fanello: I don't want to set a precedent here where we're just housing equipment in random offices around here, especially the election office.

President Mosby: Yeah, I don't want the election office to become a computer room or something.

Marsha Abell: Again, I don't have a problem putting it anywhere you can come up with.

President Mosby: It's your office, you're going to have to tell us.

Marsha Abell: David, I literally have no room in my office for it. I don't even have...I can't even satisfy the judges with keeping this year's files in my office. We have no space. The computer room tells me they have no space other than to break into the personnel office and I don't think the city is going to allow them to do that.

Commissioner Mourdock: We can't put it in the jail, there's no space there.

Marsha Abell: I have no place for it. If we don't get it...that's the upgrade...this is the 4D money that comes to the county.

Commissioner Mourdock: Let me just...without changing my motion...as a suggestion or something to think about, obviously with all the discussion we're having with the jail, with the court folks, with what we might do with arraignment rooms and hearing rooms, and whatever the new facility might be. I can see...I can understand your concern. I don't want to start a precedent of finding big boxes with blinking lights sticking in every section of the building here. It would seem to me that might give us some longer term option, but we still need to deal immediacy of what the clerk is bringing to us. Maybe we should add that to part of our list as far as when we look at the jail and court questions.

Commissioner Fanello: I don't want you to go without using the equipment, but I just want us to go ahead and find another solution.

Marsha Abell: The problem is that we can't go without it. It will shut our child support system down and you'd have thirty thousand women screaming at you.

Commissioner Mourdock: I don't want to go that route.

Commissioner Fanello: One woman screaming at you is bad enough.

Marsha Abell: It would literally shut our child support check writing system down completely.

Commissioner Fanello: I'll go ahead and second the motion with the intent that we find another place within the next year to house the equipment since there is not

election this year.

President Mosby: I have a motion and a second. So ordered.

Marsha Abell: Who's going to find the extra space? Are you going to do that?

Commissioner Fanello: We'll both need to work on that together, I guess.

Sheriff Ellsworth - South Western Communications Agreement

President Mosby: Sheriff Brad Ellsworth – service agreement with South Western Communications. I have you right here on the agenda.

Brad Ellsworth: Catch me off-guard. Sheriff Brad Ellsworth, Vanderburgh County Sheriff. Am I suppose to address you?

Commissioner Fanello: Tell us what you want.

Brad Ellsworth: Whatever this letter says is what I want.

Commissioner Fanello: A 1,000 bed jail. No, just kidding.

Brad Ellsworth: We're looking at a service agreement that remains the same price as it has in the past – a price of \$2,587.00. It begins February 1 of this year until January 31, 2002. So I'm asking the county to enter into a contract with South Western Communications for this service agreement.

Commissioner Fanello: Did you say what they serviced?

Brad Ellsworth: No, I didn't. They service our security equipment in the jail.

Commissioner Fanello: I'll move approval for the agreement with South Western Communications and the sheriff's department.

Commissioner Mourdock: And I will second. I was confused with the letter too because there's a couple extra letters in there where it says server but it meant just to serve.

President Mosby: I have a motion and a second presented very well by the sheriff. So ordered.

Brad Ellsworth: You all probably wished I'd have been this short of speech on the jail. Thank you all very much.

Steve Fuchs - Demolition of 5930 Mesker Park Drive

President Mosby: Steve Fuchs.

Steve Fuchs: The Building Commission is coming to request funding for the demolition and clearing of 5930 Mesker Park Drive. You were sent a packet, I believe.

Commissioner Fanello: \$3,500 is the estimate? Richard, typically are these things budgeted in our budget?

Commissioner Mourdock: We've only had one of them that I recall in the past several years. The one at the corner of Boonville-New Harmony.

Steve Fuchs: Every year we put in our budget and it's cut out so we have to come through you to get the money and then it's put a lien against the property.

Commissioner Mourdock: I'm curious as why we didn't do everything at one time on this?

Because there was an immediate emergency because the house was burnt and it posed an immediate threat to the public and needed to be removed immediately.
Commissioner Mourdock: And the landowner?

Steve Fuchs: She was given a period of time to clean the rest of it up and she has not complied. We worked for a year and a half to get the house down.

Commissioner Mourdock: I believe I'm correct as far as the funding we put a lien on the property.

Commissioner Fanello: I'll move approval for the demolition of 5930 Mesker Park Drive.

Commissioner Mourdock: And I will second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: Do you want to go ahead and let Kent Irwin?

President Mosby: I don't know. Is Phil ready?

Commissioner Fanello: Are you ready to give us the RFP's?

Philip Hayes: I can do the Burdette, would you like to do that?

President Mosby: Why do we go ahead and do yours, you're next?

Commissioner Fanello: Well, Kent Irwin is here so I thought we'd go ahead.

Catherine Fanello - Minority Business Enterprise Policy
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Commissioner Fanello: Since I'm next, I guess I'll go next. The only thing I want to bring to the board's attention and maybe get this board to start discussing is the city is working on a minority business development policy and I would like to see the county, as well, adopt some type of minority and women business owned development policy in the county and make it part of our purchasing policy. Which is a question I have for Suzanne. Suzanne, did you adopt an actual purchasing manual in the county or just...

Suzanne Crouch: We have a manual that we put out regarding claims and that, but

I'd have to check on that.

Commissioner Fanello: Like the one the city has, an actual manual, so I didn't know if the county had adopted something like that?

Suzanne Crouch: I'd have to check.

Commissioner Fanello: Once we find out the answer to that question, we can adopt it on its own, but I'd like to make it part of our purchasing policy. I guess, I'll just get the board's thoughts on this. My thought is that we get a couple of people involved and do some research. I've talked to the mayor about it and they are moving forward on their policy. I would just like to see us do the same.

Commissioner Mourdock: As far as a discussion item, I'm certainly open to that. I think we've pretty well made a rule...I know in some of the larger purchases...to make sure we adopt language in the RFP's or RFQ's... I'm sorry, RFP's that we do meet – in fact, we've actually exceeded some of the requirements for participation, but if we need to formalize that then I'm certainly agreeable to come up with the right wording to do that.

Commissioner Fanello: I think if we could come back in about 30 days and I'll do a little bit of research and see where the city has come so far.

Commissioner Mourdock: You are suggesting, as I hear you say that, that we'd have a carbon copy. Ours would be the same as the city's?

Commissioner Fanello: Hopefully, yes, but I haven't exactly seen what they've all...I know they are working on one and I don't know if they have a complete draft of one yet. We could certainly review it and hopefully adopt the same policy that they have.

Commissioner Mourdock: We have enough confusion between city and county at times so as much as possible...I would be hard pressed to see why we wouldn't have an identical policy.

Commissioner Fanello: I would just say that we'd review it first, but yeah, that's certainly my goal.

Commissioner Mourdock: So you'll report back something in about 30 days?

Commissioner Fanello: Yes.

Tony Greubel - Lease Agreement with United Leasing

President Mosby: Is Tony Greubel here?

Commissioner Fanello: No, he's not going to be here, was he Tammy?

Commissioner Mourdock: We can go ahead and deal with the issue.

President Mosby: We need to deal with that up here.

Commissioner Fanello: The least agreement. Did you all have a chance to review that?

Commissioner Mourdock: As Tony says in his letter, that's for a manlift that's used frequently at The Centre. It was originally leased a little more than a year ago from United Leasing and because it was set up through the county as opposed to Ogden or their now successor is, the people who have that piece of equipment want the lease to be maintained since it was through us originally, this board needs to act.

Commissioner Fanello: I don't have a problem with that. It's my hope in the future that we look at lease versus buy and I don't know how the county approaches that.

Commissioner Mourdock: There is a purchase option in that.

Commissioner Fanello: I did see that. That was a decent lease agreement, but I would just like to make us aware that we review those as they come available.

Commissioner Mourdock: I'll go ahead and move that we exercise a lease agreement as submitted to us for the manlift at The Centre.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second on the lease agreement. So ordered.

Bid Opening VC2001-04 Tri-Axle Truck

Philip Hayes: Bids for the tri-axle truck, VC2001-04. We opened those and we have bids that are in proper order with the non-collusion affidavit along with the records that check guaranteeing performance. Do you want me to go ahead and announce?

Suzanne Crouch: You read the vendor and then the amount into the record.

Commissioner Mourdock: Then we will take them all under advisement.

Philip Hayes: In this instance the...I want to get the signature of the vendor before I read it out.

Ruxer Truck Center	\$70,100.00 2 nd option: \$68,100.00
Tri-State Utility Sales & Service	\$78,049.44

Tape Change:

Commissioner Mourdock: We're rolling.

President Mosby: If I could just have a minute. I don't quite understand one of the...okay.

Bid Opening VC2001-05 One Ton Truck
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Philip Hayes: The next item is the bids VC2001-05 one ton truck. This is the bid from Ruxer Ford Lincoln Mercury and it has a non-collusion affidavit and the

appropriate check with it for the amount of \$27,172. We're going to have a good time getting these squared up, I think. The next bid for the one ton truck is from D-Patrick, Incorporated, 500 Walnut Street. It has a proper bid bond, non-collusion affidavit and the security with it, and the bid is in the amount of \$27,652.20. Anybody else ever do this better than me? Also, the one ton truck, this bid is from Tell City Ford Lincoln Mercury. It is in apparent appropriate order with a non-collusion affidavit and security and it is in the amount of \$26,729. And finally, on that one ton truck item is a bid from Wyant Ford of Elwood, Indiana in the amount of \$27,840, and that includes a performance bond cost that you – distinction from the other, so we'll give the gross bid \$27,840 even. And that's it on the one ton truck. (Inaudible)

Bid Opening VC2001-06 Ten Foot Dump Bed

Philip Hayes: The first bid, we'll go ahead and read it, just to point out it may or may not be responsive and it's also from Wyant Ford and it is the...(inaudible – comments not made in microphone).

Philip Hayes: Okay, let's correct the record on that then. It's VC2001-06 ten foot dump bed. Is that correct? Okay, so strike truck on your opening requests. I'll reread this. It's Wyant Ford and the total bid cost is \$6,016 and I might note for the record that it has a contrary and may not be responsive, it has an 11 foot dump body described, so there is a size difference but none the less, the bid has been read in with that notation in the record. Tri-State Utility Sales & Service on the same item and that bid is in the amount of \$6,138.60 and their bid appears to be in order with the bid bond and non-collusion affidavit. Miller Truck Company is the last bid on that amount. The bid appears to be in order and in the amount of \$5,470.

Bid Opening VC2001-07 Snow Plow

Philip Hayes: The first bid is from Tri-State Utility Sales and Service, Incorporated in the amount of \$3,500 it too appears in appropriate order with non-collusion affidavit and the proper bond. The next bid on that item, the snow plow, is from Miller Truck Equipment in the amount of \$3,695 and it is in proper order with the non-collusion affidavit and with the cashier's check. The final bid on the snow plow item is from Wyant Ford. The total bid is \$3,290. It's in appropriate order.

Bid Opening VC2001-08 Eight Foot Hopper/Spreader

Philip Hayes: The final item is VC2001-08 eight foot hopper/spreader. The first bid, Tri-State Utility Sales & Service, Inc. in the amount of \$4,231.60 with an option to add to that \$982.80. It also appears to be in appropriate order with non-collusion affidavit and proper security. The next bidder on that item is Miller Truck Equipment and the bid is in the amount of \$4,029 even. It has the proper security, non-collusion affidavit and is in appropriate order. And then we also have Wyant Ford and the total bid \$3,983 and the record note that non-collusion affidavit is submitted with that and it appears to have the appropriate – yes, it has the appropriate bond with it as well. There are submissions that are non-responsive, they're basically courtesy mail-backs. Do you prefer to have those read into the record?

Commissioner Mourdock: No, I don't think that's necessary.

Philip Hayes: Okay.

Commissioner Mourdock: The main thing, as long as we have the names of who bid and their pricing in the record –

Philip Hayes: Yeah, that's my call on it. The others, they don't appear at first review to constitute a bid.

Commissioner Mourdock: Okay, I'll then move that the bids and pricing for the tri-axle truck, the ton truck, the dump bed, the snow plow and the hopper/spreader be entered into the record and that the county attorney report back next week for a final.

Commissioner Fanello: I'll second.

President Mosby: We have a motion and a second. So ordered.

Kent Irwin - Review and update of personnel policies

President Mosby: Next we'll go to Kent Irwin.

Kent Irwin: I'm Kent Irwin with Waggoner, Irwin, Scheele & Associates. By way of introduction, we're a management consulting firm based out of Muncie. We specialize in human resource consulting principally personnel policies, job descriptions, salary programs. Here of late we've found ourselves doing a bit of recruiting and executive search. We regularly conduct workshops with the Association of Indiana Counties as well as the Sheriff's Association. We're members of the County Commissioners Association. Having met with Commissioners Fanello and Mosby at the workshop for newly elected officials, in discussion with them, we have provided you as Commissioners with a letter of engagement that would engage our firm to do essentially four things: one being an operations review of those departments and positions under the authority of the commissioners and this would involve reviewing and updating the job descriptions that are in place for those jobs as well as interviewing supervisors in respect to the efficiencies of those department and providing them with a questionnaire to complete. After working through that process, we would provide the commissioners with a report as well as a review of the employment status of each job that is assessed under the provisions of various state and federal employment regulations such as Americans With Disabilities Act, Fair Labor Standards Act, Family & Medical Leave and a new policy – or a new regulation that I'm going to talk about here in just a minute. Secondly, we propose to update your personnel policy. I've done a quick review of what's in place. Our firm did develop the original policy back in 1996. It was amended in 1997. At this time I think there are certain policies that may be dated, others that may need more comprehensive explanation and some others that may need to be added. In the added category, the federal government has handed us another rather hot potato in the employment world and that is through the new OSHA Ergonomics Standard. I have provided counsel with a copy. The binder is the OSHA regulations that were adopted last November as well as a summary sheet of this new standard. And basically, and we're going to be hearing a lot about ergonomics and musculoskeletal disorders which is referred to in the regulations as MSD, that involve minimizing work related injuries and disorders of muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs in the workplace. And there are some fairly specific requirements that are set out here. Essentially, when it takes effect, March 17th,

here in Indiana. Now in the rest of the country it's October, but our state labor department made a commitment to put this place a bit earlier. All employers are covered by this standard regardless of their size and as employers we're required to inform employees about MSD's and their signs and symptoms and then how to report them when they're found. Now if those disorders meet certain criteria, repetition, force and some other objective data that goes along with trying to assess whether or not one of these has reached what they call an action trigger, then the employer is obligated to do further analysis of the job and of the MSD. Now we have a choice there to implement a comprehensive ergonomics program or to implement a quick fix for a particular, I would say complaint if you will, incident that is brought to our attention, and then there is a timetable that's part of the appendix in this regulation that I've provided you that kind of sets in motion the things that as employers, we're required to do. So it's another kind of federal regulations that, at least in my view, it's one where I think people in the workplace were doing a pretty good job by themselves, but the federal government felt that, you know, it was something that needed to be regulated and there is considerable debate about this, particularly in the private sector on how much this is going to eventually cost employers to address these MSD issues. Initially, Vanderburgh County needs to notify the employees of this program and set in place a way for employees to bring MSD's to the attention of the employer. I think the challenge from that point will be then how we address those individual incidents as they're brought to our attention. I might say that the Vanderburgh County Airport has been a client of ours for a long time and we've been assisting them in this very process and they're going to be adopting a similar policy here in the near future. But those are two basic services that we would offer the county in terms of updating your job descriptions as well as looking at some of the impact that these and some other policies have and then updating your personnel policy. The two other items that I've listed here would include some salary analysis of those positions under the jurisdiction of the commissioners as well as supervisor training in the use and implementation of any new policies that may be adopted as part of this process. So that in kind of a nutshell in terms of discussion and what our firm is currently doing with many of our clients with regard to policies and their updating is what we would offer providing the county on an hourly basis with travel reimbursement. This letter of engagement of very similar to the one that is currently in place. We did some research for your previous County Attorney, Joe Harrison, a couple of years ago and it was billed in much the same way. So we have from time to time been working with the county albeit not as extensive as when we first put together all the job descriptions for all the county offices here in Vanderburgh county. So with that, I'd be happy to address any questions or concerns that the commissioners may have or others here that are present tonight.

Commissioner Mourdock: I guess, Kent, I hear two pretty different issues here so let me deal with them separately. First, as far as the ergonomic side of it, I know next to nothing about this, you just increased my knowledge by a quantum amount in what you said, okay. But it would seem to me that in doing a study, which is what I think is what I heard you say, you need to study county facilities, study some county jobs, get some feel as to what the MSD risk might be? That would seem to me to be a never ending task, isn't it? How do you ever get a handle on that?

Kent Irwin: I think that one of the first steps here and...well, let me back up. When the Americans With Disabilities Act went into place, we took a very close look at the physical and mental demands of each jobs and I think those have to be identified and well documented within job descriptions.

Commissioner Mourdock: Are you saying you did that specifically for Vanderburgh County when you did the ADA work for Vanderburgh County?

Kent Irwin: Right, right.

Commissioner Mourdock: For the job descriptions we have?

Kent Irwin: So I think that ought to be re-verified at this time given the jobs that are in place today. I think most of the job descriptions are probably still most accurate. You may have created some jobs where you didn't go through that same process. Initially, as I said, we have to make the employees aware. They need to have a forum and in appendix A, I believe, sets out the information that we've got to communicate to the employees and they need to sign off and acknowledge that they have received that information and that becomes part of the record keeping process under this new ergonomic standard. Then, I think we take it to the next step in terms of how to we process an MSD incident that's brought to our attention. And I think that's the part where you're going to have to engage some other professionals who are involved in occupational medicine and I think you've got an occu-med group here or there are some other groups that have worked with county to deal with these on a case by case basis. I would not propose at this time that you try to implement a comprehensive ergonomics program. I think we need to look at the cases on an individual basis as they come to us and evaluate them accordingly because I don't think all people in all jobs are going to be suffering the same kind of disorders.

Commissioner Mourdock: Okay, so on that issue alone, what you're really suggesting is there be some not-to-exceed kind of baseline study.

Kent Irwin: Right.

Commissioner Mourdock: Okay. On the other side of this, and David and Catherine, I'll give you this as a bit of history, you mentioned that we first did our personnel policy in '96 and my recollection is you're right. I think it was in June or July of '97 that we updated that. The way we updated it at that time is, we had some discussion about whether or not we wanted to use a consultant to do that and each of the three commissioners, at that time, basically hosted a meeting or two with various division heads to get their input at to the good things and bad things in the personnel policy that had been adopted the previous year that Kent made reference to. We then redrafted, took all their comments together, wrapped them up, redrafted it, and I think that's what Joe submitted to you simply to review the language that we had put together, that this board has put together. So I see a bit of an ironic flip side here in that as we were looking at it at that time not to use a consultant to do that, so this time maybe we're going the other way.

Kent Irwin: Uh...

Commissioner Mourdock: I had another comment here. I guess that was the key point. Again, I have some question, have some concerns as to both of these seems to be pretty wide open. Do you have a total budget number in mind, would be one question and what did we do in '96? Do you recall what the cost was in '96?

Kent Irwin: I think you were looking, it was somewhere around \$15,000 plus back then.

Commissioner Mourdock: But that was starting from scratch, so this ought to be, as you said, refinement.

Kent Irwin: Yes.

Commissioner Mourdock: Okay.

Kent Irwin: Particularly on the policy. Costing out one and two, I think you're between \$18,000 to \$20,000 on doing the operations review and an update to your policy simultaneously.

Commissioner Mourdock: And I guess two questions for those of us: question one is, do we have money budgeted to do this and question number two, have we had a request or series of requests from divisions heads from elected officials that would presently have problems that need to be dealt with? And again, that's aside from the MSD issue which I understand is somewhat of a new issue. I haven't heard of any, but I offer that question.

Commissioner Fanello: On the operations review part, my thoughts on that are I think some of our job descriptions are in dire need of updating and I would like for him to take – my thought is I would like for him to take a look at our departments only, just the commissioners and review the efficiency and effectiveness of those departments as far as job descriptions and the number of people we have in each of those departments. On the personnel policy, as far as elected officials, I haven't had an elected official come to me and complain, I've just had personnel come to me and complain. But I think it's worth taking a look at. The salary analysis, I'm not sure. We've got a couple of council members here and I am new at this, so I don't know how that works on the council side. I know you guys have a job study over there, so you'll have to, if one of you would like to come forward and say anything or educate us on the job study. I don't know how that would work in to that, is my question.

Phil Hoy: Phil Hoy, County Council. What we have in the job study and in the categories we have the job study is really the result of work you did some years ago. And I think that's, you know, that part of it is working pretty well. You can always look at that and say that someone should be paid more. I think some of our county employees are a little low on the scale.

Commissioner Mourdock: Elected officials?

Phil Hoy: No. Well, some weeks, yes! You all know that and I know that, but that's, I think that part is in pretty good shape. Looking at some job descriptions which I mentioned to you all in a memo, I certainly think one that needs to be looked at is the Superintendent of County Buildings because the nature of that job, as you all know, has changed. So there might be some situations there, but so far as the job study is concerned, the categories work pretty well. We have some other people here. Sheriff, you deal with a lot of those. I'll put you on the spot. You deal with those. Every department head deals with those, but I think those work fairly well. They were set up very well. Does that –

Commissioner Fanello: That answered my question, I think. But still, I would like for someone to take a look at our departments and, I guess, identify any salary discrepancies and then the Council could maybe take those under advisement, but I do think our operations need to be reviewed.

Kent Irwin: I would say that we're not...I'm not asking to supplant what you're doing now. When we talk about a salary analysis is to look at perhaps specific jobs or doing an external comparison for certain positions and I don't know what's been done, but offer that as an option.

Commissioner Mourdock: I'll put the second question back on the table. Have you found money in the budget to do this with?

Commissioner Fanello: That, I'd like to take a look at our budget to see where we have money budgeted. So what I'd like to do at this time is probably take it under advisement and maybe we bring it back to the table next week.

Commissioner Mourdock: And I would suggest that you might also consider during the next week, as with the MSD side of this, maybe a "not to exceed" type price especially if it's going to be something as narrow as simply the Commission offices. But if your motion was to...

Commissioner Fanello: Take it under advisement and we bring it back to the table next week.

Commissioner Mourdock: Okay. I'll second that motion.

President Mosby: (Inaudible – microphone not turned on) I think we'd better vote.

Commissioner Fanello: We can always rescind.

Phil Hoy: Go ahead and say so ordered. What I have to say ties in with MSD and OSHA because I do know some things about that.

Commissioner Fanello: Go ahead.

Philip Hoy: I'm aware of the new regulations because they apply to Tri-State Food Bank where I used to work and as Commissioner Mourdock said, you're looking at a lot of different individual situations. We already, with one of the liaison assignments I have, we already have a doctor's order on hand to order a certain piece of equipment to assist this employee. I'm trying to be vague here because I don't want to pinpoint anybody and I hope you understand that. But I've reviewed that with the officeholder and I think it's one of those situations where we will have to supply the piece of equipment because of – I don't know how you used that word, ergonomics. I know what it means, Kent. It means that when you sit in the chair, you've got enough support back here and things like this and your legs are too high off the floor, and that sort of thing, because it does make a difference. Your wrists are fine on the computer, that sort of thing. We're going to see more of that and I think you'll see some of that come through, but with 800 employees I don't know that you'll see, I hope not 800 of those.

Commissioner Mourdock: That's one of the sticking points of this from the federal side was there's some overlap here, it would seem, with under the Americans With Disabilities Act, the term reasonable accommodation.

Philip Hoy: Exactly.

Commissioner Mourdock: The people have some problem and you're going to have

to make reasonable accommodation.

Phil Hoy: And that's the exact terminology. But from my viewpoint, we'll be looking at that on an increasing basis, but I don't think it's going to, I would hope that it's not just something that employees use to, you know, as a device to complain about something or get a new chair.

Commissioner Fanello: But I don't know how many insurance claims or if we have any at this...I haven't talked to our insurance agent, so it could possibly...if we're experiencing some insurance claims right now with those, it could cut down on some insurance costs.

Kent Irwin: Yeah, I can say from our experience with ADA that well over 98% of our workers never come to us with a request for an accommodation. I would guess that same percent would hold true for MSD's. And at that point, it's the difficulty or the challenge is sifting through what's legitimate and what is particularly something from those employees who will abuse the system, how to go about screening that out so that you don't end up in a lawsuit or getting a violation to the tune of \$7,000 per and that's what this particular regulation calls for; more so, if it's flagrant. So you want to be able to have a process in place to react to everybody in a standardized and consistent way. And I think that's your main objective so that you're doing it the same way each time that you get some kind of an MSD brought to your attention. Same on ADA. And what I found that most counties, particularly some of the larger counties where there's not a centralized personnel office, and I'm not going to give that sermon tonight, but the fact is these personnel issues continue on and just simply having a handbook isn't enough to cover the county or the employer without a means of administering that policy with procedures, forms and reinforcement with supervisor training. And I think that's the emphasis that we're talking about in terms of providing you at this point in time so that people can kind of start singing out of the same hymn book when it comes to the administration of these policies.

Commissioner Fanello: Thank you, Kent.

President Mosby: We have a motion on the floor. So ordered and we will hold this 'til next week.

Phil Hayes - RFP for Burdette Park

President Mosby: Phil Hayes, RFP for Burdette Park.

Philip Hayes: We have received four of those request for proposals and I'll simply read them into the record. The first is from Edmund L. Hafer and Associates. Second from Buente-Buente Architects PC. The third is from Architecture Plus PC. The fourth from Morley & Associates, Incorporated in Evansville.

Commissioner Mourdock: I'll move that we take those four under advisement.

Commissioner Fanello: Second.

President Mosby: I've got a motion and a second. So ordered. And what's your pleasure with the multiple copies?

Commissioner Mourdock: Why don't you just leave them in the office. The question

was just asked, though, regarding pricing for those four. Because this is a service contract, there was not specific pricing listed, I presume, but instead just general terms and conditions.

Philip Hayes: That's my understanding, yes.

Phil Hayes - Contract for legal services

President Mosby: Contract for legal services.

Philip Hayes: Yes, and before I do that I wanted to introduce two of the assistant county attorneys who are here tonight. Jay Ziemer is here. Jay, you want to stand up? Jay is with Bowers, Harrison and has been doing litigation work and was kind enough to assist us with a bulk job tonight. And then also, David Kent with Keating, Bumb, Vowels & Kent. And David has a quick report with regard to the Old Courthouse. He's been examining the contracts and various other options and documents and I thought it might be a good idea to have him report to you this evening. The contract for legal services is one that, this apparently was omitted by me. It has to do with the legal services for \$70 an hour for certain litigation matters, representation specifically in litigation, imminent domain, county highway contracts and related negotiations, meetings, conferences and other matters, and legal consultation and advice when requested on those matters. I was informed that that contract would be required by Joe Harrison. I thought I was getting everything that he was getting. It turned out I was leaving out a big lump there and no, that's a joke. But in any event, the current contracts of all the other assistants are – encompass those same materials and I think that we stated at the first meeting that there is also funds that are provided on litigation through the Willis Carroon Agency and those are on items that are insured and that's what is covered here.

Commissioner Mourdock: I'm confused, Phil. The things you just read at the price of \$70 per hour, that is for services from you, from Phil Hayes?

Philip Hayes: Those are for services from Phil Hayes, correct. And that's in addition to the line item budget salary. That would be over and above that amount and specifically it is in litigation, appearances in court with regard to personnel matters. For example, imminent domain procedures leading to litigation or not, under certain county highway contracts where there are budgets for that. I was informed that those vouchers then are submitted through the County Engineer's office, I believe, with regard to specific projects that have legal budgets in them for the takes, examinations of appraisals and so forth that we delivered opinions on, I think. Is that right, John?

John Stoll: Basically, we just pay for that off the line item for a particular road project like Burkhardt Road is paying for Joe Harrison's fees on all the condemnations that are going on out there right now.

Philip Hayes: Okay, we've left Joe – those were filed in the year 2000 and we've left Joe on there for responsibility and I've entered an appearance in order to be able to officially conclude those by way of settlement or other necessary response. I can't think of any other specific examples with regard to this kind of litigation that's covered here but I know it does cover the insurance Willis Carroon items and covers other imminent domain –

Commissioner Mourdock: The items you specifically read.

Philip Hayes: Already mentioned that, yes. And then in our usual fashion, we've said including, but not limited to –

(Inaudible – several speaking at once)

Philip Hayes: Well, there is a detail in there I wanted to alert you to on that. Did you want to –

Commissioner Fanello: I was going to go ahead and move approval. I'll move approval for the contract for legal services between the county and Phil Hayes for the services read into the minutes.

Commissioner Mourdock: Yeah, without having seen it and with the understanding it's what was read into the record for those specific issues as stated, I will second.

Philip Hayes: I've got copies of them all. Go ahead and slide those down. See this is the original executed...

President Mosby: I have a motion and a second on the contract for legal services. So ordered. Next, a resolution --

Philip Hayes: And I'll have to defer that. That's an item that I was unable to complete satisfactorily to me and I'll bring it back the next meeting. I think that was an item that was given to me by Commissioner Mourdock and I apologize for not being able to complete that to my own satisfaction. David –

President Mosby: (Inaudible – microphone not turned on)

Philip Hayes: Pardon me?

President Mosby: (Inaudible – microphone not turned on)

Philip Hayes: I was going to go ahead and have David Kent give you a brief report on the Vanderburgh County Old Courthouse. David, state your name.

Charlene Timmons: We need to change tapes.

Philip Hayes: I'm sorry?

Commissioner Mourdock: We need to change tapes.

Philip Hayes: Okay. Sorry.

Tape Change:

Discussion - Abandoned vehicle ordinance

President Mosby: Are you changed already?

Suzanne Crouch: Yes, I'm sorry.

President Mosby: David, before we get into the Old Courthouse let's do the abandoned vehicle.

Philip Hayes: Alright. I have a draft ordinance for establishing an abandoned vehicle fund. I have spoken to the attorney for the County Council today and also spoken to Mr. Harrison who had prepared this for introduction by the County Council. I'm informed that the appropriate procedure is to simply reiterate that with the proviso that the county auditor...it will be drafted in such a way that the county auditor will not have to devote staff or budget to administration of it and we have spoken to the county auditor concerning that. Brad Ellsworth was here, the Sheriff, and spoke to it the last time we simply brought the matter up. What I am asking for is technical direction that I may investigate and form a draft of an interlocal agreement or intergovernmental agreement with the city controller so that the controller can simply handle the matter of any county revenues in the event that the County Council sees fit to establish this ordinance. It is required under state statute to establish an abandoned vehicle fund and we've covered this ground before and apparently it was covered in the year 2000, but we've decided that all the input that I've had that it would be more efficient to handle it by simply having the city controller take care of any funds and then write a check to the county to the county abandoned vehicle fund which if the County Council sees fit to establish it will be done in that manner.

Suzanne Crouch: Phil, there is in the code of ordinances a junk vehicle fund—

Philip Hayes: I've seen that, yes, uh-huh.

Suzanne Crouch: —and it speaks to abandoned vehicles. We actually have \$43 sitting in that fund.

Philip Hayes: I saw that. Well, I asked for—

Suzanne Crouch: I didn't know if that was the case. We had talked to Barbara Barnick at BMV who is the head of that abandoned vehicle division and she had indicated, and I don't know if you would probably have some history on this, but 20 years ago was about when the state enacted their statute regarding abandoned vehicles—

Philip Hayes: Correct, that's right.

Suzanne Crouch: —to address this issues. She had indicated that out of the 92 vehicles...I'm sorry, 92 counties she wasn't aware of any county doing their own abandoned vehicles.

Philip Hayes: Even though the authorization was here to do it?

Suzanne Crouch: Well, I think that is an option is how it was explained to us so I don't...you know, I had indicated to you before that we had done some research and out of the 195 vehicles that were at auction last year at Mike's, it only realized \$3,200 to the state and of those 195 vehicles only 45 to 50 of them were abandoned.

Philip Hayes: I understand that.

Suzanne Crouch: So you're talking about no money whatsoever.

Philip Hayes: Yeah, this...my investigation shows, and I think the sheriff had placed into the record that there were approximately 300 vehicles tagged by their department alone and it was the environmental concern about it and the capability of trying to get these things up and off of the county end of our jurisdiction. What I have discovered is that it doesn't cost us anything. There seems to be no cost associated to terminating the state getting the money and having us get it. So that everything being equal if we are not burdening any staff and if the city controller is simply being paid out of proceeds, say \$5 per title that's done, then it stood to reason that we would not be expending a whole lot of effort to go ahead and continue to get them off and we would also be going for the revenue. If we happen to get more revenue than the state got, than the \$3,900 or the \$3,600 you and I had talked about, I think I saw the spreadsheets that you had, then the notion was that on a policy basis it was a no downside risk proposition. So on that, I continue to spend efforts to go ahead and do it. I'll act on the direction of the Commission here, whatever. The policy issue is not territory for me to get on, but as far as the legal aspect it was our conclusion in this legal department and in going over this with Joe from having filed it last year, having filed it back in the year 2000, that it seemed to be...I'm not sure, at that time I think it was the request of...at least in the whereas clauses it was the request of the county sheriff and I'm sure it was done in response to his request at that time.

Suzanne Crouch: Can I ask a question because I am confused? The abandoned vehicle ordinance, would that just address the 45 to 50 vehicles that are actually abandoned in a year, so the money is only off those 45 vehicles?

Philip Hayes: Well, it has a list of definitions A through G and those are, I won't read them into the record here—

Suzanne Crouch: Thank you.

Philip Hayes: —but the old pending draft that was around has the same thing. My understanding is that in order to be able to have the money diverted to the county, the proceeds of the sale, you must have the ordinance established. If we had a fund established under a prior ordinance which was not amended, if that was just an old ordinance and this took its place, then in that event I'm not sure that fund applies anymore under that old ordinance. So apparently that was the opinion in 2000 and I'm just kind of following down the path with it because I didn't bother to do the scholarship on whether it was absolutely necessary or not. But in any event I appreciate you pointing it out to me and I'll take a look at it. If it does that would obviate the problem. We wouldn't have to have another ordinance and we could simply do an intergovernmental agreement and notify the state not to sell our cars any more and take the money which would be a good deal. I mean, assuming there is any money to take, but the main thing is that I wanted to have some direction so that we don't burden any of our administration with it. That is to say any county offices, in your office or anywhere else.

Commissioner Fanello: Well, I'll just give my experience on the city side. It was a win-win situation for us and we ended up making money. I know that the county signed a contract last year with Wolfe's Auto Auction and I don't know...I'm not up to speed on this. I don't know why it wasn't followed through, but—

Suzanne Crouch: Well, I think...I'm sorry.

Commissioner Fanello: No, for the reasons I guess you just stated.

Philip Hayes: Yeah, pretty much.

Commissioner Fanello: I would like to see us try it and if it doesn't work out we can always ditch it, but it was a win-win situation for us and we ended up making a lot of extra money.

Suzanne Crouch: Yes, the city had 650 abandoned vehicles. Captain Ellsworth? Or Sheriff.

Brad Ellsworth: It will be captain some day.

Commissioner Fanello: Well, even if it's just a small amount of vehicles, I mean, I guess if this money goes to the state then and we don't get any of the—

Suzanne Crouch: Well, but the state also has personnel involved in it. They pay for an ad every time the auction is run and they had ten auctions last year so they are paying for ten newspaper ads out of that.

Philip Hayes: Right.

Suzanne Crouch: The state has indicated to us, as other people have, that we can't make any money. The county can't. Now the city can. It's a different animal there because they had 650 abandoned vehicle last year compared to our 45. Wasn't that 45 to 50?

Brad Ellsworth: Right. Brad Ellsworth, Sheriff. This is not going to be wrecked vehicles that are involved in accidents. It's strictly the ones, like I said, with trees growing out—

Commissioner Fanello: Uh-huh.

Brad Ellsworth: —or dog houses or whatever the people chose to use them for. Like I said, if we would of had this in place two years ago we would probably of had somewhere in the area of 300, but the guy I put in charge full-time has been doing a pretty bang-up job and getting them off there and like you said now it is 45. What we have always said is that, and I think Suzanne agrees, we've had several meetings, is that if we're spending more money in personnel than what we are bringing in it's probably not worth it. Let's give it to Mike's. What has been happening is we tow it to Mike's and then if it is just 30 days they call the state and say, hey, we've got one sitting here. Mike's gets a very small cut and then the state gets the rest. They're probably not making a lot of money off the county, but I think at one time Jerry had said something, potentially \$20,000. I don't know where that number came from, I don't know. I'm not sure I agree with that based on the numbers we're rolling in. Most people comply and move the cars on their own when the officer goes out and tags it, so if 45 is the number that really towed...like I said, if it comes down to if it is costing me my person or Suzanne's person more money in salary than we are bringing in then it is a problem. But like I said, it was a win-win for the city. Wolfe's takes care of it so it is a pretty good deal. We shouldn't be out anything.

Commissioner Fanello: I would just like to see us try it. Like I said, if it doesn't work out we can always get rid of it.

Commissioner Mourdock: Just...excuse me.

Philip Hayes: If I have your direction I can go ahead and investigate the ordinance that was pointed out to me and I am familiar with it by knowing that it was there, but it didn't look like it was, to me at least at first glance, but maybe it's okay. It may fit the requirement and if it does I can try to see the form of an intergovernmental agreement to see what it would do. I think the controller, it's just a user fee basically. We don't pay them anything. They just take \$5 out of the proceeds and get them to do the title work. So as I understand it then they could write a check back. I'll investigate it and try to get back to you. It may already, and I'm not sure of the status, but I think it may be required that if we have to do it then I guess I would have to talk to somebody on the County Council to entertain this there. Is that correct?

Commissioner Mourdock: Exactly. That's what my question was going to be a moment ago.

Philip Hayes: Yeah, I spoke to—

Commissioner Mourdock: I think if you're going to head this direction the County Council needs to—

Philip Hayes: Yeah, for the record I spoke to Mr. Ahlers today and it was basically said, you know, it's like run it up the flagpole and if anybody wants to go for it they will and if they don't you won't see it again.

Commissioner Fanello: I'm sorry, is to establish an abandoned vehicle fund?

Philip Hayes: That would be to establish the fund and to make other amendments that would allow the intergovernmental contract to be done between the county and—

Commissioner Fanello: On the fund part how is that different from the city? Because we didn't have an abandoned vehicle fund, we had an abandoned vehicle line item in the general fund.

Philip Hayes: Right, it went to the general fund over there and I can't tell you.

Commissioner Fanello: It just seems to me all you would need to do would be set up a line item to receipt the abandoned vehicle monies in.

Philip Hayes: Yeah.

Commissioner Fanello: We had no separate fund.

Philip Hayes: Well, this statute requires a fund for some reason and I don't know the answer to it, but it does, the statute does require a fund.

Commissioner Mourdock: That is the answer. The statute requires it.

Commissioner Fanello: Why is that...I guess, why is that different than the city is what I'm confused on.

Commissioner Mourdock: Because the statute requires it.

Commissioner Fanello: That's not good enough. That doesn't tell me.

Philip Hayes: In any event that was basically it.

Commissioner Mourdock: It sounds like rather than have the motion it sounds like I think I heard Phil say you're going to perfect some of the language and get back to us?

Commissioner Fanello: Did you want to bring back the agreement next week or do you want to investigate it this week and bring it back to the session next week?

Philip Hayes: That would probably be appropriate. I wanted to set that basis up so I wasn't chasing my tail and we had some action on it.

Commissioner Fanello: Why don't we just say bring us back some information next Monday.

Philip Hayes: Right, I'll have to amend the text of the draft that was previously pending before the Council.

President Mosby: David Kent.

David Kent: Mr. President, I think you have a motion on his contract and a second, but I don't think you had a vote.

President Mosby: Oh.

Commissioner Fanello: Did you say so ordered?

President Mosby: I said so ordered.

Commissioner Mourdock: I thought you did.

President Mosby: I think I did. I know she made the motion and you seconded it. I thought I said so ordered.

Philip Hayes: Charlene, this brilliant gentleman has asked, and he is right, this is of utmost importance. Was my contract okayed there? Did we have a second and passed, do you show that?

Charlene Timmons: Is that the \$70 litigation?

Philip Hayes: Yes.

Commissioner Mourdock: Yes.

Philip Hayes: Excellent, thank you.

President Mosby: Okay, but if I didn't I'll say so ordered.

Philip Hayes: You have no problems.

David Kent - Report on Old Courthouse
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David Kent: Good evening, I'm David Kent, Assistant County Attorney. As we all

know the Old Courthouse Preservation Society has basically turned back to Old Courthouse to the county. By way of history they had a leased contract through May 12, 2067. There is currently a lease for the Old Jail which was in the same lease that is currently leased to Scott Anderson with the Old Jail Management Corporation and that lease also runs through May 12, 2007. Currently, there are 12 tenants in the Old Courthouse, ten of which are on a month-to-month basis and only two of which have actual written leases that are still in effect. Those leases terminate...one terminates October 31st of the year and the other one terminates December 31st of this year. By way of the facility itself, they currently only have one full-time maintenance person. That person is paid \$8 an hour with no benefits. They also have a part-time person that is \$7 an hour and that pays no benefits. The Old Courthouse Preservation Society also contracted for services with BFI for trash removal, Dover for elevator maintenance and Orkin for pest control. The first floor is completely rented out. The second floor has approximately 12,000 square feet divided into four rooms that are available. There is currently 1,500 square feet available on the third floor. I have spoken with Stewart Sebree who is the representative of the Historic Landmark Foundation of Indiana and he is brand new to this job. I contacted him through Dennis Au here in the county. Stewart, on his own, has basically moved for a grant for our county from the Historic Landmark Foundation. He believes he can procure us \$2,000 to \$3,000 on a four to one matching for a feasibility study of the facility. He will also...the Historic Landmark Foundation will also provide us a list of persons to do that study at that cost so that we can come in with as little cost at all to the county. At this point he thinks that it is going to cost the county about \$500 to do the study.

Commissioner Mourdock: Excuse me.

David Kent: Yes, sir.

Commissioner Mourdock: The total, it would cost the county \$500, but the total you're saying he would provide would be at four to one so we're only looking at a couple of grand?

David Kent: Correct. That's correct. He believes that is all that is necessary to do the feasibility study.

Philip Hayes: Use of facility?

David Kent: Yes.

Philip Hayes: Okay, thanks.

David Kent: The biggest thing that I see here and as a legal counsel to this board we however do need to keep the Preservation Society somewhat attached to this for purposes of their tax status as 501(3)C. What we've got is a facility that apparently at this point is not self supporting and because of that nobody is going to just give money to the commissioners or to the county to pay for it, but if they wish to make a donation through the Old Courthouse Preservation Society they can write it off on their taxes, so I do believe it would be in our best interest as the county to at least maintain some relationship with the Old Courthouse Preservation Society for those purposes. I have also been contacted by the county clerk's office with regard to storage at the Old Courthouse. Marsha Abell and I had some discussions at length and she provided me some figures with regard to what they are paying for off-site storage. She advises me that they are currently going to pay when they get all their bar coding done and with Kinder Moving & Storage somewhere in the neighborhood

of \$80,000 to \$100,000 a year for storage. That includes, as she tells me, Kinder will be retrieving files, court files. If someone goes to the courthouse and goes to the Clerk's office and requests a file that is stored there they are charged \$1. The county is charged \$1 to pull that file from Kinder. I have been playing telephone tag with John Stoll and it is completely my fault, the ball was in my court, so I just talked with John with regard to whether or not the facility could handle that type of mass. We're talking 40,000 cubic feet of space. We don't know how much that weighs or how much that is going to be, but I do think that is something we ought to at least look in to. If not as a...at least as a short-term solution so the doors don't close. The Historic Landmark Foundation has basically told us through Stewart Sebree that they would like to see the doors kept open. They are encouraged at least by that solution for a short-term because there is no design changes to the facility by doing that. I have also been contacted by other officeholders who have the same problem with space. Especially with storage materials. I have even talked with the city clerk about that. The coroner's office has that same problem, so if we're talking of just the storage of records it might be a facility that we have expended funds to outside sources that we might be able to use in that context. That's basically where we are right now. Stewart Sebree tells us that we will hear within a month with regard to this grant. He didn't even ask us to fill out any paperwork. He said he would take care of it all himself because the foundation is a \$35 million foundation and for lack of a better term they consider this not to be a huge grant. They just do the paperwork themselves.

Philip Hayes: David, would you go over a little bit more. The Clerk, County Clerk Abell, had talked to us, I guess, about archiving in general there and she said that she had a...what was her line item?

David Kent: She said it was—

Philip Hayes: How much money is she spending now?

David Kent: It's roughly \$80,000 to \$100,000 a year.

Philip Hayes: On an annual basis?

David Kent: They're just moving there. They're getting their stuff in there right now. They've got half of it done. They've got half of it in trailers that they're bar coding and putting into Kinder's storage.

Philip Hayes: So if all or a part of it were transferred over to the Old Courthouse and then you mentioned the coroner has records archive somewhere else. Do you know where they are?

David Kent: I do not know where they are. I have not had a chance to speak to them.

Philip Hayes: Okay, and then probably the city's are archived other places as well?

David Kent: Alberta Matlock has advised me that they are chocked full down in the basement.

Philip Hayes: Oh, okay. In the basement of this building?

David Kent: That's correct.

Philip Hayes: Okay, are there some in the courts building or is that being used as office space?

David Kent: No.

Philip Hayes: Okay, alright.

Commissioner Fanello: So we could possibly maybe house some records over there and take some records out of Marsha's office and then she could put her equipment in there maybe.

Philip Hayes: I don't know about that. I don't think that adds any office space.

David Kent: That files that are in Marsha's office appear to be open office...open files.

Commissioner Fanello: Or maybe we could put the equipment over at the Old Courthouse.

Commissioner Mourdock: Just a quick comment. I know the issue of using the Old Courthouse for storage space has come up a couple of times. I guess the question that I would have right now even if we were to pursue this what would appear to be a \$100,000 savings, although I might argue it may end being considerably less than that, but at least it is going to save us something. If we're going to do it, where are we going to put this stuff over there? We have, as you said, the first floor rented. The second floor we've already spent a bunch of money getting it ready for courts and they went over there and had one or two trials and haven't used it since. That is a concern to me realizing we're not going to make a decision here this even, but if we made the improvements of things like air conditioning in the second floor of the courts, then why can't we go ahead and use it as courts? Is the basement over there something that might otherwise be usable for storage? I'm not sure that the state of the basement over there would be suitable, but it is something to look at. Do we want to start bumping out the people who are renting on a month-to-month basis down on the first floor just for storage space? I mean, this whole situation comes back to, well, what I've got on the bulletin board over there. I think we need a full plan not just for short-term. I guess I'm a little frustrated in six years of being here we keep talking about the Old Courthouse problem, something we want to solve for the short-term. It clearly seems to me it's something we need to be thinking of in the long-term so we can quit dealing with this and get a real solution.

David Kent: I think you're one hundred percent correct and considering that the Conrad Baker Foundation being the predecessor of the Old Courthouse Preservation Society that basically held the facility for 30 years and there hasn't really been a plan. That's what John and I are going to try and work together on in terms of getting over there and viewing the entire facility in terms of where can these things go. We haven't even had an opportunity to get that far yet.

Commissioner Mourdock: Well, I was over there again today with the same questions in mind and, you know, I encourage you to keep doing that. The 501(3)C you mentioned that we need to maintain I totally agree for a slightly different reason. That is I think there may be big money out there which is to say four and five zeros maybe even six zeros, but the only way we're going to get that is if we have a 501(3)C

to potentially funnel that through.

David Kent: That is correct.

Commissioner Mourdock: So I think we do need to keep that group going.

David Kent: I've had an opportunity to look at what happened in the last year to the Old Courthouse Preservation Society and their donations just flat dropped and that's the reason they're in the trouble they're in. They had a \$19,000 drop in donations between last year or between '99 and 2000. You can just look at it and see that. Then their, you know, the SIGECO rate went up.

Commissioner Mourdock: Well, if I suggested here tonight we take a wrecking ball to it I would guarantee you their fund-raising would go back up. (Inaudible.)

David Kent: I think you're right.

Commissioner Mourdock: I didn't even say that, but I think that is what started it.

David Kent: But Mr. Sebree also noted to me with regard to national landmarks and basically said that it was in his words the best example of German baroque architecture he has seen probably in the nation. That is a "what it is worth" category, but he is holding on...he is working with a fund with \$35 million.

Commissioner Fanello: As...oh.

Philip Hayes: I was just going to ask, David, for Commissioner Mourdock's question then to be precise for the record the grant procured, the \$2,000 or \$3,000 grant, would be for a design study and a use of facility study?

David Kent: That is correct.

Philip Hayes: So in other words, that's what is going to be covered and that would cover these issues as to whether or not records could be archived and if so what kind and how much do they weigh and so forth?

David Kent: And where in the facility.

Philip Hayes: And where. Okay, very good.

Phil Hoy: Phil Hoy, County Council. Are you saying tonight that they are turning this building back to the county? Is that official?

Philip Hayes: That was the letter they sent, yeah.

Phil Hoy: What does the letter say? I ask for a reason because we have this issue on our agenda Wednesday night.

Philip Hayes: There is a copy of that letter—

Commissioner Fanello: It was the original letter we got in January, right?

Philip Hayes: Yeah.

Phil Hoy: It's the same letter?

Commissioner Fanello: Yeah, it's the same letter.

Commissioner Mourdock: I think the language was something along the lines of we need to consider taking it back given the dire straits that we're in.

Phil Hoy: Okay, I just want to be clear that this has not be handed back to us because we did overture you all, as you know, for an appropriation to be put on our desk for \$40,000 to help take care of the utilities. I think you put in an appropriation on our desk for \$18,000, if my memory serves me. I want to make a comment which is not going to make some of the Old Courthouse folks very happy, but in my estimation one of the reasons that we are unable to raise money through donations is that they were dead sure that the county was going to move courts over there and use that whole second floor. The reason I know that is because I just resigned from this board because I had too many county things going on, but for a number of years I have been a board member of the Repertory People of Evansville Theater Group. We have been in that courthouse building 25 years using one of the old courtrooms on the second floor, paying rent. We were told that we had to leave because it was going to be used by the courts. I told Faye Gibson that she needed to tell her board at that time that was not a completed transaction. That we were going to be looking at a lot of costs. For example, running computer lines to the Old Courthouse was going to cost \$60,000 alone. County Council did vote, and don't hold me to this figure because I am using my memory here, but I think it was around \$30,000, Mr. Mourdock, you mentioned this, for equipment, recording equipment. That was to use the one courtroom that is set up as a courtroom. The other three rooms, one is the Wedgewood Room, one was RPE and one was TNT Theater. None of those are ready for court. Well, the Wedgewood Room might be, but the other two certainly aren't. I mean, they are in retched condition and need a lot of work and a lot of money. I think part of the reason their donations dropped is because they thought for sure the county was moving there. I want that on record because I think a lot of people would have donated to the Old Courthouse. Frankly, I don't think the funds were sought. I also thought they made a mistake on removing a tenant. I mean, they removed us with one more performance, our last performance, and then we had to move. We had to move before the last performance and we're still looking for a home, the theater group is.

Commissioner Mourdock: You moved to the Executive, right?

Phil Hoy: Yeah, the Executive right. Temporarily. Yeah, that was a real good move.

Unidentified: They've even got the light bar in there.

Phil Hoy: Yeah, we only rented that on a performance to performance basis, but I think that what I want to say in saying all of this is that they need to regroup and look at reality because I don't think we're going to move the courtrooms there. The judges found a lot of problems. I like the idea of storing records there and I think that is something that we should look at. I can tell you this that the County Council is willing...they will be willing to go \$40,000 to get us through this utility crunch, you know, so that we can sit down and look at this. It's a gorgeous building. Nobody wants this building torn down and, Mr. Mourdock, you're quite correct and everybody else is, too, if you said the wrecking ball is coming money would come in. Those are

just some observations and I think, you know, usually when I stand before you I say I speak for one Councilman. I think in this case with the overture that we issued to you all it was unanimous you do have a Council that wants to work with you on whatever is feasible. I'm open to questions if you have any, but that's really all I have to say.

Commissioner Mourdock: My final question/comment of the evening on this one is just we did put that money in there for the courts and the courts tried it once and then they're not going back. It's frustrating to me to think we put the money in there and they're not going back.

Phil Hoy: Yes.

Commissioner Mourdock: I know, in fact the comment was made to me by Faye Gibson today and I wish there was someone here from the courts to deal with this statement, but she said that they had like two trials scheduled over there, but neither one happened because they got settled. Well, that has been the ongoing argument that if we had more courtrooms we would get more cases settled because right now they can't schedule two trials simultaneously in one courtroom, so just by having that courtroom available we did speed the system up a little bit which is why the jail numbers are better. So it was all part of the plan which now the courts seem to somewhat arbitrarily have walked away from and I don't like it.

Phil Hoy: They didn't like the acoustics. There was too much sound bounce. There was too much of this and too much of that.

Commissioner Mourdock: But it turns out there wasn't much of a trial to worry about the acoustics because it got settled anyway.

Phil Hoy: Exactly.

Commissioner Mourdock: So it almost seems like it is scheduled as a backup.

Phil Hoy: But this is the kind of, I think, lack of coordination we're looking and (inaudible) I have a little bit, but if we're going to save this building we must work in a coordinated effort.

Philip Hayes: Councilman, the explanation given to me was the security aspect. They're unable to have the security screening that is required in order to conduct trials even of the most benign nature. That's their opinion.

Phil Hoy: That's another problem with it. That's correct.

Philip Hayes: Was the security aspect so that when they finally, you know, got to the point of that examination that it was just terribly expensive to try to screen all of those.

Commissioner Mourdock: But it was too terribly expensive because it was seen as a stop gap instead of part of a bigger plan. If we knew that we had a full plan in place we would say, gee, getting one of those metal detectors is pretty cheap compared to building a new courtroom inside whatever else we're going to build.

Philip Hayes: Yeah, I don't know how it is handled in Allen County. I think you

pointed out in the record that Allen County has full use of their historic courthouse, I think.

Phil Hoy: I lived in Allen County and their old courthouse is a functional courthouse. All the courts are there and the new city/county building is across the street which was a wonderful idea, but not an idea we can recapture with this building and complex sitting here and that sitting over there.

Philip Hayes: David Kent recorded Tippecanoe County just got, David, what \$10 million?

David Kent: Yeah.

Philip Hayes: Ten million dollars for work over in Lafayette for their courthouse.

Phil Hoy: I will offer a further comment and that is, and this ties in with what you said, Mr. Mourdock, that whole plan for using it for courts really wasn't planned and for my money right now I think we need to save the building and we need to give them utility money so that we can do that and not have the heat shut off. We need to do something to secure the tenants they have because they need those office spaces. By the way, part of the basement is rented. That's not all available. They would have to move a tenant because Aids Resource Group occupies a section of that lower level.

Philip Hayes: Okay.

Phil Hoy: In the Old Courthouse. They were on the third floor, but they've been down in the basement level for, oh gosh, three or four years I expect. Anyway, I'm just suggesting that together maybe we need to pull some people together and do this in an organized fashion rather than haphazardly. Thank you.

Commissioner Fanello: Thanks.

Any group or individual wishing to address the Board

President Mosby: Any other individual wishing to address the board?

Commissioner Fanello: Mr. Helzerman, I don't mean to be rude or anything, but we're having an extremely long meeting tonight and we still have a drainage board meeting, so if you could just please summarize the information for us I would really appreciate it.

Richard Helzerman: Yes, I intend to be brief. The front page I have for you...my name is Richard Helzerman. I'm here to talk to you about the overcrowding problem in the jail. The report for today, the 26th, shows 280 people in the jail with 147 of those being pretrial felons, people waiting for trial. The capacity of the jail is 268 and that means that as of this morning the jail was 12 over its capacity. There were 50 in the jail, pretrial felons, who had been there over 70 days. Under Trial Rule 4A if a person does not get a trial within 70 days they should be released on their own recognizance. If those 50 people were out of there the population in the jail would be 230 and you would not...there would be room for the people in the jail. Now there are 92 that would be eligible for a pretrial release program. If the 92 were out of the 280 there would be 188 people in the jail and you wouldn't have any problem at all. Now on the second page I have a list of the 92 people who should be qualified for

a pretrial release program. I've sorted them by amount of bail. So number one, Robert Kelly has been in jail 20 days. His bail is \$250. Now it costs \$25 a day to keep somebody in the jail. Take 20 times \$25 is \$500. That means that it has cost you \$250 more to keep him in jail than his bail was. If the county would have paid his \$250 bail you would have saved yourself \$250. Frankie Pollard has been in there 46 days on \$500 bail. It has cost you \$1150 to keep him there. You paid \$650 to keep him in the jail more than his bail was. I would like for you to look down at number seven. Donald Craig has been in jail 119 days and he could have been out on \$1,000 bail. It has cost you \$2,975 to keep him in the jail. That means it has cost you \$1,975 or almost \$2,000 more than his bail was to keep him in jail. If you got down to number 13. Clyde Smallings has been in jail 130 days. His bail is only \$1,500. It has cost you \$3,250 to keep him in jail. That means \$1,750 extra that you've put in. Now \$250 would get one person out, \$500 would get five people out, \$1,000 would get 12 people out. For want of \$1,000 bail your jail wouldn't be overcrowded because it is overcrowded by the 12 people. Now, the midpoint in all this is \$5,000. There is 46...if you look at number 46 is Harry Campbell for \$5,000. So half of the 92 that are there that could be out are there because they don't have \$5,000. They're too poor to raise the \$5,000 bail. I would just like to say that it shouldn't be a crime to be poor and they shouldn't be put in jail just because they are too poor to raise their bail. If the county would put out a pretrial conditional release program they could be out of there and they wouldn't be tying up the jail time and the jail quantity. Here is 92 people and half of them, 46 at least of them, \$5,000 would get them out. They can't be monsters or something like that that you would be letting out on the street, they're just too poor to be out there. I just like to bring this to your attention again. Building a new jail is a two, three, four year problem and will do nothing to solve the problem of jail overcrowding. Now, the judges are supposed to develop this, but they aren't doing it, but if the judges develop the pretrial conditional release program it is going to come out of their funding, but it's going to save the Sheriff's funding. That is why the county has to have leadership because the cost is coming out of one department, but the benefit is going into the other department. So you guys can design some way that the money that the sheriff saves gets to benefit the judges some way or they are never going to put a program in like this unless you insist that they do. Thank you.

President Mosby: Thank you very much. Any other individual wishing to address the council? Seeing none...go ahead.

Phil Hoy: I'm not sure. Phil Hoy, County Councilman. If you don't mind I'll do this now. It has to do with the Soil & Water Conservation District. Or do you want me to do it in the report time? Which is it? Mr. Mourdock, you know the history of it.

Commissioner Mourdock: Do it.

President Mosby: Go ahead. I was going to say because that is where I am going to.

Phil Hoy: Okay. Mr. Ellison who is the chairman of the Soil & Water Conservation District was here tonight and had to leave. He had himself scheduled for you all on Tuesday. He thought you were going to meet on Tuesday, the 20th, so that is the date on this report. I think you have a copy of this. As Mr. Mourdock will remember, and I'm a supervisor on the district also, we were asked to periodically come in and give you a verbal report and that is why I am standing before you and I promise you, sir, I will be very brief.

President Mosby: Okay.

Phil Hoy: Because I know you have a long meeting. First of all, for those of you who are new to the Commission we have a great deal of pride in our district. We have been rated the number one soil and water conservation district in the whole country. We have a model drainage ordinance. Mr. Jeffers over here had a lot to do with that. It's good to see you, sir, with this drainage ordinance and other counties in the United States are modeling their ordinances off of our ordinance. I'm also grateful to you and we want to express our gratitude to the County Council for putting a second position, paid position, into that office because of all of the development that is taking place. Her name is Erin Breetzke. She has been with us a few months. She is doing excellent work. With the assistance of the Evansville-Vanderburgh County library system, the Soil & Water Conservation District (inaudible) through the distribution of materials and presentation of books at the branch manager's meeting. We are on a web site which you have a copy of. We met...we had a meeting held in-house to discuss uniform protocol in which county officials may submit erosion control complaint forms. The new form was developed and reviewed by our attorney, Mr. Hayes. The meeting included Mr. Jeffers from the County Surveyor's Office, Mr. Goodman from engineering/technical and Mr. Roger Lehman, the Building Commissioner. We emphasize this point because we have really worked hard as a district to work together and to make sure our legal ducks are all in a row, Mr. Hayes, as you all well know. I also have a list here of Erin Breetzke's affiliations and I am going to skip over that because of your time constraints unless you want me to read that list and I doubt that you do. The final thing is you have been invited to attend a dinner tomorrow night. This is the 60th anniversary. The diamond anniversary of this district. We are the oldest district in this state and in view of the fact that it is our diamond jubilee one of the local jewelers has donated a diamond and somebody is going to win that tomorrow night. Finally, I have your comp tickets for you which were meant to be given to you earlier, but I do want to personally invite you and hope that you can join us tomorrow evening. I will conclude by saying this is a county department in which we all can take due pride. We've worked hard on it. Mr. Mourdock has been an associate on that board and he knows a great deal about our work. If you don't have any questions I am finished. That's the quickest speech you'll ever hear me make.

President Mosby: Thank you.

Commissioner Fanello: Thank you.

John Stoll - County Engineer

President Mosby: John Stoll, County Engineer.

Tape Change:

President Mosby: We have a letter and we need to direct our attorney to try and work out a preliminary to a meeting.

Catherine Fanello: Okay, I'll do it. When we get to yours we'll do it.

President Mosby: Alright. We have already gotten one.

Catherine Fanello: No.

John Stoll: First item that I have is street plan approval for Meyer Acres subdivision, this is a one lot subdivision that will be constructed off of the Wright drive. Wright is a narrow twelve foot county accepted road and is basically a part of this subdivision and they will just be building at the end of the cul-de-sac that you see on the plans. I have reviewed the plans and recommend that they be approved.

Commissioner Mourdock: I couldn't hear your first five words. What are we getting here? Are we getting an easement or is this for the street approval plan?

John Stoll: This is street plan approval.

Commissioner Mourdock: I will move approval of the plan as requested by the County Engineer.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The second item is also a street plan approval and this is for Lake Placid Estates, Section E. The section or portion of the road that will be built is that cross hatched area shown on that plan and it is a very small turn around area that they are building. It is a privately maintained road and they are just building enough of the road to access one more lot on this, in this subdivision. It is recommended these plans be approved as well.

Commissioner Fanello: I'll move approval of the street plans as recommended by the County Engineer.

Commissioner Mourdock: Second.

John Stoll: Next, I have a request for an administrative settlement on University Parkway, parcel 11. This is the parcel owned by Ron Inkenbrandt. He is requesting that the amount be increased from \$155,000 to \$155,535.28 and the reason he has requested this increase is to cover the cost of his property taxes.

Commissioner Fanello: Since I don't, I didn't hear what you said, I'll move approval of the...

(Inaudible)

John Stoll: The increase is \$525.28.

Commissioner Fanello: Okay, I'll move approval of the increase of \$525-

Commissioner Mourdock: Second.

President Mosby: Motion seconded, so ordered.

John Stoll: He is going to accept that offer, so, we will get that parcel acquired. Next, I have a request for approval to purchase parcel four, on University Parkway. This is owned by Pfeiffer and the amount on this offer will be \$169,300.

Commissioner Fanello: I will approval for the purchase.

Commissioner Mourdock: Second.

President Mosby: Motion with a second, so ordered.

John Stoll: Next, I need to request to go before County Council to appropriate \$170.00 to the Mt. Pleasant Railroad account. This is account number 2160-4364. The reason for the appropriation request is because we received a letter from INDOT today saying that they have completed their final audit on the project and they said that the balance due by the county is \$169.81.

Commissioner Fanello: I'll move approval that the County Engineer goes to City, to County Council for the additional appropriation.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered. I didn't see a signature-

John Stoll: There's no signature line, it is just for the record.

President Mosby: Oh, just for the record.

John Stoll: Yes. That is all I have.

Commissioner Fanello: That one, did you guys get a copy of the letter that John had written to Warrick County about the, refresh my memory, I don't have it in front of me.

John Stoll: The Lynch Road extension-

Commissioner Fanello: Yes, the Lynch Road extension.

John Stoll: -all the way to the Interchange.

Commissioner Fanello: Did you all review?

Phil Hayes: I couldn't -

John Stoll: It has probably been about a week and a half ago.

Commissioner Mourdock: I remember seeing something a while back.

Phil Hayes: I don't remember. Oh, you didn't, okay?

Commissioner Mourdock: As I recall, the summary of the letter was that there wasn't a whole lot that we could do right now because they have their zoning problem with DMD.

John Stoll: They were just looking for something in writing from Vanderburgh County, saying that Vanderburgh County was still committed to the project and if Vanderburgh County was still committed then they would try to resolve their right-of-way issues.

Commissioner Mourdock: We have said that until you resolve your right-of-way issues we can't be committed.

John Stoll: Right, we can't really proceed.

Commissioner Fanello: So, if that is okay with everyone I will just let-

John Stoll: I can write a final copy and bring it next week.

Commissioner Mourdock: I do have another copy of the letter that you sent to each of us on February 16, John regarding this thing with Clark Dietz and three different drainage proposals.

John Stoll: Yeah, the Elmrige/Congress area.

Commissioner Mourdock: Refresh my memory. How did this originate?

John Stoll: We had received some complaints on both of those. The one out there at Heather Court and Pine Place is actually budgeted. There are flooding concerns out there at that intersection and there is an existing corrugated metal pipe that is in poor condition, so that was actually budgeted for this year. The Elmrige one came up, the first time it came up was a couple of years ago and we have routinely received complaints on that so last year I asked about prices for that as well and Clark Dietz updated those engineering fee costs for this year.

Commissioner Mourdock: So, okay all of these were asked for last year and that was my next question, the adjustment that's being made is simply for the passage of time basically.

John Stoll: Right, salary increases and things like that.

Commissioner Mourdock: Okay.

President Mosby: Any other questions? Okay, thank you.

John Stoll: Thanks.

Ralph Kissinger - County Highway

President Mosby: County Highway.

Ralph Kissinger: Hi, Ralph Kissinger with the County Highway Department. I gave you, everyone has a copy of my report. In my report, there is a proposal from Tri-State Boiler Systems, they have been at the garage and installing a new boiler for the past week. There is a condensation pump in there, that before they came in, I had checked it out and it was leaking pretty bad. I asked him while he was there to give me a price on replacing it. He gave me a price of \$457.48 and I would like to get permission to go ahead and have him do that work while he is in the building and taken care of. It is something that needs to be done immediately.

Commissioner Mourdock: \$457.58?

Ralph Kissinger: Yes.

Commissioner Fanello: I am assuming that you have that already in your budget, so?

Ralph Kissinger: Actually that came...that is actually budgeted and it –

Commissioner Fanello: Oh, that is one that was budgeted out of our –

Ralph Kissinger: – Yes, right, It was budgeted last out of the acting building superintendent and speaking with Tony Greubel, we've been on this for awhile and they have just now gotten a chance to put this boiler in. It was already allocated this year.

Commissioner Mourdock: I will move approval of the \$457.

Commissioner Fanello: I will second.

President Mosby: Motion and second, so ordered.

Ralph Kissinger: Another item that has been pressing for several years at the garage that I am sure the commissioners and everyone else involved will be glad to see is that the Indiana Department of Environmental Management has finally given us kosher on the big dirt pile at the garage from the contamination and with your permission, I have a man that is filling in a lake and it is a rural area and he would like to have the fill. It would be a way...it states in here not to use it in a residential area, but he says that this will be covered and he is going to plant trees. So, it would be a great way to get rid of it.

Commissioner Mourdock: Is he going to haul it?

Ralph Kissinger: We have to haul it, but we're going to have to haul it somewhere.

Commissioner Mourdock: Then I have a problem.

Ralph Kissinger: You have a problem?

Commissioner Mourdock: Yes, I don't think that we can do that, Ralph. I don't see that we can, without having advertised the material or something under what the terms and conditions would be, I think that we would leave ourselves wide open for huge criticism.

Ralph Kissinger: Okay, that's what I need to find out and that is why I brought up here instead of going ahead and doing it on my own. I guess we will just have to, I guess, entertain suggestions on what to do with that.

Commissioner Mourdock: Yes, and if he wants to pay to haul it, you know to load it and haul it, and we just have it as excess then I guess that I have a lot less concern, but if we did anything other than that, then we would essentially have county employees working on private property under some unstated conditions and we don't want to go there.

Ralph Kissinger: I understand that.

Commissioner Mourdock: Okay.

Ralph Kissinger: There are two other things that I would like to discuss. There was the gradall ditch machine purchased last year. I believe it was, and this is a glassed in cab, and why the machine was purchased without air conditioning, I will never

know, because there is no way of getting air into the machine. I went out the other day when it was 60 degrees and sunny and it was hot in the cab. I believe that if we are going to run that machine in the summer, it needs to be air conditioned. I have some price quotes on it. They run...the two people that quoted it are authorized dealers...one quoted \$4,950 installed, the other was \$6,000 installed. The garage foreman, mechanic foreman, said that they thought they might be able to install it but it would void any warranties, so I would suggest that if we are going to have it done, that we go ahead and have it done for the...I think the one bid was \$1,100 dollars different to install it as to buy it and I think to keep the warranties in tack. It would be worth the \$1,100.

Commissioner Mourdock: Are we looking though to change our general way of doing things? Because, typically, and I may be wrong on this, but it is my observation that the gradall we intended to use more during the fall, winter and spring because the people who would otherwise be on the paving crew during the summer are the ones who are doing some of the ditching in the winter. So, are we going to using all summer where we really need to do that?

Ralph Kissinger: We do need to, I do need to use it this summer for sure. I know that we are way behind on our ditching right now and if we run all three machines all summer ditching we would keep them occupied and we are going to have, we have so much patchwork right now in the county on the roads that it is probably, we are probably not even going to get the ditching even caught up this year and we'll probably be running all three machine all summer, plus we will be running them all winter and probably run into next summer just to keep up what needs to be done now. As you know, it may be a better winter next year, but it may be worse yet. So, that is something that I wanted to bring up to your attention. It is not something that has to be done today but like I said we can do it on bids but there is only two places that even bid the machine and they are the only authorized dealers in this area. So, I went ahead and got prices from them and whether you act on that now or not is entirely up to the commissioners.

Commissioner Fanello: Do you have money in your budget right now for it?

Ralph Kissinger: I do have money as either new equipment or repairs either one. There is money in the budget for it and it won't put the budget in the shape where if I have an emergency later that it would take away. I am trying to keep plenty of money for an emergency situation.

Commissioner Mourdock: I would suggest that, at this point, we just go ahead and take it under advisement. I am not necessarily anti - don't misunderstand, but I just heard you say that there are only two places that might do this work but before I would want to vote in support I really want to see something documented that in fact those were the only two places and I am just trying to protect our interest so that we don't have somebody showing up after the fact.

Ralph Kissinger: I would be glad to ask everyone in the area or give me a quote or fax me a quote or mail me a quote on a price for that. The only other thing that I have tonight is John Stoll and I had talked about some of the roads in the area need some crack sealing done. We have no crack sealing machine. I got with the State Highway Department and went out with them one morning and checked their operation out which was very effective. It was a little bit labor intensive but in the time of the year when they are doing this we have the extra labor to do it. The

machine was (inaudible) which he, considering what myself and my assistant thought it was going to cost, it amazed us at the price of the machine. The actual, what they call a tar kettle, they pull behind a truck and heat the material and they put in on the roads and (inaudible) it comes in at less than \$10,000. It is a little bit labor intensive and involves two trucks and six people but John and I agree that we probably saved the county several hundred thousand dollars over two or three years if we can get some of these roads crack patched where the weather will stay out of them for the winter and that will save us the money in re-paving them next year. As you know, it is a lot cheaper to maintain a road than it is to rebuild it. I would like to go ahead and put a bid package together to buy one of these with your permission and then put it up for bids.

Commissioner Fanello: I'll move approval that you go ahead and put a bid package together.

Commissioner Mourdock: I'll second the package but I have to say, Ralph, I am a little concerned. I think that in the six weeks that we've had since you have been on board, every time you come here we are looking to buy some other piece of equipment.

Ralph Kissinger: Well, I think in the past there was one piece of equipment sitting in the yard and that was bought at a \$56,000 price tag that was used twice and is sitting over in the corner of the lot.

Commissioner Mourdock: What piece of equipment is that?

Ralph Kissinger: It is a pothole patching machine.

Commissioner Mourdock: When was that purchased?

Ralph Kissinger: I don't know.

Commissioner Mourdock: I don't either, so it has been a long time, I don't remember that one.

Ralph Kissinger: There are several pieces of equipment out there that have been sitting out there that were bought. I don't know if they were bought in haste or under assumptions that they would do jobs but some of the equipment that we have is really worthless out there and I am trying to get updated where we can get the equipment in place and get the job done and not have to buy any more equipment for a while but I know that it has been neglected for awhile. There were a lot of some items bought lately and it looks like the gradall last year was a big item and we've got some trucks but I just think that this \$10,000 item is going to save the county several thousand dollars down the road and that is the only reason that I am requesting it.

Commissioner Mourdock: If you've got a what did you say, \$56,000 piece of equipment that has only been used once or twice, I would be a lot more agreeable if you could get a bunch of that equipment which is otherwise what you are calling surplus equipment, and let's get rid of it. If you can sell that \$56,000 piece several years later, a number of years later, for \$30,000 then I would be much more agreeable to this type of thing. I want us to have what we need but-

Ralph Kissinger: I actually talked to the salesman the other day that sold the county

that piece of equipment and he says that they are not worth \$5,000.

Commissioner Mourdock: I hope that you told him good that since you sold it to us, we will not buy anymore from him.

Ralph Kissinger: But, we will not buy anymore from him, yeah, that pretty much turned me off too. But, the only reason that I am requesting these items, and it is not just my thought, like I said John Stoll would back me on his opinion and also Mr. Raben has expressed some concern and he talked with me about the same thing... the crack patching and getting it done. It is a maintenance problem and we have no way of doing it. We can contract it out. I think that John Stoll said they spend in excess of fifty cents per running foot to have these things crack patched and at that price I think it will pay for itself pretty quick. Actually, one contract will pay for the machine.

Commissioner Mourdock: I have one other issue. I got a citizen call the other day on St. Joe Road near Mohr Road about the curb falling off. Would you check into that please?

Ralph Kissinger: Yes, we have a crew patching now and we will do some spot paving out there this week if the weather permits. Any questions?

Commissioner Fanello: I am going to make a quick comment that I am glad to see Ralph is getting things in shape out there and I think it has long been neglected, so I am willing to make some initial investment to get it up to the standard where it should have been years ago.

Ralph Kissinger: I appreciate that. I am not going to ask for more money, more money but there is money allocated in the budget for equipment and I am trying to look ahead and see what we are going to need for the year and I would like to get the things in place so that we have them and that is my main concern. Other than that, I am finished unless you have more questions.

President Mosby: I have a motion and a second, so ordered. (Inaudible) Thank you, Ralph, I appreciate it. Did you have anything to add?

Local 215 - Sheriff's Department Clerical Staff
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Commissioner Fanello: He just had one thing, go head and he just has one thing here.

Phil Hayes: Chauffeurs, Teamsters and Helpers Local 215 have notified the president of the Commissioners that they have been designated as collective bargaining represented by the majority of the employees in the Sheriff's office clerical employees and this is a request that was received by the president and I've reviewed, to be recognized as a bargaining agent and to designate place and time to meet to open negotiations on a bargaining contract and the advisory letter then should be submitted for the record this in this meeting. I have made a copy and at your direction, I can contact Teamsters Local 215 and see what preliminary matters can be set down for your review. Also, discuss scheduling to open negotiations and to also get proof of majority status that is to say the number of cards that have been signed and to make sure all that is in order and report back to you then concerning that. If there is anything else that should be done on it, I can.

Commissioner Mourdock: I would just, since the Sheriff is here, I would ask him if he was aware of this or if he has an opinion.

Phil Hayes: It shows a copy sent to him as well. Do you?

Sheriff Ellsworth: Yes, we are aware of it and if you have any questions about it, I would be glad to field it.

Phil Hayes: How many clericals are there, Sheriff?

Sheriff Ellsworth: It think that we are only talking about five people.

Unidentified: (inaudible).

Sheriff Ellsworth: Eleven?

Phil Hayes: Eleven total.

Sheriff Ellsworth: No medical? At one time, they talked about the medical staff also, but I think that they wanted to stay away from that I don't think that the union even wanted that one.

Phil Hayes: Okay and then my other understanding just from a brief phone call was that they fit, they fit in the existing contract. In other words, there is no new contract really to be negotiated but they have to be placed in the existing contract with your office and in the phase of your office.

Sheriff Ellsworth: Also, probably piggy back on the jailers, I assume or with the, very similar to the corrections complex, VCCC, because we have a lot of civilians there on the Teamsters union.

Phil Hayes: Is that the same understanding that you have, it just piggy backs on one of those?

Sheriff Ellsworth: Yes.

Phil Hayes: Okay.

Commissioner Mourdock: Do you have an opinion one way or another?

Sheriff Ellsworth: I think a lot of this generated and it may need to be said or not be said but for the last ten years we have went to Council and what the sticky point was shift differential. The deputy sheriff's get shift differential, you know we are a twenty-four, seven operation and the jailers get shift differential as do the community corrections employees and the civilians that work second and third shift thought that they were entitled to and that was denied. I think that's why they approached. They saw these other people being represented by the union getting shift differential so that is why they wanted to piggyback onto that. I think that is pretty much the motivation behind that.

Commissioner Mourdock: With the eleven people, is it kind of four, four and three. Is it three shifts? Something like that?

Sheriff Ellsworth: Right in that area somewhere. So, it wouldn't even effect all eleven

at that point but the majority signed. That is an opinion and I think that is what the reason was.

President Mosby: Thank you, Sheriff.

Commissioner Fanello: I think that everybody is about ready to fall asleep out here.

Steve Craig - Burdette Park

President Mosby: That's the (inaudible). Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I guess the first thing is an RFP and I would like to extend a welcome to get with me or to let me get with you guys to go through that to discuss some of the important parts of it because one of them is time and we want to make sure that it gets done in a timely manner so that we can approach this years budget and put the money in there so that we can get it finished to make sure that whoever is doing it will be able to do it in a timely manner. There are some other things that I would like to address with you all so get a hold of me or tell me where to go and I will meet you and we can talk about it. I had submitted a 2000 year end report cost analysis for you to go over and give an idea as to where the park is at. I didn't know if you had any questions on that.

President Mosby: Any questions?

Steve Craig: Then I have sheets for the last three weeks and other than that, that's all I have this evening.

President Mosby: Any question? Thank you very much. I appreciate it. That was quick.

Commissioner Fanello: That was the quickest one.

President Mosby: Consent items.

County Buildings, SWCD, and Ozone
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Commissioner Mourdock: First of all, let's move into the Superintendent of County Buildings. You said you had nothing.

Tammy McKinney: Right.

Commissioner Mourdock; Okay, let's just add to the record the Soil and Water Conservation District report and the Ozone Officer's report. They were in the packet and I move that they be entered into the record.

Commissioner Fanello: Yeah. Second.

President Mosby: I don't think that's a problem.

Consent Items

Commissioner Fanello: I will move approval of the consent items.

President Mosby: Did she second?

Commissioner Mourdock: I didn't hear her second.

President Mosby: Did you second that?

Commissioner Fanello: Yes, I did second. I am sorry, I didn't say it real loud.

President Mosby: So ordered. I am sorry I didn't hear the second. So ordered.

Commissioner Fanello: I will move approval of the consent items.

Commissioner Mourdock: I will second.

Old Business/New Business:

President Mosby: I have a motion and a second on the consent items, so ordered. Scheduled meetings, none. Old Business? New Business?

Commissioner Fanello: Not tonight.

President Mosby: Well, it says county purchasing manual.

Commissioner Mourdock: There was a brief discussion about that earlier.

Commissioner Fanello: We already had a brief discussion about that so go ahead and forego anymore.

Adjournment:

President Mosby: Motion to adjourn.

Commissioner Mourdock: Yes.

Commissioner Fanello: Second.

President Mourdock: I have a motion and a second. So ordered.

Meeting was adjourned at 8:38 p.m.

CONSENT ITEMS:

Employment Changes:

County Council	Circuit Court	Perry Assessor
Health	Center Assessor	Pigeon Assessor
Community Correct.	Prosecutor	Recorder
Sheriff	Burdette Park	

Travel Requests:

Assessor	Knight Assessor	SWCD
Public Defender	Perry Assessor	Health
Voter Registration Engineer		

Auditor:

Submit Monthly Financial, Cash, and Expenditure Reports

Treasurer:

Submit Monthly Report for January 2001

Sheriff:

Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
Tammy McKinney	Steve Craig	John Stoll
Ralph Kissinger	Richard Helzerman	Reverend Rascoe
Reverend Terry	Betty Knight Smith	Linda Nalley
Jim Daniels	Dr. Dulay	Steve Fuchs
Kent Irwin	Marsha Abell	Brad Ellsworth
Phil Hoy	David Kent	
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**Vanderburgh County
Board of Commissioners
March 5, 2001**

The Board of Commissioners of Vanderburgh County met in session this 5th day of March at 6:00 p.m. in Room 307 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

Commissioner Mosby: I'd like to call to order the Board of Commissioner's meeting of Vanderburgh County for March 5, 2001. We have with us tonight, Tammy McKinney, acting Building Superintendent; we are without an attorney right at this point. We might get something done. Commissioner Fanello; myself; Commissioner Mourdock; Suzanne Crouch; Jane Laib and Carolyn Grayson.

Jane Laib: Madelyn.

Commissioner Mosby: Madelyn Grayson. I'm sorry.

Commissioner Fanello: Oh, yeah, get her name wrong.

President Mosby: I'm sorry. At this time, if we could, let's stand and Commissioner Fanello will lead us in the Pledge.

Approval of Minutes

President Mosby: The approval of minutes from the February 26th meeting.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: I'll second.

President Mosby: Motion and second. So ordered.

Board Appointments

President Mosby: Any board appointments?

Commissioner Fanello: No.

Jane Laib: We also need approval of the special meeting on February 22nd.

President Mosby: That's right.

Commissioner Fanello: I'll move approval for the February 22 minutes.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second on the February 22nd. So ordered.

Commissioner Mourdock: Then on the board appointments, I think you're both aware

that we received a letter from Legal Aid from Sue Ann Hartig, and they were requesting three members from this board which is traditional. Typically, each one of us appoints one and I would like to nominate to that board, J.D. Strouth. I think, David, you probably know J.D.

President Mosby: He ran for commissioner in the 3rd ward one time...or City Council.

Commissioner Mourdock: City Council, yeah. One of the requirements for that position is that the person not be a lawyer, which he is not, but he did go to law school for one year so he has some basis of knowledge without having crossed the fence totally. I would move that we appoint him to that board.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and second on J.D. Strouth for Legal Aid.

Commissioner Fanello: I did talk to Sue also and I asked her to give a couple recommendations, so I'll just wait until I hear back from her.

Commissioner Mourdock: Tammy, if you would, you might just write a letter to both of them announcing that appointment? Both to Sue Ann and to J.D. His address is something on Fairlawn Drive.

President Mosby: Any other board appointments? Seeing none.

Linda Nalley - CE2001-05 City/County Computer Upgrade
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President Mosby: Linda Nalley.

Bill Cottun: Linda is sick and had to leave a little early. My name is Bill Cottun. I'm the Account Executive with Systems and Computer Technology. Today I come before you to request authorization for us, the city/county, to request, advertise and bid number CE2001-05. This is a request for an RFP which is issued by the city police department, city fire department, the sheriff's office, and the joint dispatch center and also the fire department. The intent of the RFP is to provide prospective vendors with sufficient information to enable them to prepare and submit proposals for consideration by the City of Evansville and Vanderburgh County. The proposal is to satisfy the needs for procurement, installation, training and maintenance of software and hardware solution upgrade to the existing city/county public safety applications; records management; CAD, which is computer aided dispatch; and also to integrate with a GIS system. Any questions?

Commissioner Mourdock: It is essentially an RFP?

Bill Cottun: Yes, sir. This is an RFP. The advertisement is to be on March 8 and March 15 with a bid opening proposed for April 9 and bid award proposed for April 30. The anticipated completion of the project is on or about April of 2002. Currently, there was a vendor list that will be mailed out tomorrow to 19 prospective vendors that had expressed interest in the project in addition to any respondents from the advertisement. This RFP has been reviewed by the County Attorney, Mr. Phil Hayes, with Chief Deputy Sheriff, Eric Williams, myself, Clifford Thomas, and we believe that we addressed the issues that County Council had.

Commissioner Fanello: I'll move approval to advertise bid CE2001-05.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Home Inspector Licensing

President Mosby: Roger Lehman. Is Roger here?

Commissioner Fanello: No. I haven't seen him. Did he say if he was going to be here?

Tammy McKinney: Inaudible.

President Mosby: Do we want to act on this?

Commissioner Fanello: Do you have any questions on this, Richard?

Commissioner Mourdock: Not really. It's just as it says, that he's proposing some interim provisions for licensing as he has them stated there.

Commissioner Fanello: So we're just modifying the current ordinance?

Commissioner Mourdock: Right.

Commissioner Fanello: I'll go ahead and move approval. I've read it and don't have a problem with it.

Commissioner Mourdock: Is that a motion?

Commissioner Fanello: Yes, I'll move approval.

Commissioner Mourdock: I'll second.

President Mosby: Motion and a second. So ordered.

Royce Sutton - Emporia Project

President Mosby: Royce Sutton.

Royce Sutton: Good evening, Commissioners. It's a pleasure to be here. Royce Sutton, Vanderburgh County Council. Pleasure to be here to speak before you concerning the matter that you have before you that you considered last week. Hopefully, you've had a chance to review the Emporia Project and the proceeds or the request that's before you for \$110,000 for economic development for this particular project. Without being redundant, just want to say that it's a fine opportunity to support the current economic development project that is not just viable but one that is very needed in the community. The jobs that have been created in excess of 25 jobs in the community where the project where the project is located is very much something that is not happening in other parts of the

community. I just encourage and request your support. I had an opportunity just here recently to...I was on the internet looking at some similar projects in other communities and quite often what you generally find is that projects of this magnitude are often supported from a number of different sources that they blend the number of different funding sources. The one thing I saw that was pretty much a common thread was that often these projects had a faith based element to them which was encouraging to me in that the gentlemen that are involved in this project are two pastors of leading congregations here in this community and have taken an active effort not to just talk about the issues in the community but to have actively sought to get involved and get their hands on and develop a project that is just a fine addition to the community. We see other models and things that are going on in other communities and now we can say that right here in Evansville, Indiana, we do have a fine project that is a model of economic development in the central city of Evansville. Any questions? I'd be more than happy to entertain those.

Commissioner Mourdock: Is Reverend Rascoe here or any of the other folks?

Royce Sutton: Yes, Reverend Rascoe and Reverend Terry are here. They'd be more than happy to speak.

Commissioner Mourdock: I do just have one question. I'm certainly supportive of doing this, but I want to make sure that we look out for the county's funds as well. I expect this, as you spoke last week, the \$110,000 would go towards the refrigeration units and that type of thing specifically. Is that correct? Just in case there is a worst case meltdown, and that's a bad choice of words with the refrigeration unit, if somehow there this cannot be sustained financially would your group be willing to say that whatever the equity value of those units would be at that time, if there had to be some liquidation in the future, that those monies would come back to the county?

Reverend Rascoe: Most assuredly.

Commissioner Mourdock: I wouldn't think it would be a problem. Again, I'm just trying to look out for the taxpayers interest here. Just in case something happened, we would want to see those funds come back. Hopefully, that will never happen.

Reverend Terry: Not with you coming shopping.

Commissioner Mourdock: There you go. That was the only question I have.

Commissioner Fanello: I just want to say that I certainly appreciate all of you coming to us and asking us to support this project. I think it's a very good project and I'm excited to see you doing it. With that I'll move approval that the county donate \$110,000 to the Emporia Project.

Commissioner Mourdock: And I will second, again, with the provision that we write up a letter or something with the Commission that if that nightmare scenario were to occur that we would receive funding back at whatever the value would be at that time. Okay. Glad to do it.

Reverend Terry: I did want to add one thing. These are pretty modest gentlemen. Generally, in projects of this nature you have individuals that are involved that there is a certain salary that they can draw. These two individuals, outside the staffing that

they have at the store, they aren't drawing a salary or anything like that it's just a good gesture of good will that they have. The intentions are when the store does get to the point where the profits are and getting to the point where that they are growing and growing, the intent is to put those back into the community.

Commissioner Mourdock: Great.

President Mosby: I have a motion and a second. So ordered.

Ray Karczewski - Abandoned Vehicle Ordinance

President Mosby: I'm not even going to try and pronounce your last name.

Ray Karczewski: I'm Ray Karczewski with Wolfe's Auto Auction. I'm here in regards to county abandoned vehicles. If I can, what I'd like to do is pass some things out so we can follow along with one another. I'm here, actually, to ask some questions and answer some questions if I can. Last year when we had submitted our bid to liquidate the county abandoned vehicles, we had received a letter on October 10, 2000, that this contract had been awarded to our company. At that time, Mike's Towing was conducting sales at his facility over there with the state. On November 28th we received another letter stating that the Board of Vanderburgh County Commissioners, at this regularly scheduled meeting on November 27th, executed the contracts for the vehicle towing, storage, and abandoned. We look forward to expanding your business with us in the county next year. What I have done is taken what I had as the inventory of vehicles that were involved with the county last year which I came up with a total around 206. We were notified that there was actually three pages. I'm just telling you...I've got it here in a letter that there was three pages of inventory that were not included in this inventory which would have put the vehicles at probably another 60 vehicles. What I've done, if you look at the three pages here, I took the vehicles that were actually sold at the sale and broke them down as what they brought, added the tow fee in and what our sale fee would be and what the actual return to the county would be on 43 vehicles not including the 160 that were turned over to Mike's Towing for storage and towing. Our agreement to the county is that when it came time to sell the abandoned vehicles we would waive all storage fees. So it just comes down to just a sale fee and a tow fee. What I came up with, just to make a long story short, if you go to the back page, I came up with \$5,310 off of 43 vehicles that were sold...if we would have sold them. That's not counting the \$1,600 that would have been collected in the bill of sale fees which is what the city charges for a bill of sale and not counting the \$430 for the bill of sales on the vehicles that were actually sold, okay? I didn't include that in any of these figures over here. That came out to \$7,340. We actually think the figure is (ineligible). I based it on the \$85.00. I think I was being pretty conservative when I added...on the bottom you'll see 160 vehicles to Mike's Towing and if you average just \$25.00 more per vehicle, it will bring in an additional \$4,000 of income or \$11,340. We're looking at what we think is the worst scenerio. The only question that we have is even though there are still some kinks in getting this moved over to the county, why the sale was not moved from Mike's Towing to our facility to conduct the state sales? That's what the owners of the company are wanting me to ask tonight. I have the contract here that was signed by the Commission stating that on November 1st, excuse me - I just got over bronchitis and I'm a little dry right now, that on November 1st we would take over the contract, and this is already March and we have not taken over the contract.

Commissioner Mourdock: I'm confused and not necessarily confused by what you said Mr. Karczewski...I don't know which of you, if any of you can answer this one for me, Mr. Karczewski's issue is a contractual issue –

Ray Karczewski: It's probably two issues...one would be state and one would be county.

Commissioner Mourdock: Okay, but it's contractual in the sense that you are standing at the microphone. The issue that we have on our agenda is the Abandoned Vehicle Ordinance and I want to talk about that one for a minute. I guess the question here that we're dealing with is what do we need to do differently, if anything, with the Abandoned Vehicle Ordinance? I know the county attorney has done some research and apparently you've spoke with Joe, Jr...either the past county attorney or the current county attorney, I'm not sure who did it...

Philip Hayes: Probably both of us.

Commissioner Mourdock: We have, on the books, a county ordinance with a line item established in the budget somewhere for handling these vehicles? Is that correct?

Philip Hayes: Right. Yes, that's correct. With regard to the first issue of the contract that apparently was awarded in the year of 2000...fall of 2000, it appears that the county had that capability of directing that the sales be done and the county did so. All that remains is to execute on that contract by having the sales take place at Wolfe's Auto Auction.

Commissioner Mourdock: And why aren't the sales taking place?

Philip Hayes: Haven't been able to discern that. I've spoken to Mr. Karczewski on Friday, I think, on the phone. He notified me that, in fact, this contract had historically been done which I was unaware of. It was my opinion then that while the contractual ability of the commissioners to award the auctions there was complete, apparently the state would continue to get the proceeds until such time as we had a statutory Abandoned Vehicle Ordinance and an Abandoned Vehicle Fund. Today I met with Mr. Ahlers from the County Council legal end of things and consistent with what the auditor told us at our last meeting or had asked me if I was aware that there was a Junk Vehicle Fund, and I was not. That was passed, according to the information that Mr. Ahlers gave us, back in about 1977. It was a commissioners' ordinance at that time. It was not the same Abandoned Vehicle Fund referred to in the current Indiana statute although it seems to parallel that. So the question really was since we have this line item, is that possible to be used -- this revolving fund having been established – is that possible to be used? I think it's very much the same thing, but we concluded that we would still need County Council action. Mr. Ahlers suggested that tonight I simply request your permission to advance an ordinance with the County Council and I think that's what...Joe, you're still here. Is that consistent with what we said? Yes, the answer is yes. If I can have the –

Commissioner Mourdock: Then let me clarify just one other thing then because at one point then when we had this discussion about the ordinance, the question came up, and I think the auditor brought it up, is there enough revenue income from the county side to justify picking this up from the county side as opposed to just turning it over to the state?

Philip Hayes: Yes, I think that's what...it appears to me that's what Mr. Karczewski's exhibit is all about.

Ray Karczewski: Basically, when we did the city, we tried to look at the worst case scenario...what the possibilities would be. We would not even be endeavoring in this, sir, if it would be a win/lose proposition for the county. It would be the (inaudible) situation for us...for our company. We took these figures and, honestly, we averaged the figures for the city and it was right around \$149 per vehicle after we sold...and I got the inventory on the city with me also...with the number of vehicles we sold last year for them, they averaged out at the end of the year, I think I gave a pretty conservative figure at...is it \$110? The \$85 plus \$25? I think it's about \$40 a vehicle less per vehicle for the county than we did for the city. Based on the 206 vehicles that I see, and if there were actually 60 more, it would be close to 266 vehicles. I think that the figure I gave you will be a conservative figure.

Philip Hayes: Then, if I may, the...having awarded this contract in the fall of 2000, at or about the same time, there was an Abandoned Vehicle Ordinance that was advanced to the County Council and it was not advertised and it was studied and reviewed. We picked back up on it the first of this year and we really came down to the issue as to whether or not the estimated numbers estimated by Mr. Karczewski, estimated by the auditor's office, made it a justifiable operation? There was discussion about whether to either arrange to have the sheriff handle the administration of it, enter into an interlocal agreement possibly with the controller and simply have the controller lump all the sales and have the controller write us a check. We were in the process...we've been in the process of pursuing those two alternatives so that the ordinance that was introduced at the same time this contract was let could be administered appropriately and economically. We have kind of been hung up then from that point on in terms of trying to unravel this administratively. It would appear that what we must do in order to handle the matter is simply point out that yes, we have this ancient Junk Vehicle Fund and we do need to amend...we do need to have an ordinance and it needs to be consistent with state law and we do need to amend that so that the auditor's job is not added to burdened

—

Commissioner Mourdock: Here's my thought and I think I understand where you're at —

Philip Hayes: — but in the meantime the state gets the money and in the meantime Wolfe's Auto Auction should be doing the sales under the contract is what it appears.

Commissioner Mourdock: I guess my question is with what we have on the books, I'd like to know for sure that's not totally inconsistent with what the current statute provides? In other words, what was done in '77 does that have to be replaced? It sounds like it does. If that's the case, would the language of that ordinance be the place to put language that would otherwise have us involved with the city so that, as in the example you gave a moment ago, the city controller's office does this and ultimately writes us a check? I know the sheriff made the comment at one of our first discussions about this that one of his first things on the job was to get active, as kind of a quality of life issue, and get these vehicles off the street. It makes me think that maybe we've peaked and that number will go down. If it continues to go down from 43, is it worth tying up somebody of our manpower to do it? Might we not be better served to have it done within the city, let them write us a check, we'll say thank you and that's it?

Philip Hayes: That was certainly suggested the other evening and understood, I think...I think we still have to write...it would appear that we must do the ordinance, but in the ordinance I don't think we can designate a city office. I think we have to do that by a separate –

Commissioner Mourdock: – interlocal agreement.

Philip Hayes: – by a separate agreement, yes. That would take us and our officers out of any perceived problem with it and we'd be able to go ahead. In the meantime, Wolfe's under their contract should be conducting these sales, and I really don't know any explanation why Wolfe's is not executing on the contract or why they haven't had the sales over there. Do you know, Ray?

Commissioner Fanello: No, that's what he's asking. How often...

Ray Karczewski: That was my question.

Philip Hayes: Was someone over here suppose to get that over to you last year? Was the purchasing department suppose to do that? Purchasing Director?

Ray Karczewski: Here's what I have right here. Here's the actual contract.

Philip Hayes: Right. It just says the terms shall be for a year starting the first of November 2000 and terminating October, I'm assuming 2001, it wouldn't be the night before.

Commissioner Fanello: How often are the sales?

Ray Karczewski: If you look at the inventory that I have for the county, they just did them whenever they wanted to...when the state decided to do them. What we are proposing is to do the same way with the county like we do the city...a once a month sale.

Commissioner Fanello: Well, who is in charge of moving the sales to Wolfe's Auto Auction?

Philip Hayes: Would that be the purchasing department?

Commissioner Fanello: Whoever it is, let's just do it.

Commissioner Mourdock: Let me say it differently. What did you get in the past from county government that said okay, go ahead and have the sale?

Ray Karczewski: The contract.

Commissioner Mourdock: Okay, you now have a contract –

Philip Hayes: They gave him the contract before.

Commissioner Mourdock: – so are you waiting for further direction from us to say go ahead and have a sale?

Suzanne Crouch: If I may, I believe the issue or the problem is that if Wolfe's would conduct the sale, who is going to notify the individuals who's vehicles perhaps could be sold? Who's going to place the ad in the paper? Those are administrative, clerical, duties that the state currently does. That would be the issues.

Ray Karczewski: I imagine they'll still do that there. I don't know. We have not been contacted by anybody to tell us what's involved with it. Now, there's probably a couple more issues too. The agreement that we had made with the county that we would waive all storage and that we would not...Mike's doesn't waive storage to the state and we don't feel as though, if we are going to deal with the state, that we would have to waive storage to the state too. We can charge them a sales fee so we going to have to get storage fees. We feel as though that in order to be fair to our company that what he's getting at \$2.50 a day, is what ought to come to the Auto Auction also until this can be worked out between the county and getting it resolved to where this can become a county sale instead of state.

Commissioner Fanello: I have a question here. When this contract was signed, was that question Suzanne just asked, not asked?

Philip Hayes: If I can say, yes, an ordinance was introduced at the time –

Commissioner Fanello: – but she's asking about the clerical responsibilities.

Philip Hayes: Well, then that's where the clerical responsibilities are embodied...is in the draft ordinance that was submitted to the County Council. That ordinance that was filed in 2000 did not get advertised and the County Council did not take action on that. The ordinance has been reviewed and the administrative portion of the duties have been reviewed. There have been opinions discussed about the profitability of it, you might say, or whether the gross was a significant gross. So the fiscal body hasn't made up its mind about whether to continue it or not. I can go ahead and take direction from the body to reintroduce a modified ordinance and to have that modified ordinance allow or authorize and interlocal agreement or allow the sheriff to administer the duties that would ordinarily be done by the auditor. It's still up to the will of that body to advertise such an ordinance and carry it forward. As I say, we've had a lot of discussion about it back and forth about the mechanics of getting this on. It still ain't on yet. We have the old Abandoned Vehicle Ordinance show to us, but it's a commissioners ordinance no longer working and the fund doesn't appear to function, I don't think, plus it's got auditor duties in it. It would create the same –

Suzanne Crouch: Inaudible.

Philip Hayes: -- it would not? I thought it said the Junk Vehicle Fund is run by the county auditor?

Suzanne Crouch: Just the money is receipted.

Philip Hayes: Just the money comes in.

Commissioner Fanello: If it's a question about clerical duties, why can't the commissioners' office handle the clerical duties? I don't understand what the big deal about this is?

President Mosby: In the original ordinance they wrote for the County Council who handles this?

Philip Hayes: Well, it simply established the fund, and there's some money in the fund. I think Mr. Ahlers said there was \$40 in there.

President Mosby: I know, but I'm talking about the original ordinance that you said was going to the County Council.

Philip Hayes: That was back in 2000.

Commissioner Mourdock: And the answer to that question is, David, that's where we had spoken about the interlocal agreement with the city and let them take care of it and write us a check.

President Mosby: That's in the original 2000 ordinance?

Commissioner Mourdock: I'm not sure it was written in there. That's what the discussion was to have that interlocal agreement.

Philip Hayes: The discussion about interlocal agreement has come up only as an alternative to having the notifications and the advertising, that was spoken of by the auditor just now, handled.

Ray Karczewski: That's the one that was wrote last year for an abandoned vehicle... for the county abandoned vehicles. It has a clause in there establishing a fund.

Commissioner Fanello: So are you saying that you need to take another ordinance to the Council?

Philip Hayes: Yes.

Commissioner Fanello: Is that the next step?

Philip Hayes: Yes.

Commissioner Fanello: Then let's do that.

Philip Hayes: Okay.

Commissioner Fanello: When can that be done?

Philip Hayes: There's one already drawn, we'll take the same one and amend –

Commissioner Mourdock: It's already there, right?

Philip Hayes: No, it's never been...it's been abandoned just like the vehicle. No, I would say its state is that it's not been advertised. It's laying there. I've been told by the County Council's attorney that it probably needs some work. It needs some amending in order to clarify this issue that the auditor will not have to carry those duties. I think I'm right. Am I stating this correctly?

President Mosby: Ask the County Council if they'd like to share the duties with the

commissioners.

Commissioner Fanello: Yes, because we have two people in the commissioners' office that could probably handle it.

Philip Hayes: So what it amounts to is that you have a contract but you don't have any way of getting it carried out because the ordinance that the commissioners had back in 1977 doesn't have, for example, doesn't have rates and charges that were specifically required, as I understand.

President Mosby: If he's been given a contract to carry out the abandoned vehicles, then why aren't the vehicles going to his place?

Philip Hayes: Once again, it's been explained tonight, the reason it's not going there is that there is no mechanical means of advertising and notifying for the sales.

President Mosby: Who does it...why is it done...

Philip Hayes: It's done pursuant to an ordinance by the county auditor and that ordinance didn't get off the ground.

Commissioner Mourdock: It's done by the state.

Philip Hayes: Now it's done by the state.

President Mosby: If the state is doing it for Mike's, why can't they do it for Wolfe's?

Philip Hayes: Good question. There shouldn't be a problem except for the ordinance. There is nothing there directing the Wolfe's contract to be advertised and people to be notified that there abandoned vehicles are going to be put up for sale through the county's auspices rather than the state's auspices. You're advertising for the state now, correct?

Suzanne Crouch: No.

Philip Hayes: Excuse me, I failed on that. The state does it's own advertising.

President Mosby: So, if the state does it and advertises it that we are holding a sale at Mike's, why can't the state do it saying we are having a sale at Wolfe's?

Suzanne Crouch: They could but Wolfe's wants to conduct the auction themselves.

Philip Hayes: Yes, they want to conduct the auction.

Commissioner Mourdock: Is that correct? Please say it for the record.

Ray Karczewski: Yes, we want to conduct the sale.

Philip Hayes: So, go ahead, Madam Auditor.

President Mosby: Well, I'm just saying that if they want to conduct the sale that should be fine. If the state wants to advertise it and take the income.

Philip Hayes: Except the state has the monopoly on the sale of these vehicles because we don't have the ordinance. The state gets the money now. If we had the ordinance and we notified the state and said it's over, we'll take the money then they would give it up. Again, this goes in circles. Last year's Commission congratulated Wolfe's on winning the bid on this and at the same time they paralleled an ordinance they had to have to get it done through the County Council. The County Council wasn't as impressed with the whole thing as the County Commission was back then so the County Council for whatever reasons did not act on it and still to this day has not.

Commissioner Mourdock: Let's see if this gets everything done? I'm going to play "what if". What if we acted, this body, acted to enact the ordinance as drafted last fall? That's step one. Step two, County Council would adopt that ordinance for the purpose of the funding that needs to be done and the transaction that's fiscal in nature. Part three is that to having duplications of efforts between the city and county and because we have the city already ready to handle this function, have an interlocal agreement with them to do the advertising and all those other things that would otherwise need to be done. Step four, when these sales are made of vehicles that are otherwise county vehicles, they write the check to us.

Philip Hayes: I think that's exactly what I finally cooked up with the exception of having the Commission pass an ordinance; I don't think that's what we do. I think we have to...you're saying you don't know?

Suzanne Crouch: You can amend the current ordinance.

Philip Hayes: I can take it and amend it in order to state that the auditor isn't going to run the show...run the money.

Suzanne Crouch: The auditor is not even mentioned in the original ordinance.

Philip Hayes: We discussed that among the two bodies attorneys, myself and Mr. Ahlers, today and we think that's by inference...by implication because the auditor does it all. We think...I think, basically, that ordinance the way it stands is probably just fine; however, all we would have to do is superimpose an interlocal agreement assuming the city is in agreement and would enter into that. Now they have to agree to it.

Commissioner Mourdock: Right.

Philip Hayes: I've spoken three weeks ago or so to Mr. Hamilton about it and asked him to look into it for me and get back...talk to his colleagues there on the city side and let me know what they might think about it.

Commissioner Mourdock: I'll make a motion then and I'm going to repeat a little bit of what I said a minute ago. I would move that a) we direct the county attorney to draft language to amend the 1977 ordinance to make it workable under today's...is that not what you were saying, Phil?

Philip Hayes: Not really. I have to amend the ordinance that was submitted in 2000.

President Mosby: In 2000, the one they had.

Philip Hayes: There was a new Abandoned Vehicle Ordinance submitted and I believe the language of that needs to be slightly tweaked around to accommodate the inference that the auditor was going to get the business. You don't want...and I understand it, you don't want the ordinance if the auditor has to administer the money and do the advertising?

Commissioner Mourdock: Yeah, it seems to me that no more than we're talking about, if we've already got the structure in place, it's easier to do it through the city with the interlocal agreement and have them write us a check. Okay...

President Mosby: Are we going to have to pay the city?

Philip Hayes: My understanding...I've talked to Mr. Karczewski about that and we thought a title fee...pay them a title fee for handling...\$5.00 per title or something like that would probably compensate them for the amount of book work that had to be done. Of course, in addition to that, they've got to advertise the additional vehicles.

Ray Karczewski: I don't know what the city...I'll be honest with you, I didn't come here with the intent of involving the city in this thing. I came in here hoping that I could establish that there was enough money for it to be worth it for the county to go after it. I didn't even take into consideration that there were 160 vehicles that were not sold. They were actually turned over to Mike's Towing. Our auction doesn't buy any vehicles. We're going to sell whatever vehicles are at that sale, they are going to be sold. Anything that comes over \$85.00...right now, a person cannot go to that sale over there and put a bid in unless he puts a bid in over \$155 dollars; the way it's done right now.

Suzanne Crouch: Let me ask a question because I did go over to Mike's and spent some time going over the records so I would understand them because we had gotten so many different stories on how much money could be made. If a vehicle does not get a bid the, as I understand it, Mike's Towing pays \$6.00 for the title and then takes that vehicle to where ever and then gets \$100 for scrap metal which in turn, you would be able to do that, correct?

Ray Karczewski: If you look at the state records it shows on there that Mike submits a bid for \$150 on all the vehicles. He doesn't pay...I don't know what the storage and towing is but all the state sees is \$6.00 right down the line on all 160 vehicles. That's all the state gets.

Suzanne Crouch: On a lot of them that's true because and I understand from the towing and storage you end up eating up that money.

Ray Karczewski: We're waiving the storage, that's history. All we're going to have is a sales fee in there. You're going to be talking basically around \$85.00 per vehicle when we sell one and anything over that is going to come back to the county, plus also any vehicle that's redeemed under our agreement with the county is that we will collect \$1.00 a day storage. The city right now is collecting \$1.50 and that's up to you; if you want to charge \$3.00, that's up to you.

Commissioner Mourdock: Is that in the present agreement? The storage aspect?

Ray Karczewski: Yes, we have in there that we will waive all storage fees.

Commissioner Mourdock: Okay, so there is no dollar in there – you’ve waived all storage fees in the current agreement?

Ray Karczewski: If we sell the vehicle. The claimed vehicles, the ones that are redeemed and people get back, we do get a dollar a day.

Commissioner Mourdock: You get it from them?

Ray Karczewski: The ones we don’t sell, we get a dollar a day.

Suzanne Crouch: I’d like to, if I may, for my own satisfaction, sit down and go over these records that I looked at, at Mike’s, because I have copies of them and kind of see why the difference is in terms of amount of money.

Ray Karczewski: I probably looked at the same records you did.

President Mosby: I would like to see us take this and do it in-house.

Philip Hayes: Commissioner Mourdock, if you’ll make your motion, I think this would be appropriate, if you’ll direct me to insert the appropriate language in the draft ordinance before the County Council I think that will get that part of the job done and then, in the meantime, if I can get a consensus that the old ordinance has any utility whatsoever we can probably...we will use it. Right now the consensus is after today’s meeting that it’s probably inadequate and has no utility for our current purpose. I can’t give you a decent rationale for why that is, right now.

Commissioner Mourdock: Okay, let me do it this way then and hopefully we can move past this one. I’ll reserve my right to do something different when the final draft comes back, of course.

Philip Hayes: Right.

Commissioner Mourdock: I would then move again in four parts: 1) I would move that we direct the county attorney to begin work on a revised draft of the 2000 ordinance that 2) Once complete that draft is also shared with the County Council and 3) That you investigate and work with the city on an interlocal agreement to handle this aspect of business so that they do the advertising and basically end up writing us a check for services. So that’s a motion – three parts instead of four parts.

Philip Hayes: Okay. Very good.

Commissioner Fanello: Second. I think, unless you have a question?

President Mosby: No, I’m just not in agreement with having an interlocal agreement with the city until we find out how much money is involved here. If there’s not enough money involved for it to be worth the auditor’s time, then we can always come back and amend it and do an interlocal agreement with the City Council, if that’s the case. I don’t think any of us know how much money is here. I’m sitting here looking at some of the stuff Ray has given me, and I’m familiar with junk cars, and none of his prices are out of line.

Ray Karczewski: No, those are based on the sale. Those are based on the vehicles that were actually sold.

President Mosby: (Tape flipped) they would pay this kind of money easily for these cars.

Commissioner Mourdock: I thought I heard Catherine offer a second.

Commissioner Fanello: Yes, but...

President Mosby: So ordered. We're moving forward.

Commissioner Fanello: To be honest, I'm not sure the city will even agree to do it. We don't even know if they will.

Commissioner Mourdock: That's a possibility so all we can do at this point is direct the attorney which we've done.

Ray Karczewski: Thank you for your time.

President Mosby: No problem.

Cy Woodrome - ASAP/Med Star Contract

President Mosby: Cy Woodrome.

Commissioner Mourdock: Mr. Karczewski, you gave me a copy, do you want this one back?

Ray Karczewski: No.

Cy Woodrome: Good evening. My name is Cy Woodrome. I'm the president of Access Health Care which is the holding company for Med Star Ambulance of Indiana. I've got to give you a little background. On the 7th of February, Med Star purchased the assets of ASAP Transportation. One of those assets was a contract with the county for transportation of handicapped and elderly citizens of the county. That transaction created, I believe, two issues. One was a level of service issue and secondly there was a clause in the agreement that the contract could not be assigned unless it was assigned with the approval of the commissioners which it did not receive. So I'm here, hopefully, to do this expediently and solve both issues. The first one with regards to the assignment of the agreement, I'm requesting that the agreement remain with ASAP Transportation and there's a reason for that. Currently Med Star is not in a position to assume the agreement in its entirety. By that, I'll explain the way ASAP and Med Star are going to address the level of service issue. The agreement, I believe, has about ten months left in its term. I think it expires in January of 2002. Predominately with regards to that agreement there are two components, there are what we classify as walk on individuals and then wheel chair individuals. We're proposing...I'm proposing that Med Star will provide services to the wheel chair individuals and ASAP Transportation will provide services to the walk on individuals. We have been doing that for the past couple of weeks. There have been some snags. Mr. Dillon is out of town. He and I talked today and we feel that would be for the remainder of the term of the agreement, the best way to approach it. There are usually a standard group of individuals that utilize the service. It would be very easy for us to notify them and let them know who they need to be working with, what telephone number they can use to access the service.

Basically, those are the two issues.

Commissioner Mourdock: Sounds like you want everything the same but it's totally different.

President Mosby: I'm totally confused.

Commissioner Mourdock: ASAP had the contract in February; you bought the assets of ASAP; one of those assets being this contract. ASAP was providing full transportation services for both wheel chair and what you're now referring to as walk ons. Henceforth, you want to go forward. You want the wheel chair folks and ASAP would keep the walk ons?

Cy Woodrome: That is correct.

Commissioner Mourdock: Which means the current contract we have becomes basically two contracts dealing with two different client groups. How do we change that? If we agreed with that, how would we even begin to look at it pricing wise? How would we work that out? I've got a lot of questions.

Cy Woodrome: Our assumption, I believe...my assumption was that there wouldn't be any change in the contract. It would still remain ASAP. We agreed between the two of us that we would transport the wheel chair individuals under that agreement and ASAP would do the walk on individuals under that agreement. We're not asking for new agreements; we're not asking for a revision or anything to the agreement as it currently exists.

Commissioner Fanello: Well, essentially you are though, aren't you? If you're wanting to provide...ASAP is suppose to provide both services but you're wanting to provide one service so, in essence, you are asking us to change the contract.

Cy Woodrome: I could say...I could say that ASAP could service the whole contract.

Philip Hayes: You don't have the appropriate tariffs approved...you don't have the authority for the walk ons?

Cy Woodrome: No.

Philip Hayes: How long would it take you to get those?

Cy Woodrome: I don't know. I haven't investigated it.

Philip Hayes: Four or five weeks probably. This came about by virtue of complaints that were received by the commission office. There were a series of complaints and we didn't know from whence they were coming, and they were referred to the legal office. Mr. Kent, who's here this evening, has given us some fast service and getting on this and finding out that basically that there was a sale and that the contract that was entered into by the commission a year ago was not complied with in the course of the sale. There was an attempted assignment or an assignment actually done and nobody came to us or told us anything about it...to the commission. As a result, we continued to get the complaints. We tried to call the patrons of the service back and let them know what we had found out and then I directed Mr. Kent and

authorized him to invite you here tonight along with Mr. Dillon in order to try to figure what needed to be done to continue the service. I think I was able to talk informally to a couple of the commissioners, Fanello and Mourdock, just to indicate what was going on. So that's the background of it, Mr. President. As far as taking this contract and kind of cutting it up, at this point, I frankly don't know whether you can do that or not. On the other hand, I know that there's nobody to jump in right now and take care of servicing these patrons.

Commissioner Mourdock: With that being the case, and I'm less concerned about every crossed T and an I in the contract than I am about getting service to the people that we're suppose to be getting service to. That should be our goal here. What I'm hearing you say is that without changing the pricing that is currently under contract to the county, somehow between you and ASAP you can work this out to provide the service that was contracted for? Between Med Star and ASAP, you basically need to put together an agreement of understanding, a contract if you will, that this board could then ratify as an amendment to our current contract to say we understand that the sale took place, we're willing to accept the sale under the condition of whatever terms you have between Med Star and ASAP. As long as you guarantee for us that those contractual services are going to be provided at that price and most importantly we quit getting the calls that Tammy has been getting...or complaints –

Tammy McKinney: I got five new ones today.

Commissioner Fanello: I would like an answer about the complaints first of all before we go any further. Why the lack of timeliness and refusal to provide services? Those are the types of complaints we've gotten. I don't know what you received today?

Tammy McKinney: Today they were mostly...one lady had to wait four hours for someone to come get her and finally she took a taxi. A lot of them are calling ASAP and they are saying that we can't provide that transportation for you. Then they are calling Med Star and I guess they are a walk on and Med Star is saying that they only do wheel chairs. A lady called and I think it was ASAP that said they could only take them to doctors appointments and she had to go to another appointment and they said they couldn't take her.

Cy Woodrome: That's been part of the problem and that is the coordination between ASAP and Med Star. Until today, we didn't have that completely worked out.

Commissioner Fanello: So are you saying that until we sign another contract that these complaints are still going to be coming or are you guys are trying to work them out right now?

Cy Woodrome: What we wanted to do was come back and say here's what we've negotiated between the two of us and ask the board if you were comfortable with that. As I said, the majority of the citizens that use the service are routine users and so it's a phone call to say this is who you use because you're a walk on candidate and this is who you should use because you're a wheel chair candidate.

Tammy McKinney: Do you have that worked out with ASAP because they call ASAP, then they call Med Star, and then they call me.

Cy Woodrome: Mr. Dillion and I talked today. He's in Cincinnati. I can instruct my people tonight on how it should be handled. I'm assuming that he will call me and I can let him know what the board has decided and he can instruct his people with regards to that.

Philip Hayes: Do you want to ask David because he's been following this pretty closely.

President Mosby: I want David to come up and explain to me what he's found out so far.

Philip Hayes: At the time that Mr. Kent went to work on this last week, it appeared...we received notification from patrons that apparently the contract had been transferred. Then we were trying to find out to whom or where. No one had approached us so we asked...go ahead, David.

David Kent: I'm not real sure what you want from me, okay? I've outlined in my memos to the commissioners in terms of where we stand right now. In terms of a legal opinion regarding this, Med Star and ASAP have told us, and I've talked to Mr. Dillon as well today, that they believe that they've got a way to work this out. My legal opinion is that I wouldn't do anything with regard to this contract until we know it's worked out.

Philip Hayes: Can we conditionally approval?

David Kent: I wouldn't do that at all because you have a contract right now with ASAP and from a blunt legal standpoint, my first concern is ASAP Transportation Limited has sold their assets and they may very well, and I don't want to disparage anybody, may very well be a shell corporation now. They may not have any assets for us to pursue against if they have breached this agreement if the two parties can't get their act together and get it done. Mr. Woodrome and Mr. Dillon both assured me that they've got a plan now to get it done. Mr. Woodrome's been quite helpful in his discussion with me. In fact, he met with me at my office and we discussed getting that list of regular patrons, at least, and getting notification to them. From a legal standpoint, you have a binding contract with ASAP and I wouldn't do anything to jeopardize that contract, at this point, until you have assurance that these problems are taken care of otherwise you're opening up a can of worms and then we're going to have two entities in this contract that we're going to be against and they are going to point fingers at each other.

Commissioner Mourdock: Unless the contract and terms of agreement between Med Star and ASAP are such that any failure by ASAP is indemnified by Med Star and in exchange for that type of indemnification, maybe this board would agree to the transfer of the contract along with other things.

David Kent: Just for purposes of future...because of something like this, we may want to look at bonding capacities or something like that when these things come up in the future for these types of service things. You can get \$50,000 bond for a couple hundred dollars for a year contract. We might want to consider that in the future but in terms of where we are right now with this, I would encourage us to reset this matter and have ASAP and have Med Star get together and get us something to look at. Until we have something in our hands, tangible, I wouldn't take any action at all.

Commissioner Mourdock: Exactly.

Philip Hayes: If I could suggest then that you're approach tonight is to ask if any application for approval of transfer or amendment here be accompanied by some provision for bonding so that we're not left high and dry, that might be appropriate if, indeed, an economical bond can be procured. That might be something that would go a long way toward making a condition of approval.

Commissioner Mourdock: Do you have the list, Mr. Woodrome, of what we said we needed between you, Med Star, and ASAP?

Cy Woodrome: I just started to write.

President Mosby: Have you actually bought out ASAP?

Philip Hayes: Yeah.

Cy Woodrome: We bought their ambulances and we bought their wheel chair vans. We did not buy their automobiles.

President Mosby: So you didn't buy the taxi service?

Cy Woodrome: No.

President Mosby: So, in turn, you don't have a transportation license to taxi walk ons, basically?

Cy Woodrome: No.

President Mosby: How long is that going to take you?

Cy Woodrome: I have no intent of acquiring one. We are in the ground ambulance and wheel chair van business.

Philip Hayes: Apparently, ASAP was going to abandon it. They discharged several employees I understand.

Cy Woodrome: I believe that's true.

Philip Hayes: So they were just going to abandon that section of it.

Commissioner Mourdock: So, it would appear if you come back to this board with documentation of agreement between ASAP and Med Star that provides some level of indemnification by Med Star or bonding sufficient for the walk on portion, at the very minimum, for the walk on portion of the business or what did you call it? Walk ins, walk ons? And document for us how the two companies are working all those agreements out, then this board might, might be favorably inclined to approve the transfer of the original ASAP contract to Med Star.

Commissioner Fanello: I'm not going to agree to anything until we stop getting complaints.

Cy Woodrome: I understand.

Commissioner Fanello: You've got to show me that you've worked it out and it's working. It should start immediately; it should have already started.

President Mosby: Is there not any other company out there that can provide this?

Commissioner Mourdock: We bid the work initially.

President Mosby: What about Mets Mobility? I don't know why we can't contract with Mets Mobility?

Commissioner Mourdock: We did bid it. If they wanted to do it, they had a chance to bid it. I don't recall if they bid or not. I think they did, actually.

Philip Hayes: Mr. President, it's my understanding that there are various tariffs that have to be established and that you're talking about the expenses of vehicles, good employees, uniforms, some experience with being able to handle those confined to wheel chairs and certain walk ons that are in varying degrees of health. In terms of a very quick substitute for anybody to be able to get to us, they'd have to tool up and you'd be talking about four or five weeks.

President Mosby: I don't believe that at all.

Philip Hayes: This is one single source of information that I have. I was able to make one call. So, David, you'll be able to work with Mr. Woodrome here and kind of hasten the day when we can see that.

Cy Woodrome: There is one more thing that I would point out to the commissioners with regard to amending...if we get to the point where complaints are taken care of number one and the other factors are taken care of and we get to a point of amending the contract, we need to be very careful in terms of how we amend the contract in that it's going to be between ASAP and Med Star how they divide up the money. We don't want to get into that situation.

Philip Hayes: Okay. Is your company in the ambulance business as well?

Cy Woodrome: Yes.

Philip Hayes: So is it a possibility that you'd come to this body and ask to bid on that business someday when that was up? We have a contract now, but is that a possibility?

President Mosby: Do you got an advanced life service?

Cy Woodrome: Yes.

Philip Hayes: So this performance is important in terms of qualification later on and we appreciate your cooperation coming down here. Thanks for working with Mr. Kent here.

President Mosby: We have a sign in sheet for anybody that wants to talk about a specific road, I believe.

Commissioner Mourdock: Let me just say something for historical purposes here for Catherine and David. I don't know if you've reviewed the meetings from our prior road hearings, but what we typically do with the road hearing is for the head of the garage to state what he or she sees as priorities that we absolutely need to be working on in the coming year, and we also use this hearing to take public input from people who feel that they want to comment and make sure their road is on the list. That's our purpose.

Ralph Kissinger: If I may, I'll just go ahead...I've supplied copies to the news media and everyone in the front of the room has a copy of this. I'll just go ahead and read the roads that I have on the list and then maybe we can go from there:

ROAD	FROM	TO
Old Princeton	Frontage	Baseline
Boonville-New Harmony	Darmstadt Limits	St. Wendel
Mill	State Road 65	State Road 66
Kasson	State Road 65	Mesker Park
Tanglewood	Bergdolt	Dead End
Eissler	Old State	Dead End
Koring	New Harmony	Upper Mt. Vernon
Diefenbach	Upper Mt. Vernon	Koring
Felstead	State Road 62	Broadway
Cliftwood	Felstead	Dead End
West Franklin	Smith-Diamond	Old Mt. Vernon
Oak Hill	Lynch	Highway 57
Broadway	City Limits	County Line
St. Joe	Mohr	Darmstadt City Limits
St. Joe	Adler	Frontage
Old Henderson	Golden Rule	Happe
Carmel Court	Hogue	Dead End
Volkman	US 41	Old State
Jobes Lane	Middle Mt. Vernon	Dead End

Ralph Kissinger: Also on Broadway Avenue the cumulative bridge has a milling and resurfacing of a bridge just inside city limits. That's what I have. I've talked with John Stoll at the engineer's office. Boonville-New Harmony Road is almost a five mile stretch out there. We've already begun to repair the really bad damage on the road. I was going to request, and I think John was with me on this, that we take bids

on that stretch of road and if the bids come in where the engineer's office can afford that, that would leave us approximately five miles of roads for other roads to pave in the county.

President Mosby: Any other questions? Seeing none, I only have one person to speak, Mr. Jones.

Jerald Jones: Thank you commissioners for letting me speak tonight. I noticed on the roads that there was one pretty expensive one at \$280,000. My concern is with Lyle Road. It's not a pavement project; it's just a gravel road. I was asked to speak about this maybe you guys can give me some input here. I know that all these roads probably won't be repaired as submitted because of expense. We can't get all of our projects done. I know you people are very economically sensitive to all the money we have to spend, but I'm a very patient person. I've been waiting 52 years to get Lyle Road elevated four feet. Lyle Road is a county road, it's about a mile in length, it joins Nurrenbern and Bayou Creek Road. Why we'd like to see this elevated is because two or three weeks a year the river will back up and flood the road – not the entire mile but about 1100 feet. That's about all it is and we need it elevated so that the people can have access to their homes 365 days. We are in the 21st century but still we don't have access to our road. We'd like to see our road elevated also because we'd like to have medical assistance should we have that need when the water is over the road and right now it's not possible. We'd also like to have adequate police and fire protection in case the water is over the road. What we have done in the past is spoken to the county commissioners in the past, both publically and privately, and also to the county engineer. We have brought before the commissioners last year a survey requested by Mr. Tuley concerning people in the neighborhood/township that would like to see the road elevated. We did that. My brother and I have offered to give the county the fill dirt necessary free of charge and this is the most expensive part of the project. We'd be happy to give the county the fill dirt for this project.

Commissioner Mourdock: Mr. Jones, do you recall how many yards, or John, I know we've figured it out before but is it 30,000 yards?

Jerald Jones: Six thousand.

Commissioner Mourdock: Six thousand yards? Okay.

Jerald Jones: We've done everything. We also made one other suggestion that maybe we could get a paving project delayed a year just so we could get this done. Like I said, we've been waiting 52 years. Mr. Mourdock, I see you're looking at some estimates. Those have never been submitted for bid. The first time we got an estimate back in '97 that was quickly thrown together, it was elevated...it was a shame...I mean \$97,000 to elevate four feet of fill dirt and 1100 feet is astronomical. You can see the price has gone down. In fact, my brother and I went out on our own and got a bid. I have two former students of mine that are in the excavating business and they can do the job even less than that. I think if the commissioners would grant us...would get this thing submitted for bid, I believe, it's not a very expensive item to have this done so I'm in hopes that the commissioners will allow this to go forward and at least get some bids on this just to see how cheaply this can be done. I think it would be cost effective for the county in the long run because the gravel will wash off the road in high water. It's going take awhile to recoup the money, I know that, but I think it will be cost effective in the long run. Also, I think we

would have more housing development going on this road. My brother just built a nice home and I'm having a home built right now. I think it's a win/win situation for the county especially if we're are going to give the fill dirt for the project to the county. I'd like to see bids for this as soon as possible.

Commissioner Mourdock: When this road floods, how many houses are cut off? Let me rephrase that. Are there any houses that are cut off that have no other way out when that road floods?

Jerald Jones: Four.

Commissioner Mourdock: Four.

Jerald Jones: I know it doesn't seem like a lot, but in the 21st century and when we are...I don't know what else we can do other than giving the county the fill dirt. I know we have some dump trucks in the county. All it would probably be, Mr. Mourdock, if we could just get a track hoe down there, get that dirt hauled up there...it's not a big project.

Commissioner Mourdock: I note...I don't know if it was John's footnote or where it came from but the bottom note on there says that if we were to do this because as you elevate it up you have to add more slope going out and pick up additional...

President Mosby: Twenty foot.

Commissioner Mourdock: Twenty foot of right-of-way along that length.

Jerald Jones: Yes, and my brother and I...he's a teacher and had to go over to the School Board meeting, we've also talked to Mr. Staub. He owns the ground east of Lyle Road and he has agreed verbally, not legal, but he's verbally agreed to give the easement for the county road. He purchased that road strictly for his projects because he's in the excavating business himself. He'd probably like to have the job. All he'd have to do is move the dirt. So the easement is not a problem...or wasn't when we talked to him.

Commissioner Mourdock: Ralph, last week you spoke to us about the soil that you have out there at the garage that's finally been given a clean bill of health. How many yards do you have? Do you know? You need to come to the mike.

Ralph Kissinger: I'm sorry, my assistant superintendent is more familiar with that. I don't think there's but four to six yards of actual dirt that we can use for fill. Maybe eight.

Commissioner Mourdock: Four to six yards or four to six hundred yards?

Mark Taylor: I'd hate to say without checking.

Commissioner Mourdock: A handful is the answer.

Ralph Kissinger: There's not enough to put a dent in this project is about the only thing I can tell you right off hand. I'd have to measure the lot. I don't know how deep it is. I just know that there are several truck loads but not enough to do this project.

Mark Taylor: It wouldn't put a dent in raising Lyle Road four feet.

President Mosby: I don't think dirt is the problem. You're willing to donate the dirt, right?

Jerald Jones: Right.

Ralph Kissinger: As far as manpower, we have the trucks there but we don't have the excavation equipment to do this job.

Commissioner Mourdock: It would have to be contracted.

Ralph Kissinger: Yes, it would definitely have to be a contract job.

Commissioner Mourdock: It would have to be bid.

Jerald Jones: I would like to compliment the county for maintaining our road. They keep the gravel on it the best they can and do a wonderful job. We just can't get into our properties certain times a year.

President Mosby: Yeah, I talked to John about this one time. Unless we take bids on it and just see what the actual cost is.

Commissioner Mourdock: Again, the right-of-way issue needs to be dealt with. I wouldn't...the idea that Mr. Staub would donate the right-of-way might be conditional on his point of view of getting the work as well. If I were him, I would make it that way, but I don't know what he's done but that's a possibility.

Jerald Jones: Could be. He didn't say that or indicate that, but it could be. He also...if he did get the job, he could also get our dirt instead of using his.

President Mosby: Do we have to act on this tonight?

Commissioner Mourdock: No, we can take it under advisement.

President Mosby: Okay. Thank you. Anybody else want to speak to roads?

John Stoll: I just wanted to say that we received a few requests in my office over the past year. One was for a request to mill and resurface the intersection of Memory Lane and Rode Road due to some drainage problems out there and also the curve on Darmstadt Road just south of Mohr. There's been an accident problem out there over the years and one of the things that was recommended in a study by the Urban Transportation Study last year was to resurface that with more of a skid resistant pavement similar to what the city did out on the curve on Petersburg Road by Hamilton's Golf Course. Then a third location we had was the intersection of Harmony Way and New Harmony Road. The intersection as it exists right now is kind of a "Y" intersection. It has stop signs placed at somewhat non-standard locations. Because of that, we received a request from a resident who said that the traffic didn't know where to stop or turn or things like that so he was asking for that intersection to basically be rebuilt to make it more of a "T" intersection. I know that is a little down the scope of what we usually do on the resurfacing but I thought I'd bring it up as well.

Commissioner Mourdock: Two that I've heard requests for that we need to put into the program and budget and take a look at, and again, I'm not saying we are going to do them but we need to examine them. I know Councilman Wortman is interested in doing the other half of Maasberg Road so I'll add that one to the record. Second, we've gotten several calls on Boonville...not Boonville, I'm sorry, Browning from Boonville up to Old State. We need to take a look at that one. There's definitely some paving that needs to be done there.

Ralph Kissinger: As I said, these are just estimated that we were going to try and do these roads. If we can get some of this through the engineer's office contracted out, I think we can add several roads to the plan. We only have so much in the budget and so many miles we can do.

Commissioner Mourdock: How are you looking at it from the bid versus do it yourself aspect?

Ralph Kissinger: I think we had a figure of \$280,000 at our cost to do that road. I think, John and I talked this morning that if we do the repairs...get the repairs dug out and repatched...that he thought he could get it in for under a half million dollars. So that's what we're looking at compared to our \$280,000 contract cost. That would include the shoulders and the striping.

Commissioner Mourdock: Am I hearing you correctly that if we did it ourselves it would cost half a million and if we contracted it would be \$280?

President Mosby: Just the opposite.

Ralph Kissinger: It would be \$280,000 for us to do it and it would be closer to \$500,000 or in that area...four to five hundred, isn't that what we thought?

John Stoll: Ballpark, yeah.

Ralph Kissinger: Four to five hundred thousand to have it contracted out with the shoulders and the striping.

Commissioner Mourdock: Which road are we talking about there?

Ralph Kissinger: Boonville-New Harmony Road.

Commissioner Mourdock: Okay, going west to Darmstadt.

Ralph Kissinger: Yes, from 65 to County Line.

Commissioner Mourdock: St. Wendel.

Ralph Kissinger: That stretch in there, we are going to try and get the railroad company to do something to that track.

Commissioner Mourdock: Good luck. As far as your overall philosophy, in the past we've been aggressive in contracting some of that work in addition to what we did ourselves. How are you looking at that beyond this one project? Are you considering that for other projects?

Ralph Kissinger: Myself, if we had the money, I'd just as soon do it all ourselves and save the taxpayers the money. I think our crew is very capable of doing it. With the budget we have right now, this is what we can afford to do with what we've got.

Commissioner Mourdock: Understand that. The question hasn't been about the money in the past, the question has been about getting it done in a timely way because you only have so many people to do it and the others can get it done.

Ralph Kissinger: I know that several of these roads last year were proposed and fuel costs went up and oil went up and they didn't get to finish, but I know they finished very early last year.

Commissioner Mourdock: Right, and I noticed the pricing you used...that John put together here, is based on the end of year 2000 pricing?

Ralph Kissinger: These are what have been quoted to us in the contracts which I have in my briefcase. I have a copy of what they have actually quoted us for this year's prices.

Commissioner Mourdock: Do those all have the fuel price adjustment escalator that Jerry Bryan worked on?

Ralph Kissinger: They should be fairly accurate of what we should be paying right now if the cost don't go any higher from what I understand.

Commissioner Mourdock: If you feel real good about that go buy some crude oil futures and come back.

Ralph Kissinger: It could go anywhere right now...up or down, but I doubt it goes down.

President Mosby: Any other questions? Take this under advisement until next week. Thank you, Ralph.

Jane Laib: We need to do a tape change.

Tape Change:

Any Group or Individual Wishing to Address the Board

President Mosby: Okay, any group or individual wishing to address the board under consent or action?

Jill Marcrum: Jill Marcrum here on behalf of the Evansville Bar Association. As we promised a while back, we do have our Courthouse Action Committee report. We did try to address Mr. Mourdock's questions that he asked when we were here before. I know it's a lengthy report, and I know you don't have time to look at it. I had hoped to get it to you before the meeting tonight but obviously didn't get that done. On behalf of the Bar Association and Committee, we are willing to come back whenever you would like to answer any questions you might have and address any issues you think are important. So, since it's a lengthy report, I'll just leave it at that. We are willing to help you in any way we can to address these issues. Thank you very much.

President Mosby: Thank you.

Richard Helzerman: My name is Richard Helzerman. I'm here to talk to you about the problem of overcrowding in the Vanderburgh County Jail. The problem is caused by the large number of inmates awaiting trial. According to the latest statistics released by Captain Williams dated February 28, 2001, 149 of the 259 –

Commissioner Fanello: I was going to ask you if you could just do us a favor and summarize, basically, what you're wanting us to know?

Richard Helzerman: I want you to know that the problem with the overcrowding in the jail is because of the pre-trial felonies. This is the first time that it's gone below a half. If you look at the first page there on your check out...the graph. Look at the graph and you see that a pre-trial felony is way, way up and all the rest of them are down at manageable levels. I've taken the jail reports for the 28th and I've listed out all the people who could be released on bail if they had a reasonable bail; if their constitutional right to a reasonable bail were given these 92 people wouldn't be in the jail. They're only there because they're too poor. I'd like to point out that there is one person in there that \$250 would get him out. He's been in there 22 days. There's five people that \$500 would get out. There's twelve that \$1000 would get out. The median figure is \$5,200 which is way below what a credit card...I have a credit card for \$15,000. Fifteen thousand dollars would get out 64 of the 92. The overcrowding is caused by the people are just too poor to raise their bail. The second list I have are those that if the county would have paid their bail...it's cost more to keep them in jail than their bail was...so there's 12 people here that have been in jail 1126 days and the total cost of all their bail is \$15,700, but it's cost you \$28,000 to have them in jail.

Commissioner Fanello: But that's the judge's decision. I don't know what kind of crimes these people have committed and if they've committed certain kinds of crimes, I'm sure there's a reason that they should probably be in there. If they can't post bail, I'm going to say something that's probably cruel here, but they shouldn't have committed a crime. It's up to the judge to make that decision; we can't make that decision.

Richard Helzerman: The federal court has said that you three are responsible for the overcrowding in the jail.

Commissioner Fanello: But not for bonds. We're not responsible to tell the judge who he can bond out of jail and who he can't. Yes, I'm responsible to provide an efficient and economical jail that is there to provide what it needs to provide and that's a detention facility, but I can't tell the judge who to bond out. There's probably a reason why some of these people shouldn't bond out.

Richard Helzerman: It's a principle of justice since the 15 or 16 hundreds that a person should have a reasonable bond. Setting a bond that's too high for someone to meet is equivalent to putting him to jail without a trial. It is an abuse and violation of human rights...let alone the U.S. Constitutional rights...let alone the Indiana Constitutional rights. These 12 people here, I'm saying if you would pass a law that would allow the county to pay their bail, you would save the county \$12,000. I'm not talking about what the judge sets. If the county would pay that bail, it would have cost you \$15,700 to pay the bail but you spent \$28,000 already to keep them in jail.

Commissioner Fanello: What if I bailed out somebody that went and committed a horrible crime? That's not my responsibility. I didn't go to law school to do that. I had a chance to go to law school and didn't. That's the judges responsibility. We can't make that decision. We don't even know what offenses are coming up. No, we don't know what their doing. That's just not within the scope of our authority.

Richard Helzerman: The federal judges have called you to account.

President Mosby: And we're trying to build a jail.

Richard Helzerman: You have the authority to talk to the judges.

President Mosby: I would suggest that you talk with the judges.

Richard Helzerman: Will you give me a letter asking the judges to talk to me?

Commissioner Mourdock: Sure, I'd be glad to write a letter and ask the judges to speak with you.

Richard Helzerman: You do that and I'll be glad to talk to them.

President Mosby: Thank you very much.

Richard Helzerman: There's one thing more I'd like to say. You're talking about letting somebody out and they commit a horrible crime. The last page on my thing here, last week Mr. McMannus is accused of shooting his wife and two children.

Commissioner Fanello: I don't think there's any doubt he did it.

Richard Helzerman: On this paper, the first of March said that he had battered his wife and threatened to kill her earlier this year for which he received 180 day suspended jail sentence. This guy had previous problems with violent cases. I believe that the judge suspended this because the jail is full.

Commissioner Mourdock: Except I believe that was in Warrick County.

Richard Helzerman: No, before that there was a Warrick county issue where he ran a lady off the road and followed her and hit her. Warrick County dropped the charges. That was two years ago.

Philip Hayes: Reverend, would you want any of us to talk to the victims of the people that you're asking the county pay the bail because it's cheaper, should we talk to the merchants where the bad checks went or should we talk to anybody about any of these battery cases. Have you read the detention divisions report here of all the various persons and what the charges are pending what the bails are. Should we do anything about the victims? Now if you want to talk to the prosecutor, I'm sure that we'll add him to the list too because he's the only official statutorily charged and required to talk to victims of crime. You may want to contact the prosecutor to determine the nature and extent of his bail recommendations to the court before the court sets those bail bonds. Many of those victims may need to be talked to in a similar victim chart be done. Is that an unfair question to ask? Week after week you've asked this body and they have explained to you that the courts have the bail hearings and it would be interference in the process for this body to even get

involved in that. You can talk to anybody you want to. I think that's where we are having a misunderstanding week after week with these suggestions. There is a victims statute in Indiana. Those victims are heard from in regard to all facets including bail. In fact, in capital cases, as you know, the families of victims who are dead are contracted and those are then the victims and they are spoken to by the prosecutor concerning even the death penalty and what ought to be charged.

Commissioner Fanello: You don't need our permission to talk to the judges. It's a free country. You don't need our permission.

Richard Helzerman: The ones that will talk to me, I've talked to. I'm asking you and he said he would...if you give me a letter asking the judges and things to give me an interview.

Commissioner Fanello: We can ask them but we can't make them.

President Mosby: Can't make them.

Commissioner Mourdock: I'll move then that I draft a letter of behalf of Mr. Helzerman to Judge Heldt and Judge Bowers...instead of Bowers it should be Pigman and Prosecutor Levco asking them to speak with Mr. Helzerman about his concerns regarding overcrowding in the jail.

Commissioner Fanello: I'll second.

President Mosby: So ordered. Any other group or individual wishing to address the board. Seeing none.

John Stoll - County Engineer

President Mosby: John Stoll, County Engineer.

John Stoll: Last week we talked about the letter to send to Warrick County regarding the Lynch Road project. Since then, I was contacted by Warrick County Engineer, Steve Sherwood, and he said the Warrick County Commissioners had discussed realigning Lynch Road. This afternoon, Jim Gulick from Bernardin Lochmueller called me. In the audience we have Jim Gulick and Jack Pike from Warrick County to discuss their proposed realignment of Lynch Road as it extends east off of I-164.

President Mosby: Welcome, Jack. How long does this last in Warrick County?

Jack Pike: Our first meeting was four hours.

President Mosby: We'll take a rain check.

Jim Gulick: The reason we want to come before you is that we met last week with the Warrick County Commissioners and came to a resolution as what to do about the eastern part of Lynch Road. As you know, Vanderburgh County has worked a number of years with Warrick County in a joint project that would extend Lynch Road all the way from Oak Hill Road all the way over to State Road 62. Of course, the commissioners have completed that part of the project over to Burkhardt. Currently under construction now is the portion that includes the interchange at I-164. We were going to move it all the way to State Road 62 and then some right-

of-way problems came up with E&B Paving building an asphalt plant in the middle of the right-of-way and all that. That threw a monkey wrench in the whole thing. To keep the project moving, Vanderburgh County decided a year or two ago to go ahead and try to get the project let and get the interchange built and open so we could make use of Lynch Road all the way to I-164. In the meantime, what we did was we stopped the project short just at the east ramps of I-164 with the idea that we would make some decisions later on. The problem was that there would be a huge expenditure that would be involved with the right-of-way standpoint to continue with the alignment the way it originally was tying into State Road 62. One of the options we've been looking at over the last year or so was to look at a realignment of the road and see if by moving the alignment we could get out of some of the very high right-of-way costs involved in that. That's what we did and presented that to the county commissioners last week and showed them how we would do the realignment. They are in agreement that we should proceed with it and try to move the project along. I do have some arrows here showing the original alignment and the proposed alignment. Here's Interstate 164, here's Burkhardt Road where it stops right now, here's the interchange currently being built. We were going to cross Old Boonville Highway, come at a slight angle down, tie into by Carter Lumber at State Road 62 and it's going to tie into Warrick County's realignment of Telephone Road. Because you can see on the aerial that E&B Paving moved in here and built their asphalt plant and all this stuff, it's a tremendous change in the amount of cost of right-of-way that might be involved. We decided that we'd try to look at the difference in cost in going ahead with the plans the way they currently were versus shifting alignment to the north and coming on in at the same location but further up. The advantage we have over this one is a number of parcels...here's the Vanderburgh County line...the advantage of this is we move the alignment a little to the north and there are less land locked parcels. The big advantage is we get out of E&B's plant.

Commissioner Mourdock: For the purpose of zoning, is that different, Jack?

Jack Pike: They rezoned this over here. This is C-4 over here. By getting along the property lines here, it makes the entrance just a little steeper but basically along the (Inaudible). It's probably going to be Warrick County's responsibility to pay for the rest of this here because of the changes. We feel like this is a viable alternative to go ahead and finish Lynch Road.

Commissioner Mourdock: Is that wooded area at the top of E&B property a wetland area?

Jim Gulick: We went out there and there's a little area in there that may be a little wet. We need to look at that further to see the actual condition. We might have to mitigate it. It didn't seem like it was too bad a situation. Now currently in here there is a little retention pond so we might have to redo some of that.

Jack Pike: I'm not sure about the flood plain.

Commissioner Mourdock: It was going to be there anyway so the elevation is the same.

Jim Gulick: The increased cost to Warrick County for going this way will involve some design work and changes in the right-of-way, but we were figuring the change in cost that the government of Warrick County is about a half a million dollars is the

estimated cost (inaudible).

Jack Pike: (Inaudible).

Commissioner Mourdock: So, John, is there a formal request to us tonight regarding the study or is this just a news update?

John Stoll: This was just presenting what Warrick County was going to pursue. We would have to get some agreements outlining who pays what costs and things like that for the project. In order to keep the project on track it seems like a viable option.

Commissioner Mourdock: Sure does.

President Mosby: Jack, thank you very much for coming down and addressing us. We appreciate it.

Commissioner Mourdock: We appreciate the work and revised plan there. That is helpful.

Jack Pike: It's a project that we've been looking at for a good while. It doesn't change your project as much and it ends up doing what we all wanted to do.

John Stoll: As a result of those changes to Lynch Road, it will push it back a few years scheduling wise. Because of that it will probably be three years.

Jim Gulick: Yeah, what we'd have to do is do additional information on the environmental and do some redesign work, but we would have still been involved in the right-of-way acquisition phase and dealing with this big issue and everything. I really think we have a Gantt chart that sets it up to about a two year time frame. I think you would have every bit of that just dealing with E&B Paving and these big right-of-way issues anyway. At least it clears the air and gives you a clear focus on how to go about it without a lot of unknowns. All the unknowns just seem to drag the process on further and further. I think it's going to have the project open to traffic sooner to be honest with you. Any other questions?

John Stoll: Knowing that it will be at least a couple years before that project could proceed and knowing that we are buying right-of-way for University Parkway now, I think it would be in the county's best interest if we can get all the right-of-way acquired for University Parkway to go ahead and pursue construction of that potentially as soon as next year simply because with talking with EUTS it doesn't sound like there are any other federal aid projects that will be competing for our allotment of federal money for next year. It's possible we could be pursuing the first two miles of construction – at least getting the bridges and grading work done out there on that project knowing that this won't be proceeding.

Commissioner Fanello: Do we need a motion to do that?

Commissioner Mourdock: Sounds like it.

John Stoll: I can get with Rose, if you want me to and we can schedule the funding in her transportation improvement program.

Commissioner Fanello: I'll move that the county engineer proceeds with the

University Parkway project by talking with Rose.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and second. So ordered.

John Stoll: Next, I've got a change order on the Vanderburgh Industrial Park project. This is for 3550 linear feet of striping. This was additional striping that was required out on Highway 57. It was not previously invoiced on what we thought was the last change order. This is change order number four. We thought change order number three was going to be the final one but this striping was placed in accordance with what INDOT has requested and it's requested that the change order be approved.

Commissioner Mourdock: Just to clarify, that was not done under any of the Koester work out there was it? As a sub to Koester?

John Stoll: No, this was done through the contract with BMB.

Commissioner Fanello: I'll move approval of the change order.

Commissioner Mourdock: Second.

President Mosby: So order.

John Stoll: Next, I have a deed that was given to me by Joe Harrison, Jr. This is for a right-of-way grant on Kimber Lane that was a requirement of the use and development commitment for a rezoning out on Kimber Lane. Basically, it's a 30 foot right-of-way grant from Rodney J. Buchanan and Jerilyn R. Buchanan. It just needs to be accepted by the commissioners and then we can get it recorded.

President Mosby: I have a motion.

Commissioner Fanello: Just so move and accept it. Second.

President Mosby: I have a motion and a second. So order.

John Stoll: The final item I've got is a contract for cleaning services for the county engineering department. This is with Jani-Clean, Inc. The amount is \$151.67 and it has been reviewed by the county attorney and it's recommended that it be signed.

Commissioner Fanello: I'll move for approval.

Commissioner Mourdock: Second.

President Mosby: So order.

John Stoll: The reason we had to get that agreement was because the cleaning service we had last year was through Southwestern Indiana Mental Health and they have quit providing that service in its entirety so we had nothing.

Commissioner Mourdock: Update on Fulton Bridge, please.

John Stoll: The current schedule that I received last Friday gave an estimated date

of June on completion. Right now the contractor is planning on pouring the west half of the retaining wall later this week. He is planning on driving...getting the sheet piling delivered for the excavation of the pier on March 21st. At that time, he can proceed with his excavation. I believe he's got four days set up in the schedule for excavation down to the base of the pier. At that point, we can see if there's any damage to the pier and proceed from there. We'll work with the contractor and see if there's any places in the schedule that we can shave any days off that. Hopefully, we can but at this point, talking with the contractor this morning he said he couldn't guarantee that there were any corners to cut, but that's something we can look into.

Commissioner Fanello: Do you want to explain...Brian Nickel from INDOT had told us April. So do you want to explain the contractor's position?

John Stoll: Then change was the result that the schedule had not been updated by the contractor. Basically, the installation of the tie backs for the retaining wall plus the installation of the wood lagging for the retaining wall plus the forming and pouring of the retaining wall has taken substantially longer than what he had anticipated. Those items alone have added about 50 days above and beyond what he had originally estimated for the construction. That in itself is enough to kick it out the extra two months rather than the April date that was previously publicized. If we would have gotten it any sooner, we would have publicized it, but we didn't get the revised schedule until last Friday.

President Mosby: Any other questions? Thank you, John.

Ralph Kissinger - County Highway

President Mosby: County Highway.

Ralph Kissinger: I think you have reports from the garage. The only thing I have to add to the regular report is the bids that were opened last week. On my part, I've read the specs on bid number VC2001-04. As far as our department is concerned, I don't know about the legalities, but the specs seem to be in order and I recommend that –

President Mosby: Which one is that, Ralph?

Ralph Kissinger: That is the tri-axle truck. Ruxer Truck Sales and the bid was \$70,100. Me, the garage mechanic and Linda at the auditor's office (purchasing) looked these over and they seem to be in order from our standpoint.

Philip Hayes: I'll go through that.

Ralph Kissinger: Also the one ton chassis from Tell City Ford at a unit price of \$26,729. Those all seem to be in order and I'd like to recommend that those be accepted. That's all I have.

Commissioner Mourdock: In both those cases, I just want to be clear, I think, I heard Phil say that he hadn't had a chance to look at those for legalities so before we move, I would think that we want to.

Philip Hayes: Those are apparent low bidders and all of them are subject to that. We're going to get together. We've communicated today on a couple of them and

we're working on them.

President Mosby: Anything else.

Philip Hayes - County Attorney

President Mosby: County Attorney.

Philip Hayes: Yes, I have a legal report to make. This is in regard to the jail litigation I was at the County Council meeting last Wednesday. I was contacted and Mr. Harrison and I attended on about a three hour notice to specifically give them a report about the jail litigation. We gave that body a report. There was an exchange concerning the order of the court on the stipulation of the parties. As you know, there was an order we distributed that was done on February the 15th in response to the ACLU and the county by its' attorney's stipulation to retention of a designer and various scheduling on the jail project. That was a condition of our stipulation on continuing to extend the agreement, the private agreement, between the ACLU and the county that was entered into July 10, 2000. At that time, just to reiterate, we recited the record that January 8th this body voted to build a new jail, generically, and we also reiterated then proceedings that were had down through the period of time until February 6th when we were in our conference. The Council, it turned out, specifically had a question and I think there was confusion in both the County Council attorney, myself and Mr. Harrison. We agreed that it was simply, I guess, they thought that it was something new that a judge would do an order. They had specific questions, for example: Who asked the judge to do an order? Who prepared the order? I think it finally dawned on me that it was a fundamental misunderstanding especially to say...President Bassemier said why are we all of a sudden slapped in the face with a court order? Of course, there was no slap in the face. Federal rule 6b requires there be an order on any stipulation and there has to be an acceptance of an order. I could speculate for a long time concerning the formalization of one under a court that to me in my practice and I tried to explain and even sent over a memo to Jeff Ahlers that I'm just use to the informal corner cutting practice and I kind of take it for granted that a previously informal procedure can be very quickly formalized when cases have been on the docket long enough. Most of the commentators say that as well. So what we have is a stipulation, a voluntary stipulation, between the two parties approved word for word by the court. I had told Mr. Ahlers today, he has a meeting that is, I think...I believe, it's an Executive Session Wednesday prior to their regular meeting. I told him that he needs to speak to them about his appearance in the case on behalf of the Council. In 1979 the County Council was named as a party. Then to further confuse things for everybody, there will be another stipulation done if we can conclude the case and if we have proper authority from the county, this Board of Commissioners and the County Council as well, there will be ultimately a stipulation that is enforceable in a state court – not by the federal court. That stipulation would be to basically remedy the complaint but not admitting liability. The reason it has to be in a state court is simply because of the fact that the Prison Litigation Reform Act does not allow federal courts to approve non-admitting agreements. We have no intention of admitting any liability here. We have intention of working this out as has been the pattern in most of these cases including Allen County and others. In fact, I think there's, according to the Allen County attorney whom I called after our February...I called on February the 5th and spoke to the Allen County attorney in regard to the contours of that. What their experience had been. Most of that is subject to what I also cautioned in the meeting the other day in making my report. Certain aspects of this we really

couldn't discuss at this time and should do so only in an Executive Session. For the purposes of this, I think it's a matter of clarification. I will try to do a better job for you in terms of getting the Council thoroughly familiarize with this procedure so we don't have anymore of this kind of misunderstanding. I think that all the attorneys of record and Mr. Ahlers, who's going to be of record, all agree with me on that. I think I can speak for them.

President Mosby: Commissioner?

Commissioner Mourdock: When the previous, what I've referred to as the gentlemen's agreement between this Commission and the ACLU –

Philip Hayes: It's a written contract, yes.

Commissioner Mourdock: But prior to February 15th we had an agreement that set that voluntary cap at 329 –

Philip Hayes: -- oh, July...July the 10th of 2000.

Commissioner Mourdock: – was that a stipulation?

Philip Hayes: No, that was called...I have a copy of it.

Commissioner Mourdock: Just a Memorandum of Understanding.

Philip Hayes: It's a Memorandum of Understanding between the two parties and at the change of the Commission from the 2000 to 2001, I asked Mr. Harrison to remain responsible for the case, to contact Mr. Falk in regard to further extension for another period of time after February 6th, after the December agreement expired. Mr. Falk told Mr. Harrison that because there was new responsibility on the part of a new Commission with a new attorney and with new County Council that he would rather deal with the county attorney so I entered my appearance on February 6th having spoken to him and recapitulated what this body's record had been - January 8th we are going to build a new jail. Then recapitulated what had occurred on February the 5th in regard to the motion made and carried by Commissioner Fanello to begin the process of sending RFQ's. There would be a schedule set for retention and he wanted as a condition if we were going to continue to have a life for this agreement, informal agreement, to continue over the rated capacity in the jail, that is would be necessary to show them definite times and places. I ask for and got relief from the notion of picking a designer on June the 1st by saying that if I could have it, what I would like is the current language that was adopted which is that we have made sufficient progress towards that picking. We've done our interviewing; we've done what we need to do but don't pin us with that. So the spirit of the agreement is, yeah, if we can get it done - fine. If we cannot get it done, we've made a record, at least, that shows we are progressing towards that in a diligent manner and working with RFQ's. So the court entered it's order on that. That's what's different between the two things.

Commissioner Mourdock: So, it was Mr. Falk then that asked that we go more formally towards the stipulation which then resulted in the order, since the order is somewhat, as you described it, automatic after a stipulation?

Philip Hayes: It's a federal rule 6b basically requires that –

Commissioner Mourdock: As you said, what is now in place doesn't actually call for the hiring of the designer by June 1st, but what it says is that we need, effectively, some outline of a plan in place by June 1st?

Philip Hayes: Yeah, and I...you know, my reading of this is it's better than an outline...that the ACLU plaintiff is going to want it better than that. They are going to want to circulate to me a stipulation which I will bring to you in an Executive Session and possibly even do it jointly with the Council or do it simultaneously. That's why we now think the County Council's attorney should be in there. On February the 6th, the court suggested that we notify the County Council's attorney and get the process started for him to appear because he can then advise that fiscal body about its' responsibilities. I wanted to clarify that. I think the lawyers are all in agreement on what the meaning of the court order is and I think we're all in agreement that it is neither a slap in the face and can assure President Bassemier of that and Councilman Raben also. I had told...in fact, a day later I did some research and sent it over by fax to Mr. Ahlers and I told him a more formal memorandum will be placed in your minutes by way of clarification of my exchange with those two Councilmen. So I intend on getting that to him so that he can have it and try to clarify those minutes and try to reassure all the parties here that I'm not somehow or other messing this up. I don't think so.

President Mosby: Okay.

County Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I just have a couple things. I have one late pink slip from Burdette Park and two late travel requests from the health department. That's all.

President Mosby: Thank you very much.

Steve Craig - Burdette Park

President Mosby: Burdette Park.

Steve Craig: The first thing I was going to ask is if you've had adequate time to look at the RFP's?

President Mosby: Adequate time on the RFP's?

Commissioner Mourdock: Have I reviewed them? Yes. Do I have an opinion?

President Mosby: I don't know, I think that's what he was asking.

Commissioner Mourdock: Based on what I saw, obviously we had four respondents and Architecture Plus, PC is the official name, the presentation they gave us had a lot of excellent background as far as similar types of buildings which I place a lot of value on. Also, given that from our original estimate of what the cost would be, they are willing to do this for a fixed fee. I was impressed with that given that the fixed fee at the projected cost is less than is traditionally offered for architectural services.

That's my read on it.

Steve Craig: One thing though, the other three may have not given a fixed fee because I did not ask for that in it.

Commissioner Fanello: But they did specify in there that they would do a fixed fee. I think all of them did if we requested. Is that correct?

Commissioner Mourdock: Right, but they also quoted rates that were not a fixed fee that would be substantially higher than the fixed fee that was offered by Architecture PC. Typically, if they are going to offer a floating fee but then say we'll give you a fixed fee if we want, they tend to go up because they are locked into that price from that point forward, so we're already starting down here at a fixed rate.

President Mosby: My only question is, Steve, you say that you've dealt with Architect Plus before?

Steve Craig: Yes.

President Mosby: Okay.

Commissioner Mourdock: I've stated my choice and I'm interested in hearing from the two of you.

Commissioner Fanello: Were you satisfied?

Steve Craig: I had some problems at that time, but that's been quite a while ago.

President Mosby: I won't ask you that because I talked to you.

Commissioner Fanello: You go ahead and give your opinion.

President Mosby: I guess, my opinion would be from reading and going over some things with Steve, I probably like the Morley proposal and I know Morley has been out there doing a lot of site work, I believe, with Blankenberger. They are very familiar with the project and what's going on. From what I read that would be my opinion...Morley.

Commissioner Fanello: I read each of them and made a little chart out and after speaking with you about the Architectural PC and looking at each of the proposals, I felt like Morley was qualified and since they've been doing the site work, I felt like they were familiar with what needed to be done out there, so that's my opinion.

Commissioner Mourdock: That leads us to the possibility and this is something I really hate about an open door or open meeting here and discussing of pricing. What we just did was fair and above board –

President Mosby: Do you want to take it under advisement?

Commissioner Mourdock: No, no, that's alright, I was just going to make the point that with the comments about pricing, I wonder if the Morley people would take it under the same basis as the nature that was offered by the other competitor?

President Mosby: With that being an option can't we ask them?

Commissioner Fanello: We can definitely ask them.

Steve Craig: We don't have to act on it tonight.

Commissioner Mourdock: It has to be negotiated; there has to be a contract anyway. All we can hope to do is send the county attorney or one of us off to negotiate that contract. For what it's worth, as I went through and rated them also and Morley was my second choice.

Commissioner Fanello: We can certainly talk to them about the fee.

Commissioner Mourdock: Do you want to do that Steve or do you want somebody with you?

Steve Craig: I can contact them, if you want me to. It did read in their proposal that that was an option that they gave us.

Commissioner Mourdock: But they gave it without a number, that's the difference. I'll make the motion then given the will of the majority here that we have the Director of Burdette Park meet with Morley and Associates to discuss a possible contract for the architectural work for the Joe O'Day Lodge and to have specific discussions regarding a fixed fee price at a reasonable negotiated level.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second. So ordered.

Steve Craig: In my packet, I have the minutes to the Advisory Board meeting, if you have any questions on that and our work sheets that we had for the week.

Commissioner Fanello: I have the work sheets but I don't have any minutes.

President Mosby: I don't have the minutes.

Commissioner Mourdock: I thought I had them last week.

Steve Craig: I had them in my box for this week. They are the same minutes you guys received last week.

President Mosby: Any other questions? Thank you Steve.

Acceptance of Department Head Reports
--

President Mosby: SWCD and ozone...accept their reports?

Commissioner Mourdock: Yeah. One quick point with SWCD. I spoke with Mike Wathen today and apparently a Juanita Higgs may have called one of the two of you?

Commissioner Fanello: She did call but I have not got back with her.

Commissioner Mourdock: Mike has gotten with her and taken care of the problem. Just wanted to let that be known that that's resolved. With that, I'll move acceptance into the record of the Burdette Park, SWCD, and Ozone Officer's report.

Commissioner Fanello: I'll second.

President Mosby: So ordered.

Consent Items

President Mosby: Consent items.

Commissioner Fanello: I'll move approval of the consent items.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Fanello: How often do we want to do the Executive Session? Do we feel that we need to go ahead and do one next week?

Commissioner Mourdock: As needed. Again, for historical reference, we did them before all meetings except those meetings when we had a soil and water...I mean solid waste.

Commissioner Fanello: Next week we have solid waste, don't we? So maybe the following week.

Commissioner Mourdock: I couldn't hear the comment.

Commissioner Fanello: There's a position at the county garage. Do we need to hire in that meeting or can we...

Commissioner Mourdock: No, you hire people publically at this meeting. It's a matter of handling the consent item.

Jane Laib: When you all did the consent items, did you do it with the three additional...the pink slip and two travel requests?

President Mosby: I took it as that. She made it in her report so.

Tammy McKinney: I made note of that in my superintendent report.

Jane Laib: Normally, they say with the additions.

Commissioner Mourdock: I'll formalize it that we include in the consent items the three late items submitted by the superintendent of county buildings.

Commissioner Fanello: Second.

President Mosby: So consent items as amended, so order.

Commissioner Fanello: So we are going to do Executive Session on the 19th?

Commissioner Mourdock: Right. At 5:00 o'clock. Do we need to advertise, Jane?

Jane Laib: No, Tammy will notify the media.

Old Business

Commissioner Mourdock: Wait a minute, you jumped old business. One of the things that we did talk about briefly a moment ago and that we spoke of on the 22nd was the critical dates as far as starting to keep things working for the jail. I don't know...well, it is my opinion that we don't need to certainly wait until we have the RFQ's in from the architects to do some of those things. I just wanted to re-enliven the discussion regarding getting stakeholders together to define a couple of those critical issues...particularly, and I'm open to other discussion here, but particularly with community corrections and with the type of jail and potential staffing limitations. I think those are things we need to start talking about pretty darn soon.

Commissioner Fanello: I don't have a problem with scheduling meetings with everybody and getting some input before we get the...while we're waiting to get the RFQ's back.

Commissioner Mourdock: So the question is who, what, when and where?

Commissioner Fanello: Who wants to be in charge of those meetings and how do we want to have them? Only one commissioner can be there so...

Commissioner Mourdock: Indeed. I will make a –

President Mosby: She's saying two of us can be there.

Commissioner Fanello: Me and Richard can be there. We can alternate.

Commissioner Mourdock: I'll make a recommendation on the community corrections side that I would chair a meeting in the next ten days and I will use the list of stakeholders for that meeting that I presented on the slides, whatever day that was, and invite those people to the meeting.

Commissioner Fanello: Within ten days?

Commissioner Mourdock: Yes within ten days. I need to check my schedule. Again, the purpose is just to figure out how community corrections is going to fit in with the new jail project.

Commissioner Fanello: Do we want to do a juvenile one and a jail one?

Commissioner Mourdock: I see them all as equally important.

Commissioner Fanello: I can do jail or juvenile? I guess each one of us can take

one. It doesn't matter to me.

President Mosby: You can't put them together?

Commissioner Fanello: Jail and juvenile? Not really.

Commissioner Mourdock: It's a different group...set of stakeholders.

Commissioner Fanello: I'll go ahead and do the jail and you can do juvenile.

President Mosby: Sure.

Commissioner Fanello: That one's a little bit bigger so I'm going to say 14 days for the jail. How much time do you want for juvenile?

President Mosby: I try to get it within the next two or three weeks. I just have to look at my schedule.

Commissioner Fanello: I'll say 21 days then.

Philip Hayes: If I could make a request. In tandem with my report concerning the order, I would like to invite Kenneth Falk, Counsel for the American Civil Liberties Union, to address either the body informally in one of the sessions that's going to be had. If the jail part is going to be in about 14 days that would be a relatively good context to have them come. If I have your permission to invite him. I have no idea what his schedule is but it occurs to me that Mr. Falk will be able to clarify many of these issues including the things that seem to be concerning the County Council about their role, about whether an order slapped them in the face, about what's been stipulated to and what informs this process of settling the case. One of the things that I think I've said is that we believe it's the sense of both bodies that the county does not wish to go to trial. When I mention in my report that I don't want to in any fashion interfere or invite the wrong decisions to be made with regard to the stipulation we ultimately enter into. I think it would be valuable for our total overall schedule, and something different that has not been done in this type of litigation before, and that's to have the party come in here and have a look at what our situation is and actually have him explain the point of view of the plaintiff which I can tell you is fundamentally this: that out of 1000 days we've had about 14 of them where we are operating at our rated jail capacity. It may be that it will dramatize for us and for the community the fact that we're not really talking about judges here. This stipulation here, by the way, we've only talked about the part of compliance, but the other piece of the stipulation is that if we don't, then he would like to have his trial. He would like to have a schedule. He would like for us to proceed with setting up the normal course of events in a federal court case and that we track that along with our plan. So in other words, I think if he's invited into the community and let him talk about what his order of proof would be. Exhibit A is going to be the Department of Corrections of Indiana's jail inspection reports for the last several years and at least going back over three. I'm not talking out of school when I say this at all.

Commissioner Mourdock: I understood you to say a few moments ago that it was Mr. Falk who wanted to go somewhat beyond the gentlemen's agreement that we had to go to the stipulation phase which led to the order. If he were to come here

and explain why he wanted to go to the stipulation route maybe that would have some value for the County Council.

Philip Hayes: Exactly. Exactly. That is exactly correct. It wasn't a gentlemen's agreement, it was a contract. He simply said that the normal course of litigation anyway is about a year to get to where you need to go in a federal court suit. Well, by June the 1st it will be eleven months at the point where that case got revived last summer. So he is entitled to ask for that...to ask the court to start scheduling. It's not...we don't know whether we would win, lose, or draw. One thing that Mr. Ahler's said in the open meeting there is how many beds to you need to get by? Do you need 50? Do you need 100? I declined to answer that and said that it's been recommended by the sheriff that we do 500 to 700. I said there are other matters that are appropriate for an Executive Session so we're not...we won't be getting into what we'll negotiate as far as the stipulation is concerned. I can tell you that it's more on the order, if Mr. Falk is willing to do this, of information and what he considers to be constitutional. More on the order of how he sees the federal court cases going and I doubt if he'll interfere with our decisions at all and say, "Well, I think you better build 500 or I won't quit suing you". I think it's a matter of getting an honest expression of what his viewpoint of the case is. He's an extremely accomplished person. He argued before the United States Supreme Court about a month or so ago in validating the Indianapolis Dragnet Ordinance, I call it, where we were doing dog sniffing and so forth on drinkers and others. An admirable effort to rid the state but unfortunately deemed unconstitutional by the Reagan Court and other conservatives didn't see it that way. As a result I think his bonafides are very well established. I think it would be a good experience for us all here.

President Mosby: Any other questions under old business?

New Business

President Mosby: New business.

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: Motion and second. So ordered.

The meeting was adjourned at 8:25 p.m.

CONSENT ITEMS:

Employment Changes:

Circuit Court	Public Defender	Superior Court
Surveyor	Burdette Park	Comm. Corrections

Travel Requests:

Health	Assessor	SWCD
Legal Aid	Highway	

Auditor:

Request to surplus one HP laser printer

Clerk:

Submit monthly report for January 2001

Assessor:

Surplus item

Sheriff:

Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
Steve Craig	John Stoll	Ralph Kissinger
Bill Cottun	Royce Sutton	Reverend Rascoe
Reverend Terry	Ray Karczewski	Cy Woodrome
Jill Marcum	Richard Helzerman	Jerald Jones
Mark Taylor	Jim Gulick	Jack Pike
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**Vanderburgh County
Board of Commissioners
March 12, 2001**

The Board of Commissioners of Vanderburgh County met in session this 12th day of March at 6:00 p.m. in Room 307 of the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call the Vanderburgh County Commissioners' meeting for March 12, 2001 to order. We have with us tonight Tammy McKinney, Acting Superintendent of Buildings; Phil Hayes, Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Jane Laib, Recording Secretary; and Madelyn Grayson. Please stand for the Pledge.

Approval of Minutes

President Mosby: Approval of minutes of the March 5th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and second. So ordered. Any board appointments?

Commissioner Fanello: No.

Commissioner Mourdock: I have none.

President Mosby: Joanne Alexandrovich. Is she with us tonight?

Commissioner Mourdock: I don't see her in the audience.

President Mosby: Okay.

Suzanne Crouch - PERF Resolution

President Mosby: Suzanne Crouch.

Suzanne Crouch: We've submitted a resolution that is required by PERF. That resolution enables the people that are on it to do PERF retirement and refund application, sign quarterly PERF payments and sign credible years of service. It's been submitted before as we have put people on it. Charlene Timmons, as you notice by the pink slips, will be moving into that position. We'd like to keep Madelyn Grayson and Karen Joest on also in case Madelyn is on vacation or is out of the office for whatever reason we have back up to send paper work to PERF.

Commissioner Mourdock: I don't have any particular problem in doing what's requested, I think, but I did send an e-mail to Phil earlier today. The form that's with this has what I find to be some fascinating language whereby the people that Suzanne just mentioned, it says that they hereby are fully authorized and empowered to act on behalf of and in the name of Vanderburgh County as its agent

to accept pension liability. I just want to make sure and state for the record that it's not our intention to assign any liability to them personally for their actions.

Philip Hayes: Yes, and I've reviewed that and forwarded a copy of your comments to Ms. Timmons and discussed it with her. I also examined the statute and it would appear that it is not language that intends to impose a liability on the agent. The liability appears to be imposed on the secretary of the fund. In essence, we believe that she is not the object of any extraordinary liability.

Commissioner Mourdock: With that cleared up then, I would move approval of the county auditor's request authorizing Ms. Timmons to accept the pension and responsibilities on behalf of the county.

Commissioner Fanello: Second.

President Mosby: I have a motion and second. So ordered. Betty Knight Smith has asked us to hold hers until next week and Z. Tuley the same.

Roger Lehman - Home Inspector Licensing
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President Mosby: Roger Lehman, home inspector licensing.

David Kent: Basically, what we have here before you tonight is an ordinance amending –

Philip Hayes: State your name for the record.

David Kent: David Kent, County Attorney...Assistant County Attorney. Excuse me, Mr. Hayes.

Philip Hayes: May be more accurate than you know.

David Kent: Basically, what we have before you is an amendment to an ordinance to the Home Inspector Licensing. There were, what we perceived from a legal end, some problems with the peer review process. We have met with the persons who are in charge of licensing. The city and ourselves have a joint ordinance here and this is a joint project in terms of licensing home inspectors for the city and county. The city has already passed the ordinance per our recommendations with regard to taking out some factors that we believe would be subjective and could open the county and/or the city to some liability with regard to that peer review. The city has already passed that ordinance. Our new ordinance tracks the city ordinance so they are compatible. The ordinance is in the signature file and, basically, tonight we are requesting permission to publish that ordinance due to the fact that there are fines available under the ordinance so it has to be published. We are requesting that at this time.

Commissioner Mourdock: So it tracks it in its entirety and with the amendments that have been made and it also tracks the city?

David Kent: Yes, our amendments are the exact same as the city's.

Commissioner Fanello: I'll move approval for the amendment to the Home Inspector

Ordinance.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Calvin & Mary Jo Dentino - Vacation of a ROW (Beringer Drive)
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President Mosby: Calvin and Mary Jo Dentino.

Jim Morley: My name is Jim Morley representing Calvin Dentino who's here in the audience. We have a request in for the county to vacate the right-of-way that was dedicated by a plat on Phase I of the Deerfield Subdivision. It was for a roadway that was never developed. It was to reach land that is now a part of a subdivision called Copperfield II. This right-of-way, not only was it never developed, it could not reasonably ever be developed. We have added to the petition for vacation the granting of a public utility easement along the perimeter of the subdivision so that it properly takes care of all the utilities. I think you have comments from the county engineer. I believe that there should not be any reason why the county would need to maintain this as right-of-way.

Commissioner Mourdock: I'm going gray here for a second. Is this the one we had some remonstrators on last month?

Jim Morley: Yes, I think there was a neighbor here last month who asked questions. I think we should perhaps see if there are any neighbors here tonight and hear from them and then, perhaps, I can answer any questions.

President Mosby: Do you want to come forward?

Dr. Dulay: Commissioners, my name is Dr. Dion Dulay. I own the plat number five which is abutting the Beringer Drive that is to be vacated. First of all, I have no objection to vacating Beringer Drive, but I was here two weeks ago and also tonight to protect what has been told me is my right to the half of that street. I'm informed that the developer plans to vacate that road and sell it as part of a new plat. In other words, I'm just trying to protect what little frontage and that strip of land which is only about 25 feet wide and not just give it away for nothing.

Jim Morley: I'll attempt to answer this and your attorney can jump in here at anytime and say, "Jim, you're in to our area". The county's use of this is a right-of-way and the county doesn't own the underlying fee simple title to the land. If you vacate it as a public street, it flows to adjoining landowners by a legal process either where the land was derived from. If there isn't any other intervening agreements, it usually splits down the middle of the right-of-way. If there are intervening agreements; or even disagreement about intervening agreements, that matter is then settled before a court of law as to who has superior property rights or whatever. In other words, you, as commissioners, are not put upon to act as judge as to who has whatever rights. There are, in this case, some intervening deeds by a previous owner of lot five. How they apply really needs to be put before a title attorney to address those issues. I don't know if I clearly have all the answers because if there is a question of how the property flows or divides then it properly goes to a court to decide those final answers.

Commissioner Mourdock: To put meaning to the old adage about a thousand words being worth a single picture, even though I said it backwards, could you sketch out with a piece of chalk? Feel free to write over those numbers that are there. Just to get a feel for how this all comes together.

Jim Morley: I'll try to write dark. There's a section of roadway that goes the depth of one lot. It curves, but I won't draw that. Lot five, where Mr. Dulay owns, is here and lot 116, which is plotted next to it, is here. Absent all other ownership issues, Indiana law normally provides that it splits down the center with half going to each owner. What I was saying was that they don't normally provide to the commissioners or council the right to decide that this guy gets 10 and this one gets 40 or anything like that. You just simply determine that it's a public right-of-way or it's not a public right-of-way.

Commissioner Mourdock: Is there any argument over that at this point? I think that everybody has stipulated that it is a right-of-way that we've had.

Jim Morley: There is absolutely no argument. It was platted on a plat of Deerfield Section I back in the 80's. There is now a subdivision and houses and so on located right here. It doesn't go anywhere now. The only problem on vacating the right-of-way was to make sure that the public utility easement that existed along the back of lot five could be contiguous and we included that in the language. This is the question that Mr. Duly is asking – can you help him with this assurance?

Commissioner Mourdock: And as point of law, what you were saying previously in that regard is that the county, since we don't own title to that property, we only have the easement or the right-of-way, by vacating the right-of-way which we are fully empowered to do, it doesn't really impact what the title rights are. Those are a separate legal issue to be pursued privately?

Jim Morley: That's exactly right. Do you understand that?

Dr. Dulay: Just to make it clear, if I want to solidify my claim to that 25 foot strip, I need to go to court?

Jim Morley: Yes.

President Mosby: Maybe not.

Dr. Dulay: Does our commissioners' attorney have any idea?

Jim Morley: I don't think that the commissioners are the court of law.

Philip Hayes: Everything that's been stated is absolutely correct and when he tells you that you would have to go to court, I think what he means is that you should seek the advice of private counsel. You have title insurance, I feel certain, so you may wish to...as simple a matter as have your title insurance coverage extended because of the disappearance of this should they see fit to vacate it. That is the proper procedure to use and you follow the advice of either private counsel or your title insurance company.

Dr. Dulay: So I would have my private attorney extend title insurance you say? And include that 25 foot strip?

Philip Hayes: That would be a fundamental direction to go in, if he so chooses to advise you to do that.

Commissioner Mourdock: Certainly, the notes of this meeting, Dr. Dulay, and we'd be glad to get you a copy, if you want to take these to your attorney as well.

Philip Hayes: Any action that they take will be part of that public record and will become part of your title insurance binder ultimately when extended.

Commissioner Mourdock: Is there anyone else here to speak on this particular issue? Seeing none, I would move approval on final hearing of the vacation of a platted public right-of-way as provided to us as shown here for Beringer Drive.

Commissioner Fanello: Second.

President Mosby: Motion and second. So ordered.

Commissioner Mourdock: We need a roll call vote on that. It's a county ordinance.

President Mosby: Roll call vote. Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Mosby: Aye. Three aye's and no nay's. Ordinance passes.

Phil Hayes - Tom Bodkin Legal Agreement
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Philip Hayes: We have an agreement for legal services. A copy of which is in your packet. That is a standard agreement; the same one we have with all contract counsel, between R. Thomas Bodkin, Attorney at Law with Bamberger, Foreman, Oswald & Hahn in Vanderburgh County. We request that it be approved and Mr. Bodkin is going to be assigned to the representation as co-counsel to the county sheriff in the matter of *Kiefer versus Vanderburgh County*, otherwise known as the jail litigation. I had explained that I was going to request that this be done and I felt that having spoken to the sheriff about it, and I believe he's here this evening, it was my view and that of other counsel who have had contact with this case, that it would be appropriate to allow the sheriff to have counsel with whom he could confer. We are going to have as the primary responsibility the consideration of a proposal for a stipulated settlement which will be coming to us sometime the end of May. So for that reason, I would ask that that be approved tonight. The compensation rate is the same as the standard rate of \$70.00 that's previously been established.

Commissioner Mourdock: Is this the last attorney we're going to be hiring? There have been several that have come through here and I just want to make sure...I've heard concerns from the County Council that we need to work within what our budgets are. I'm not trying to politicize the issue that the fellow will be working on.

Philip Hayes: Of course not, I understand. That's a legitimate statement. The

previous arrangements for counsel ordinarily were with large firms. The previous county attorney was a partner of Bowers Harrison and that large firm arrangement was different than it had been four years prior to that where another single practitioner, Alan Kissinger, was the county attorney and had employee slots. In addition to that, there were other contract attorneys on it. What I would analogize is that because there were plenty of attorneys within that county attorney organization firm with whom the county has contracted in the year 2000, that probably such a need wouldn't be appearing unless there was some request for independence. There really isn't any request here, it was a perception of mine that it would be an effective thing to do. Mr. Bodkin is a former county attorney in Warrick County and I think I'm stating that correctly, but at least he was involved in the city attorneys office there in Boonville. He continues as the utility attorney for the Newburgh Utility. Having spoken to him and having spoken to the sheriff about it, it's a tactic that we believe will be useful. We think his experience and contribution to this legal defense and to entering into the contract will be important in balancing

—

Commissioner Mourdock: Is his specific role, Phil, let me be sure I understand it because you made comment a moment ago as far as working on things that you expect to be concluded by the end of May which I presume ties back to what the stipulation of the order was —

Philip Hayes: What I meant to say was a stipulation is going to have to be circulated and that's what I mean by concluded...the circulation of it will be concluded not the execution of it; that's up to the bodies...the Board of Commissioners or the Council to instruct.

Commissioner Mourdock: — but we're talking about the same document that is going to be a product of what Judge Young's order was?

Philip Hayes: Right, and to fit this in the County Council was invited to have its attorney appear for it by the court because of the fact that prior to that time Mr. Harrison had represented both the Commissioners and the County Council and it was apparent that the County Council's viewpoint was going to be legislated separately from the Commissioners, and that legislative difference would be requiring their own counsel's advice. That's provided by state statute and by ordinance so we informed Mr. Ahlers. In the course of events at their last meeting, the Council authorized me to withdraw and authorized Mr. Ahlers to appear. That has probably been done by Mr. Ahlers. I know that my withdrawal is contingent on his appearance. Mr. Harrison's withdrawal is contingent upon his appearance has been tendered to the office of federal clerk. We would expect to hear on that pretty soon.

Commissioner Fanello: But your withdrawal on behalf of the council?

Philip Hayes: Yeah, that's correct. On behalf of the council and, by necessity, my responsibilities continue for all the other county defendants. Along with that, I'd spoken with the sheriff about my idea, and I think he agreed and he's here tonight to speak to that. I felt adding another viewpoint because of his unique status in this as well would be valuable to the county and would be valuable to the decision makers in this process.

Commissioner Mourdock: I'll state my concern for the record. I have a concern that by the very nature of attorneys, and this is not an insult or dig, but the nature of attorneys is that they want to look at every aspect and they want to argue the case. I have the growing concern that we have so many attorneys getting involved with this that even as, to use your word, we circulate that document that's going to be provided and we are going to continue to slow ourselves down and obviously be paying more in legal fees. Mr. Bodkin, I've know for many years, is an excellent attorney and I certainly know he'll do a good job.

Philip Hayes: Let me speak to that, Commissioner. I think that the problem is that...my point about the large firm county attorney arrangement was that there are, I don't know how many persons there are in the Bowers Harrison firm now, I know there was in excess of 20 during the last four years. So it's not uncommon for associates, other partners, to exercise county responsibilities not just in litigation. Mr. Harrison didn't appear in each and every matter that the county had in litigation. He was not there by himself; there were other attorneys and they were all participants in various phases of this although Mr. Harrison did appear in may of them. In this job when I took over, I think, I filed a memo and I talked to many other lawyers to determine their availability, even on a one time basis. An example might be that a labor matter of extreme complexity might appear and it would be better, I think, in the long run for that particular area of expertise to be handled for the county by someone who's perhaps a specialist. That would be an example. So in this matter, I do have to have assistance. I can't run the whole thing alone because we have cases that are related but not. We have the Moore Case. We have the case euphemistically known as *Fourteen Women versus the Jail*, that is still requiring to be disposed of. Then we have all the facets to handle of the sheriff's participation in the federal lawsuit and then the commissioners' participation plus the County Council's participation. I don't think it's a matter of overworking and I don't think it's milking the mouse. I realize the concerns are always there, but I think you will find that it's working in that way. We will be monitored on that because we're going to be reporting frequently. If any of the bodies: the sheriff, the County Council or yourselves should believe the explanations for the devotion of manpower or the jobs being done are not justified then you can certainly instruct us to change that.

Commissioner Mourdock: I'm not looking nor am I in any way adequate to micro manage any of these legal cases.

Philip Hayes: I understand.

Commissioner Mourdock: I simply have the concern...and I agree totally that Joe Jr. when he was doing what he did, didn't do all the litigation but it seems to me that we're getting –

Philip Hayes: That was presumed.

Commissioner Mourdock: – but we're getting more attorneys on board now who are doing more than simply litigation...especially with the jail cases. I don't want us to get to the point where we've got attorneys picking up the phone calling the other attorney and we're getting billed for both ends of the phone conversation.

Philip Hayes: Oh, I understand what you're saying.

Commissioner Mourdock: I trust that won't happen?

Philip Hayes: Yes, that's not in order and will not be done.

Commissioner Mourdock: Okay.

Philip Hayes: I think you will find that all of these lawyers will bill appropriately and not abuse the issue. Seventy bucks is...as one of the wags told me, I think, at \$70 it won't last long. That's a guarantee against prolongation of a problem.

Commissioner Mourdock: I'm sure that's true, but last week, I think, we had four attorneys sitting here in the room at one time, and I don't know if they were all looking to bill for the time they spent sitting in this room. Again, I know the council members are concerned and we've all (inaudible) in stewardship here, and I want to make sure we get the best for our bucks.

Philip Hayes: I appreciate that and we'll act accordingly.

Commissioner Fanello: I'll move approval for the agreement between Tom Bodkin and Vanderburgh County.

Philip Hayes: And Bamberger, his firm.

Commissioner Fanello: And Bamberger, Foreman, Oswald & Hahn.

Commissioner Mourdock: Because I know Mr. Bodkin and I know he is an excellent attorney and will work closely with the sheriff on this, I will go ahead and second.

President Mosby: I have a motion and a second. So ordered.

Philip Hayes: He would be here but he's in a trial. He just passed me a note here that he wouldn't be attending. Thank you.

Any Group or Individual Wishing to Address the Board

President Mosby: Any group or individual wishing to address the board under action? State your name for the record.

Faye Gibson: Faye Gibson, Executive Director of the Old Courthouse Preservation Society. I come before the commissioners tonight to, basically, inform you that our financial situation has not bettered itself and before we get ourselves in a situation where we cannot afford and where we accrue liabilities, we are here tonight to officially offer 30 days notice of termination.

Commissioner Mourdock: Thirty days notice of termination of what? Of the Old Courthouse management contract?

Faye Gibson: The lease agreement that, basically, says the Old Courthouse Preservation Society manages the building.

President Mosby: Are there any questions by any member of the board? Do we have to act on this?

Commissioner Mourdock: No, we can certainly take this under advisement and I

don't know if there is, and I'm speaking hypothetically here, in taking it under advisement, we obviously would have several options: 1) to come back and accept it next week 2) one would be between now and then to try to negotiate with the board of the Old Courthouse Preservation group or 3) the obvious but always mysterious alternative three...something else. We can certainly take it under advisement at this point.

Commissioner Fanello: Motion to take it under advisement.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and second to take under advisement the Old Courthouse Preservation Society's termination of contract.

Commissioner Mourdock: Before you leave the microphone, Faye, having done that is there anything more you can tell us regarding the attitude of the Board of Directors of the group or personally what's brought you to this point given just two weeks ago that council acted to at least provide some stop gap measures?

Faye Gibson: The county basically actually last week zeroed out the commissioners request of \$18,000. They do want to strongly suggest \$40,000 funding out of different sources...infrastructure.

Suzanne Crouch: I believe, Faye, because I was at that meeting, what they did is ask that that be paid out of the commissioners –

Commissioner Fanello: -- riverboat money. We already have money in place so what they did was zero out an additional appropriation, but we already have money in place.

Suzanne Crouch: They can still reclaim to the auditor's office for that money to be paid for utilities, isn't that what –

Commissioner Fanello: January, February and March utility bills which we need copies of. At least January and February which you should have. They just did that because we have the money in our budget to pay for that instead of doing an additional appropriation.

Commissioner Mourdock: So the act of zeroing it out sounds dramatic but, in fact, was just a transfer of funding.

Commissioner Fanello: Yes.

Faye Gibson: There probably still needs to be additional conversation though with the society and what long term help might be available because we don't envision that the utility bills will go down next year.

Commissioner Mourdock: Having said what was just said here, do you now have a different understanding of the zeroing out than when you walked in the room? If so, does that change this?

Faye Gibson: No, that doesn't change that.

Commissioner Mourdock: Okay.

Faye Gibson: That was obviously through the Board of Directors.

Commissioner Mourdock: I understand and I was asking your personal opinion...you can't speak for the board.

Commissioner Fanello: Faye, I don't know if you were in here the night...I think you were here the night that David Kent...is David still here?

Commissioner Mourdock: No, he left.

Commissioner Fanello: There's been a grant applied for to do a feasibility study on the Old Courthouse. That's been applied for by the National Historic Foundation in Indianapolis.

Commissioner Mourdock: National Historical Trust.

Commissioner Fanello: Trust or Foundation. I've also been in contact with several other people trying to look for grant money for possible restoration. I don't know how much we can get, but we are addressing some of those issues and taking measures to try and find some additional monies. I just don't think...County Council would have to make this decision and I don't think they are in a place to write a blank check at this point. So we're trying to take as many measures as possible as we can -- reasonable measures.

Faye Gibson: Understood. I don't believe the society has expected a blank check, quite frankly, but without any communication with the society's board, which there has been none, perhaps where we are at tonight...perhaps and I'm not saying it was, but perhaps that decision was made in a vacuum but none of these things have been communicated to us.

Commissioner Fanello: I was under the impression that they had. I was under the impression that Commissioner Mourdock had met with you and had been in contact with several other people as well.

Commissioner Mourdock: I have. I met with them and Faye prior to the meeting of County Council.

Faye Gibson: Prior to County Council meeting.

Commissioner Fanello: If you are wanting a definite answer as to what we can do, I don't think anybody has that tonight at this point. It was my understanding that there has been conversation.

Faye Gibson: I understand that but we understand financially we are approaching a point that we are going to be accepting liabilities that we can't afford so to protect the society and those board members, this action had to be done simply because...I've had several questions asked of me like how much do you owe Sigeco? Well, we don't owe Sigeco anything; we've paid our bills, but we don't want to get to a point that, like the Executive, all of a sudden we tell you that we owe \$187,000 to Sigeco. We've been good stewards of our donated dollars and the

building, but we are quickly approaching the point that we can't do that so this measure was taken to protect the society's Board of Directors.

Commissioner Mourdock: Let me go ahead and make the formal motion to finish what the Council somewhat started in zeroing out. I would move that we use \$18,000 from our riverboat monies to fund for the next three months, as we discussed previously, the cost of energy in excess of what the Courthouse Society has budgeted.

Commissioner Fanello: And I'll second that but making the comment that on the riverboat money...I was under the impression that riverboat money was suppose to be a one time capital purchase deal, but I don't a problem taking out for this project right now since we are in an emergency type situation. Just to get that on the record.

Faye Gibson: If this is a one time offer the I don't know if we want to accept \$18,000.

Commissioner Fanello: Hum?

Faye Gibson: If it's a one time offer, I think that's what I heard you say, then I'm not sure that we're able to accept \$18,000. Again, I've done what I was instructed to do by my Board of Directors.

Commissioner Fanello: So you're saying that you don't want the –

Faye Gibson: I'm not authorized to go any further that what I've done this evening.

Commissioner Mourdock: We've had the motion and it was seconded to take this under advisement. Again, we did what we needed to do under the strictest reading of the rules in allocating those funds.

President Mosby: So do we have a motion and a second on the floor on the \$18,000?

Commissioner Mourdock: No, there was a motion and a second and we still need to do that.

Commissioner Fanello: I seconded but I wanted to make a comment about the riverboat money.

President Mosby: We have a motion and a second on the \$18,000. So ordered.

Faye Gibson: If I may introduce Robert Woosley, President of the Society's Board.

Robert Woosley: Again, I'm Robert Woosley. I just need to elaborate a little more on part of the problem. Faye deals directly with the money issues, but the issues with the Courthouse and the board actually go a little deeper than that. The board as it stands right now, even with \$18,000 or frankly with \$40,000, is not going to work. We don't have the personnel. As of today, Faye is our last employee and she is basically working for us gratis right now until these things are resolved. Second of all, our board is dwindling rapidly and we just do not have the management wherewithal to take it over or to continue to manage it with \$18 or \$40 thousand dollars. With tenants that are our responsibility that we need to give information to

and to be able to let them know how their livelihood is going to go over the next 30 days, we needed to cut our losses, per se, now before we, as a board, and the county gets any deeper than maybe they want to be in.

Commissioner Fanello: So you are saying that there is no maintenance personnel or anyone over there?

Robert Woosley: Nope. No one. This is new news also as of the last time Faye was here.

Commissioner Mourdock: What is new news?

Robert Woosley: That we've lost both of our maintenance people and we've have two more board members resign, frankly, due to their worry about our liability with all of our tenants in place, with vendors, Sigeco, whoever, that we will quickly get into a situation that we're not going to be able to afford to pay our bills. We, as private citizens who are trying to do a good service for this building and the county, aren't willing to taken on that responsibility at this point.

President Mosby: How do we stand with tenants?

Robert Woosley: Right now, I believe our tenants are fine.

Commissioner Mourdock: If I recall twelve tenants and ten of them are month to month and two are longer term.

Robert Woosley: Right. Most of which, from my understanding, are willing to stay on as tenants whether we are at the helm or the county is at the helm. They like being at the Courthouse and for the most part are willing to stay. We have to look out for their interest also and they are wanting to sign leases and so forth and we just can't do it with our board as it stands right now.

Commissioner Mourdock: I do want to go back to something you said at the start of your remarks, Mr. Woosley. You said that if it was \$18,000 or \$40,000 either way that really wouldn't matter. The \$18,000 that was a number that was originally derived, I think during one of our commission meetings, as I recall, was thought to be adequate because it was \$6,000 a month that was going to supplement the tenant fees you already have coming in to take care of those energy bills. No one here thought that \$6,000 would pay all of the energy costs but we thought, and it's my recollection, what we were told was that \$6,000 would make up the difference of that shortfall. Is that correct or is that incorrect?

Robert Woosley: I believe that is incorrect but the point I want to make is the \$6,000 whether that's correct or incorrect, the problem of our board and our ability to manage this facility goes beyond a \$6,000 a month subsidy to cover the Sigeco bill. We know the Sigeco bill isn't going to be \$14,000 a month or whatever in the summertime. We are getting towards the end of that. The other issue that we have as a Society is our goal was never to come into, and for the past 30 years or over 30 years that we have managed this facility, has never been just to be a landlord for the facility. Our goal was to rehabilitate it, to make it better, to make it the way it was and, at minimum, to preserve it. Just being able to keep the doors open, although I guess that is in a sense preserving it compared to having it closed, was not the goal of our board and is not what we intended to do or intend to do. So when you

say \$18,000 or \$40,000 doesn't make a difference, it might keep the doors open for three or four more months. If some major 90 day plan was created by the commissioners, then in the best case scenerio, something might work out. Frankly, our board doesn't believe strongly in that. We certainly don't believe that anything will really happen in 90 days and given that time period, we're going to be dry...even before that. We don't want to wait until the last minute, as Faye said, to where we owe everyone and have put our tenants in a bad situation to where Sigeco shuts us down. We just can't do it. So it really is a little deeper than just a financial situation...our board apathy at this point and our personnel issues are just, frankly, more than we can handle.

President Mosby: We have a motion and a second to take this under advisement so we'll put this back on the agenda.

Commissioner Mourdock: I think this lady had also wanted to speak.

Unidentified: No.

Commissioner Mourdock: I thought you were coming to the microphone.

President Mosby: Any other individual or group wishing to address the board?
Seeing none.

Ralph Kissinger - County Highway

President Mosby: Department head reports. Let's go on to county highway and then we'll come back to the engineer.

Ralph Kissinger: Ralph Kissinger, County Highway Department. Last week...two weeks ago we had bid openings on some trucks. Last week I made my recommendations. In the meantime, the attorneys have looked at the bids and I'd like to go over what became of that and give you a report on that. On the bid VC-2001-04 for the tri-axle truck there were two bids for that truck. One bid was deemed to be unresponsive and the other bid was about ten percent more than the other truck. I would like to know if we can throw that out and rebid? I don't think it would be responsible of us.

Commissioner Mourdock: Why was it considered to be unresponsive?

Ralph Kissinger: There was a section that had a question that if it were asked would the bidder provide a performance bond and the bidder stated no. The bid bond was posted but the performance bond was denied when asked if they would provide it.

Commissioner Mourdock: Do they routinely provide a performance bond for the purchase of a vehicle?

Commissioner Fanello: Just from experience on the city side, we had disqualified bids before on equipment.

Ralph Kissinger: I spoke with purchasing and they seem to agree that it was not a good idea to accept the bid.

Philip Hayes: If I could speak to this. The review of these bids revealed that almost uniformly with the exception of one, possibly two, there was something wrong with every bid. There was a defect either technical or what I would call a material defect that could not be reconciled in the normal course of bid –

Commissioner Mourdock: But I thought I heard Ralph say there were only two bids on this particular truck.

Philip Hayes: Right, on this particular one.

Ralph Kissinger: I think we had six in the total package.

Philip Hayes: The responses in general are, on analysis and without giving them and outlandish reading, tended to create a situation that it was my judgment ultimately that the board ought to be advised to rebid these items. I think I had at least one bidder contacting persistently wanting to talk to me and it's my policy that legal counsel cannot be spoken to during the bid evaluation process to argue. So we did have that effect. I know it's inconvenient. This is like the first time out for this particular commission and it just appeared to me in all of the number of questions and the number of problems that had come up, that it would be cleaner and better to simply rebid these items.

Ralph Kissinger: Only the tri-axle truck and the 10 foot dump.

Philip Hayes: Overall, we've run into this same thing when we go on through the numbers of persons participating and responding and the number of responses that had these problems with it. From a conservation viewpoint, I felt uncomfortable trying to advise you to say that we'll take one over another.

Commissioner Mourdock: I think there's a gentleman in the back here who wishes to address the issue. If so, you need to come forward and state your name and address, please.

Jim Elpers: I'm Jim Elpers with Miller Truck Equipment. I'm a co-bidder with Ruxer. The gentleman from Ruxer who bid it, he had made the comment that he was under the understanding that the performance bond was for a construction type and this is a...

Commissioner Mourdock: Deliverable.

Philip Hayes: It's a deliverable.

Commissioner Mourdock: The day it's delivered, it's done.

Jim Elpers: Correct and that's why he checked no.

Philip Hayes: In other words, there's a confusion concerning that and it may even be on our part...on our analysis of it.

Jim Elpers: He would provide the performance bond, that's not a problem. He just understood it to be for a construction a ten million dollar job, yes, you want a performance bond, but on a \$70,000 dump truck, you know.

Philip Hayes: How did that fit in with his thoughts on what the initial security was on the bid? How did that work out?

Jim Elpers: He supplied his five percent bid bond.

Philip Hayes: He felt then that there was a confusion over the deliverable plus as against whether or not it was a performance issue?

Jim Elpers: Right. There should have been a clause in there. If I had checked (tape flipped).

Philip Hayes: So what I –

Jim Elpers: We were \$7,000 low.

Philip Hayes: It wasn't uncommon and you're kind of making my point and that is that it seemed as if the whole group of bids required interpellation of all of these kinds of factors...what did somebody mean? Your firm certainly was confused by it. The net result was that when we got all through evaluating and taking a look at it, we didn't find that there was a clarity of responsiveness here, and we felt that we'd be better off since there is no immediate rush for this, is just simply rebid the item or the items. In fact, it runs clear through the whole series doesn't it, Ralph?

Ralph Kissinger: Yeah, from my standpoint. Instead of putting some undue wrong on someone, to me it would be more right to rebid than to wrongfully give the contract under some misunderstanding. That's my view, but I'm not an attorney.

Philip Hayes: I developed a memorandum concerning that and I'm more than happy to share that with you. If you want to hold these and review what we're talking about, I'd be more than glad to do it. This work had to be done in a week and quite frankly,

Commissioner Mourdock: We're back to three alternatives: we can either act tonight pursuant to the recommendation, defer it and rebid it, or some middle ground of basically assuming what the bid cost would be on an item like this which is not very much. If that bid cost, even if it were deducted from all the other bids, in this case one bid, would it make up the kind of difference you're saving in the bid which I couldn't imagine that it would.

Philip Hayes: There's that value and you're correct. The other set of values involved in this from our legal standpoint is that we have a group of bidders, all of which are in one manner or another, through one understanding or misunderstanding or another, are submitting groups of bids here that in our opinion are not what you want.

Commissioner Mourdock: Because of the bid bond issue?

Philip Hayes: Yeah, I think the problem is that they basically come down to being not responsive. Now the bid bond issue and that kind of confusion if it's on our part, we accept responsibility that it is and we may have overemphasized that, but none the less, it contributes to the confusion. There's enough of it here because that's the only one that didn't come up with that. The form asked them for it and they're not coming up with it. I understand that it's just on these two.

Commissioner Mourdock: Let me go ahead and make a motion for this first item which is, I move we accept the low bid for – define the item for me again –

Ralph Kissinger: The tri-axle dump truck.

Commissioner Mourdock: The tri-axle and you said there was approximately a ten percent savings?

Ralph Kissinger: Yes, I think the low bid was \$70,100 and the other bid was \$78,274.

Philip Hayes: Yeah, that's fine.

Commissioner Fanello: That's okay with you?

Ralph Kissinger: That's entirely up to the commissioners.

Commissioner Fanello: I'll go ahead and second.

President Mosby: I have a motion and a second. So ordered.

Ralph Kissinger: The second item, I don't know the number, but it's for the one ton dump bodies...not the one ton dump bodies but the one ton chassis, the fifteen thousand pound. There was a low bidder and it was recommended that it was accepted and that was from Tell City Ford at a unit price of \$26,729. The bid seems to be in order. It was low bid and I would recommend to proceed on that.

Commissioner Fanello: I'll move approval to accept the low bid on the one ton chassis.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

Ralph Kissinger: The third item was VC-2001-06. There were four bids on that...three bids on that, I'm sorry. The attorney deemed that all the bids were unresponsive and that they should be rebid...that all the bids had something wrong.

Commissioner Mourdock: And what was the item?

Ralph Kissinger: It was the dump body for the one ton chassis.

Commissioner Mourdock: I'll move that we rebid that item.

Commissioner Fanello: Second.

President Mosby: Motion and second. So ordered.

Ralph Kissinger: The next item is VC-2001-07 for the snow plows. The low bidder was responsible. This was Tri-State Utility Sales and Service with a bid of \$3,512.25. The attorney recommended that bid be accepted.

Commissioner Fanello: I'll move approval to accept the low bid for the snow plow.

President Mosby: Motion and second. So ordered.

Ralph Kissinger: The last bid was for VC-2001-08 for salt spreader utility bed. The low bidder was Miller Truck Equipment and it was recommended that this bid be accepted.

Commissioner Fanello: I'll move approval to accept the low bid for the salt spreader utility bed.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

Ralph Kissinger: I have one other thing, Mr. Mourdock, you had spoken to me about Browning Road in the last meeting. I sent a crew out, myself and my assistant went out and looked at it and there is some work that needs to be done. We've marked part of the road for locates. If we can get some funds from the engineer moved or some contracted out, we will pave that road or at lease patch it and make it travelable for now.

Ralph Kissinger: On the general subject of roads, Ralph, I think, did we not schedule for next week for the final hearing?

Commissioner Fanello: Yes.

Commissioner Mourdock: Could you prepare for us just on an 8 ½ x 11 or something this square just highlight on a map all the roads that you've recommended in your plan?

Ralph Kissinger: Sure. An area overview of them?

Commissioner Mourdock: Yes. If you could just put them on one map so we can see where all those are. Just highlight them. It doesn't have to be anything fancy.

Ralph Kissinger: Anything else? Any other questions on my report?

President Mosby: Any other questions for Ralph? Thank you.

John Stoll - County Engineer

President Mosby: County Engineer.

John Stoll: First item I've got is a change order on contract VC00-11-04 Boonville-New Harmony Road Bridge 254 Removal. This results in an increase of \$67.40 and is due to a small overrun in rock quantity. County Council transferred the money last week so everything is in the account ready for approval.

Commissioner Fanello: I'll move approval of the change order.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Second item I've got is a street plan approval request for section five of Clear Creek Subdivision. This section of that subdivision is up towards the north and west portion of the property. This is towards the portion that accesses off of Old State Road although the access to Old State Road is not in this particular section. This is north of Sterchi Drive and Sterchi is the one that ties into Old State. Anyway, I've reviewed the plans and would recommend that they be approved. They will have curb and gutter streets and everything seems to be in conformance.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

John Stoll: The next item is that I would like to get approval to get two cellular phones for my office. Right now we don't have any and it would help for the field personnel and calling back to the office. We've checked on some of the different options as far as getting cellular phones and it looks like a 250 minute plan would probably be appropriate. For two phone we were estimating it would cost about \$1,000. We would like to transfer that money from the Broadway Avenue Bridge account to a communications line item in the Cum Bridge Fund.

Commissioner Fanello: Is the county on a cellular phone plan?

John Stoll: We've checked with purchasing and there is no standard plan that's throughout the county. There was a lot of talk about it, but there's never been anything set up.

Commissioner Mourdock: Is the plan you looked at, John, just a blanket 250 kind of across the state type thing? A thousand dollars sounds awful high for 250 for two phones.

President Mosby: That was for a year.

John Stoll: That's for the whole year.

Commissioner Mourdock: I know and it still sounds too high.

John Stoll: The other option was a 400 minute plan. We haven't really decided. I tried to estimated on the high side simply because I didn't know what kind of long distance charges we might get over the course of a year. The 250 minute plan was \$30 a month per phone and the other one was \$40 a month.

Commissioner Mourdock: That's what I just figured. So \$720 ought to get you? So you just aimed high?

John Stoll: Right, plus the purchase of the phones and the chargers.

Commissioner Fanello: And it's for you and?

John Stoll: Just two to circulate.

Commissioner Fanello: For anyone to use in the office. I'll move approval for the county engineer to get two cellular phones, but I am going to instruct the county purchasing department to come up with a one plan type deal like we had over on the city side which was much more economical than different plans.

Commissioner Mourdock: The only thing, I'll go ahead and second, in talking to them about that I would use caution because while on a per phone basis, yeah you can get a lot cheaper rates than this but all of a sudden you get more phones and you end up spending more money anyway.

Commissioner Fanello: That's true but we did have more of a uniform type plan on the city side which ended up saving us quite a few dollars.

President Mosby: Anything else, John?

John Stoll: One other item. On the McCutchan Road Bridge we are going to install a pipe that wasn't called for on the plans. Mainly it's to drain one area that has some ponding water on the east side of the road and drain it over to the west side to the creek. We also will have some overruns in rip rap and under runs in the piling and stone backfill on the bridge. The net change to the project will be approximately \$2500 increase. I just want to bring that to your attention. We will proceed with these items if you approve that and I'll bring the change order in once we get all the final quantities.

Commissioner Fanello: I'll move approval of the change order.

Commissioner Mourdock: Second.

President Mosby: Motion and second. So ordered.

John Stoll: That's all I have.

Philip Hayes - County Attorney

President Mosby: Phil, you said you didn't have anything?

Philip Hayes: I have no report that hasn't already been discussed.

Tammy McKinney - County Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have a couple things. I have a late travel request from DAD's and an employment change from the County Council. That's all I have.

Commissioner Fanello: Can we move to accept those with the consent items?

Commissioner Mourdock: Exactly.

Commissioner Fanello: Okay. I guess we could go ahead and accept them but I do have a question on the consent items down there so let's just say that we'll go ahead and put those with the consent items and when we move to that I've got a question.

Commissioner Mourdock: Okay, if that was a motion, I'll second.

President Mosby: Motion and second. So ordered.

Commissioner Mourdock: Let me just add a quick comment before we jump from superintendent of county buildings. With what we heard about the Old Courthouse, it would seem to me that something we need to consider during the next week as we take all that under advisement is the possibility of having our superintendent of county buildings have better duties...maybe I shouldn't say better, enlarge the duties of that office to include the function that the Courthouse Preservation Society has otherwise provided. It seems to me that's the logical thing to do and I think we may have the right person here to do it.

Commissioner Fanello: We'll certainly take that under advisement.

Steve Craig - Burdette Park

President Mosby: Burdette Park.

Steve Craig: I guess the first thing to submit into the minutes that we've receive the three bids for our t-shirts for the day camp for the park this year.

Philip Hayes: If the board will let the record show we can go ahead an open those.

Commissioner Mourdock: I'll move that we open the bids for the t-shirts.

Commissioner Fanello: Second.

President Mosby: So ordered.

Steve Craig: The other thing I had on my agenda was if you had time to review what we talked about last week on the proposal for the O'Day Discovery Lodge?

Commissioner Mourdock: Yes, and Mr. Hayes and I have had some correspondence on this and I have one modification that I would suggest for the record. That would be that section 1.5.9 read: The design services covered by this agreement shall be completed within six months of the date hereof. The question I had previously about delays might otherwise be considered would be resolved with that language and Mr. Morley has indicated, prior to the meeting, that he is acceptable to that language. Let the record show that Mr. Morley is nodding his head in the affirmative.

Jim Morley: For the record, yes.

President Mosby: Do we need a vote to amend that?

Commissioner Mourdock: With that, I would move approval of the contract in our

packet tonight between Morley and Associates and Vanderburgh County with the amendment as so stated.

Commissioner Fanello: I'll second.

President Mosby: Motion and second with the amendment. So ordered.

Steve Craig: The only other I have is my work sheet.

Commissioner Mourdock: I'll move acceptance of Burdette Park into the record.

Commissioner Fanello: Move to accept the Burdette Park worksheet. Is that what you said?

President Mosby: So ordered. Are we ready for the bids?

Philip Hayes: Yes, I think we're ready to proceed on those. Here we go. The bids are as follows:

VENDOR	BID AMOUNT
Gus Doerner	\$5,157.80
Soccer Selections	\$5,048.41
Southwest Grafix	\$5,530.64

Commissioner Mourdock: You're not in a big hurry for these are you, Steve?

Steve Craig: No.

Commissioner Mourdock: There were only three? I will move that we take the bids under advisement.

Commissioner Fanello: I'll second.

President Mosby: Motion and a second to take bids under advisement. So ordered. Anything else? Thank you, Steve.

Philip Hayes: Here's your samples over here, Steve.

Written Submitted Reports

President Mosby: Soil and Water, Ozone.

Commissioner Fanello: I'll move that we accept those reports.

Commissioner Mourdock: As long as we are on this, I know there are several people here in the audience on the soil and water issue and also I see the county surveyor here with an issue I think that may pertain, if they want to bring that forward now would be the right time to do it. Seeing no rush to the podium, I'll withdraw that. Second.

President Mosby: So ordered.

Consent Items

President Mosby: Consent items.

Commissioner Fanello: I had one question on item C, the repeal of funds from commissioners' budget for reappropriation by public defenders office, what is that regarding?

President Mosby: I was contacted the other day by Teri Woodward from the auditor's office and they are repealing the funds out of our budget and putting into the public defender's office budget so that they can actually show actual cost to get a reimbursement of 40 percent.

Commissioner Fanello: Okay, but out of where out of our budget?

Suzanne Crouch: There are a number of line items that you all pay all office expenses: telephone, utilities. The State Board of Account had requested, and we think it would be easier to track for that 40 percent reimbursement if that money was in the public defender's budget.

Commissioner Fanello: So do we have a specific amount that we're repealing?

Suzanne Crouch: I forgot my glasses.

Commissioner Fanello: If you have a copy or give me a total and make me a copy of that.

Suzanne Crouch: It looks like the postage is \$3,000 that will be repealed out of the commissioners' budget and then it will be appropriated into the public defenders. Rent will be \$10,025; phones will be \$10,000; computers \$17,000; travel mileage \$4,500; buildings will be \$6,695.

Commissioner Fanello: Okay, with that explanation I'll move that we accept the consent items.

Commissioner Mourdock: Second.

President Mosby: Motion and second. So ordered.

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Fanello: We have our Executive Session next week.

Commissioner Mourdock: Yes, we did schedule an Executive Session. I was going to say that I was over in the Courts Building today and Judge Pigman wants to come to us at Executive Session, so I told him to come next week at 5:00.

Commissioner Fanello: Five o'clock.

President Mosby: On the 19th. Any other business under meetings.

Suzanne Crouch: I thought I might mention that on the public defender monies insurance, Dennis Feldhaus is determining how much. I forgot to mention that.

Commissioner Fanello: I e-mailed him about that and he had not gotten back with me yet.

Old Business

President Mosby: Old business.

Commissioner Mourdock: I'll just mention under old business that tomorrow, as discussed last week, I'm going to get together with all the stakeholders and community corrections at 3:00.

New Business

President Mosby: New business. Motion to adjourn.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Second. So ordered.

Meeting was adjourned at 7:08 p.m.

CONSENT ITEMS:

Employment Changes:

Public Defender	County Council	Auditor
Prosecutor	Circuit Court	

Travel Requests:

DAD's	Health	SWCD
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Public Defender:

Repeal of Funds from Commissioners' Budget for Reappropriation

Auditor:

Submit A/P Vouchers
Submit Monthly Financial, Cash, and Expenditure Reports

Sheriff:

Submit Weekly Jail Information and Reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
Steve Craig	John Stoll	Ralph Kissinger
Roger Lehman	David Kent	Jim Morley
Dr. Dulay	Faye Gibson	Robert Woosley
Jim Elpers	Tammy McKinney	Madelyn Grayson
Others Unidentified	Members of Media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Jane Laib

**Vanderburgh County
Board of Commissioners
March 19, 2001**

The Board of Commissioners of Vanderburgh County met in session this 19th day of March, 2001 at 6:00 p.m. in Room 307 in the Civic Center Complex with President David W. Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: We have with us tonight Tammy McKinney Superintendent of Buildings; Counselor Hayes is here; Commissioner Fanello; myself; Commissioner Mourdock; Auditor Suzanne Crouch; and Jane Laib; and Madelyn Grayson. I think this is Jane's last meeting if I am understanding correctly.

Commissioner Mourdock: You can see an even bigger smile on her face.

President Mosby: As the night progresses. Next, the Pledge of Allegiance. We're going to try to move through this as quickly as we can. I understand zonings are advertised for 7:00, right?

Commissioner Mourdock: Right.

President Mosby: Okay

Approval of Minutes

President Mosby: Approval of the minutes from the March 12th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: And...

Commissioner Mourdock: Go ahead.

President Mosby: I have a motion and second, so ordered.

Commissioner Mourdock: And I'll also move approval of summary minutes from tonight's Executive Session that began at 5:00, ended at 6:00 and present were the County Auditor, the three Commissioners and Council and discussed were County personnel matters and threatened or pending litigation against the county.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

Judge Pigman-FMLA

President Mosby: Judge Pigman.

Commissioner Mourdock: That issue was resolved at Executive Session.

President Mosby: Right.

Scott Anderson-Lease on the Old Jail

President Mosby: Scott Anderson.

Scott Anderson: Thank you. I don't want to take up very much of your time tonight. I just wanted to make sure that as your discussions continue with the Old Courthouse Preservation Society that you are aware that a company of mine, Old Jail Management Corporation, has a sub- lease on the Old Vanderburgh County Jail and sheriff's residence. I think I would feel in neglect if I didn't at least make sure that you were aware of that. I think the Old Courthouse Preservation Society has done a great job and we have had a good working relationship, but as you continue your discussions with them I just wanted to make you aware that there is a lease that exists there. It is quite a substantial lease. It goes until May 12th of 2067. So I look forward to working with you on re-negotiations in that.

Commissioner Mourdock: I won't be here that long.

Commissioner Fanello: I won't be here either.

President Mosby: Inaudible.

Scott Anderson: The key to that is that is a very substantial lease. It is a lease hold improvement lease where I agreed with Old Courthouse Preservation Society to lease the facility, put it in good repairs, do lease hold improvements and it allows me then to lease the space out as office space, and, basically, I just wanted to make sure that you were aware of that. I'm not asking anything of Council but just the fact that you be aware that the lease exists. And if I can help out in any way, I'd be more than happy to do it.

Commissioner Mourdock: Just so you know that we are aware of ,obviously, your interests, and also that there is a successorship clause in that lease that provides for, basically, this eventuality that if in fact the Old Courthouse group goes away, then we still retain management of the building or the ownership of it.

Scott Anderson: That's great. Thank you very much.

President Mosby: Thank you.

Betty Knight-Smith- Space Requirements

President Mosby: Betty Knight-Smith. I skipped one, sorry.

Betty Knight-Smith: I have something that I want to pass out to the Commissioners. We're talking about space in my office that's been leased out. I talked with your attorney and he came over and looked at it. I wanted you to see how much money is taken in in that office. Our budget for 2000 was \$274,682. We took in \$634,147.25. The copies in that office last year we turned in \$39,739. Now the people that lease that space, there's one of them that hasn't paid any rent for over six years. I gave Phil the amount that they've paid. We pay \$16.30 a square foot. Now, on the one space it's 24' X 12", it's 288 square feet, they should be paying \$4694.40, if they pay what every county office pays. But, if you took four times the amount of copies that they have their copy machines, if the county got a dollar per

page out of that, you can see how much money we're losing there. I'm not saying do away with it, but I think they should be paying their share of the rent. Our office is very busy. And we're probably going to need some space. But, the one what I figure here if they just paid what we pay it'd be \$10,123.34. I think, if you... Phil had forgot to bring the figures that I had. And I had the Auditor to run down and they're not paying their share. What we'd like to ask you to do is to come up with a lease of a year lease, because we may need more space. We may have to do something different. But if each one of 'em paid, and they should pay to the County Commissioners because you're the one that pays the rent. So, this is what I'm asking you to do is to come up with a lease on it for on a yearly basis that we should be at least getting the money that every other elected office has to pay. Maybe you want to charge more, that's something you might want to talk about because they get ... they're taking, well, about four times more copies than we can turn in.

Commissioner Mourdock: Betty, are you saying that we need to do this, I mean are your comments primarily pointed at the one that is six years behind, or is that for everybody?

Betty Knight-Smith: Well, my, what I'm saying is that I'd like to come up with a lease for these people.

Commissioner Mourdock: For all of them?

Betty Knight-Smith: For all of them. And if the one that is six years behind, then they need to bring it up to date or either I have another abstractor that wants that space, and is willing to pay whatever you decide we need to pay. But, I think, we need to do something because we've got that space down there, they're using it and not paying their fair share.

Commissioner Mourdock: Was your comment about the space that your office needs meant to mean that if that ...

Betty Knight-Smith: If it gradually picks up like I expect it to do and like it has from one year to the next, then we may need some of that space, so we may have to take it. That's the reason I'm asking to go with a year's lease. Phil came over and we measured and done all the measurements we had to do. And so he went back with the figures and he forgot to bring 'em over. But, you agreed with me that we needed to come up with a yearly lease.

Philip Hayes: That's correct. A yearly lease and a standard lease. The leases, I think, were different in terms for different companies at different times. So you had requested uniformity in that to be fair to everybody and I agree with you that that's appropriate.

Betty Knight-Smith: I'll have one space that's leased that's 24' X 12'. Two spaces that are 12' X 12', that's 144 square foot. And one space is 5' X 9', which is 45 square foot. So if you added it all up together, and if they only pay \$16.30, it'd be a lot more money than we're getting out of it. The size they have, their copy machines they're making and we're losing money there, so, I think, we need to get our fair share of the money out of it. Last year in January and February we took in, \$46,870 and then \$48,000 in February. And this year we've taken in \$50,516 in January. February's \$53,003. So you can see that our business is picking up. That's what I want.

President Mosby: I'd say we have the County Attorney draw up some leases and measure the square footage and use the price that we're paying.

Betty Knight-Smith: Okay.

Philip Hayes: Okay. Very good.

Betty Knight-Smith: Thank you very much.

Philip Hayes: And if I have authority to pursue any alleged defaults as well?

Commissioner Mourdock: And, let me just add one category to that David. If obviously some of the leases are out there, I'm gonna suppose for a minute, but I suppose they're at some term beyond just the next year?

Philip Hayes: Some are, yes.

Commissioner Mourdock: So, it isn't going to be something you're gonna fix at one time?

Philip Hayes: No.

Commissioner Mourdock: Could you say as a policy we want to go to having simply one year leases?

Philip Hayes: Yeah. There are certainly lease rights that are beyond the year now, and I can, I'll speak to the Recorder in regard to a couple that possibly they would be willing to re-negotiate their terms and the sizes depending on what else we have available there.

Betty Knight-Smith: I think, those people would still like to have a better understanding of it too, because the way it is now, you know.

Commissioner Mourdock: Let me make two motions then, David. I think, that's where you are headed. Number one: I would move that we direct the County Attorney to go ahead and pursue the lease that is in default at this point to get it current .

Commissioner Fanello: Second.

Commissioner Mourdock: And the second thing then that I would move would be that we direct the County Attorney to begin to work on a process whereby we standardize the leases for square footage in the Recorder's Office with the ultimate goal of having all those leases on a yearly basis.

Commissioner Fanello: Second.

Betty Knight-Smith: Thank you.

President Mosby: So ordered.

Commissioner Mourdock: Thank you.

Joanne Alexandrovich- Air Quality Update

President Mosby: Joanne Alexandrovich.

Joanne Alexandrovich: I'm Joanne Alexandrovich, Vanderburgh County Ozone Officer. Thanks for hearing me tonight, and I'll try not to take up too much time. I want to talk about two issues tonight that are related to air quality in this community. First I'm going to summarize two recent U.S. Supreme Court rulings and talk about how those decisions affect this community. And also I'm going to try and summarize a draft activity plan that I've written up that should have been included in your packets. On February 27th the U.S. Supreme Court made a decision regarding the 1997 USEPA eight hour ozone standard or NAX, also particulate matter. Those standards were contested in the courts by industry in several states. Indiana was not one of those states. The appeals of those standards were heard all the way at the highest court, the U.S. Supreme Court, and they made four rulings on the 27th. The first three basically are major policy rulings and that USEPA cannot consider costs when it decides on setting a new standard. The second one, which Mr. Hayes you might understand better than all of us, that the action that the USEPA took does not violate the Congressional non-delegation doctrine. The third was that the issue of the standard implementation was right for review by the courts, and the fourth one which is important to our community is that the USEPA's implementation policy is unlawful. They didn't throw out the standards, but they said the way the EPA figured to implement it was unlawful. And that's what affects our community. Basically, we're still in limbo. The issue of the eight hour ozone standard is still not resolved, and there is no time line for implementation of the standard. What we know so far, if they decide to uphold the standard and implement it, we're likely to be in non-attainment area but because their implementation plan so far is deemed unlawful, we really don't know what that would mean. I don't think that it's going to be easy for the USEPA to resolve all the issues in terms of this implementation, and I think there's a strong possibility that given the current administration the USEPA may decide to take a new look at the standards themselves and the ways they think about implementing them. If the standards do get implemented in the near future, which I'm thinking maybe six months to a year, I think, our county is in pretty good shape in terms of addressing them. We will not be likely to have to put new controls on existing industries. It's not likely that we'd have to implement an inspection and maintenance program for vehicles. Those are kind of the two big things that always get hung over your heads, but the one thing that might affect us if the implementation goes the way it's gone in the past, is that we'd have to implement a new source review program. That substantially limits industrial growth in the area. Existing new source review programs require a missions offset, so basically if you build a new plant that wants to emit a lot of pollutants, there has to be some offset somewhere else so you have a zero sum gain. Any question on that one? Okay. The second U.S. Supreme Court decision came on March 5th and what they did, they decided not to hear an appeal of the 1998 U.S. EPA NOx SIP Call. The SIP Call basically requires electric utilities, large industrial boilers and cement kilns to reduce emissions of NOx. Of oxide of nitrogen which gets transported over somewhat large distances and is a precursor to ozone. So, by not hearing that appeal, that means that the NOx SIP Call will be implemented and we will see emissions reductions in NOx. The rule won't affect any business in Vanderburgh County. However, it will affect businesses in our surrounding counties. So there will be some substantial NOx reductions, and we're expected to see improvement in ozone air quality. How this relates to the eight hour ozone standard, once we get the NOx reductions which are supposed to start in May of 2004. We will probably attain the eight hour

standards. It's gonna be very close. We won't have much room to negotiate though because, I think, it's gonna be really close to the standard. Any questions on that? Okay, so it's a good thing, and it will happen eventually. The last thing I want to talk to you about was this draft long range plan that you should have in your packets. Did everybody get one? Yeah, that looks like it. What you'll find in there is an attempt to outline projects that are ongoing or I think need to be implemented in order to maintain healthy air quality in the community. In the plan I've attempted to explain why I think the projects are needed and also briefly describe what some of those projects would entail. I can kind of go through the list or just take questions, it's your call.

Commissioner Fanello: Do you want to ask any questions?

Commissioner Mourdock: On page two about two inches down:

"These elements can be addressed by the following two projects: The Causes and Effects of Ozone Pollution in the Evansville-Owensboro-Henderson Interstate Air Quality Control Region and then Emission Inventories."

Those are your projects, correct? The things that you are specifically...

Joanne Alexandrovich: Right. All of these are meant to be part of the Ozone Officer's job.

Commissioner Mourdock: Right, okay. And down in the last paragraph on that page, or I'm sorry, the next to the last. You have sentence there that I certainly underlined which is:

"I believe it's important for our community to take ownership of air quality planning, and this can be achieved in part by working with the Evansville EPA, IDEM and the USEPA."

So, I obviously agree that's how we need to use your office, is to take charge. Jumping over to the next page on page three under New Research Projects, the first paragraph under that. The last sentence there, and I offer this to David and Catherine here given this to is kind of a new experience for you guys. The last sentence – the results of the research performed by Dr. Alexandrovich who dispelled the misconception that IDEM had put forth that all pollutants transport is from the southwest to northeast. One of the reasons why we opted to hire an Ozone Officer early on was that as the EPA rules were starting to unfold we wanted to be able to be in a defensive position with our own grasp of the data to understand what USEPA's rules meant and how we could truly affect them and that last sentence is a pretty major thing that Joanne has worked up here in the last couple of years. Because we're in a lot better position than probably any other community of our size in the country to understand what our inherent air quality is and how it is affected. Quick question though, down there under evaluation of particulate data on the PM2.5. Is it ever possible for an area that has agriculture to meet that standard? Do you see that as being at all realistic?

Joanne Alexandrovich: I don't know the answer to that question. If I start the project I'll look into it. One of the things we're hoping that IDEM through their PM program will do is install a new PM2.5 monitor which is supposed to have chemical speciation and that will give us a better insight as to what are the sources... what kind of

chemicals are in those particulates.

Commissioner Mourdock: So you need to do with particulates the same thing that you referenced in the first paragraph under New Research Projects which is not just examples but know what they mean.

Joanne Alexandrovich: Right. Just thinking off the top of my head in terms of what we know about particulates it's highest in late Summer but usually harvesting is in early Fall, so I'm not sure that the agriculture has as strong an effect on the 2.5 as we might think, but it's a guess.

Commissioner Mourdock: We'll argue that one outside the meeting. It's also the driest time of year when you would expect the most dust.

Joanne Alexandrovich: Yeah.

Commissioner Mourdock: With where you have agriculture and ground being worked for agriculture, you'd have more dust than if it was just (inaudible) or something. Those were the only questions I had with one exception, which is you have a couple of comments in here about the pollution prevention initiative and working more closely with the city. Do you want to add anything to that? Or...

Joanne Alexandrovich: Well, right now the city EPA is looking for a new director and it's my intention that when the new director is named to start right away opening lines of communication and trying to start getting some projects going together jointly. I have one last thing to add then because I kind of anticipated Commissioner Mourdock asking me to set priorities for all of these.

Commissioner Mourdock: Funny how that works.

Joanne Alexandrovich: It's difficult for one person to take on all of these projects at one time. They're all important for our community, but my opinion is, my feeling is, that two of those projects should be the highest priority and that's starting to look at the 2.5 data and also the air toxic. So, I guess, with your blessings that's what I'll start doing tomorrow morning.

Commissioner Mourdock: I'm certainly comfortable with that. Those are two good ones.

Commissioner Fanello: That's fine.

Joanne Alexandrovich: Okay. Thanks.

President Mosby: Z Tuley. Is she here tonight?

Commissioner Mourdock: I don't think she's here.

Rick Dickinson-Final Road Hearings

President Mosby: Sitting in for Ralph Kissinger, Rick Dickinson. Is there anybody here for the road hearing? Seeing none.

Commissioner Mourdock: Since we are for the road hearing and, Rick, you're

probably not going to be prepared for my question here since I expected Ralph to be here, but looking over the map that you provided for me, did you all get this?

President Mosby: We've all got it, yes.

Commissioner Mourdock: There were a couple that were on here that I wasn't sure where they were located. Where is Tanglewood Drive? It says off Bergdolt. Which of these dots on the map is that?

Rick Dickinson: Tanglewood, what did you say it is off of?

Commissioner Mourdock: Bergdolt.

Rick Dickinson: I wouldn't know without looking at our map at the shop, but Bergdolt is over by....

Commissioner Mourdock: I know where Bergdolt is, but I didn't see it colored on the map over here. I didn't know which one it was. How about Cliftwood Drive?

Rick Dickinson: I think it's off Feldstead. A little short dead- end street off Feldstead on the west side.

Commissioner Mourdock: Okay. And Broadway Avenue I didn't see on here, was that one

Rick Dickinson: Is it yellow?

Commissioner Fanello: Yeah, that one's (inaudible).

Commissioner Mourdock: I'm sorry, I got Broadway. Okay. Carmel Court is off Hogue Road, I guess?

Rick Dickinson: Yeah, it's off Hogue Road. It's a little short dead- end street too.

Commissioner Mourdock: All right.

Rick Dickinson: That Tanglewood and that Cliftwood and all that they're too small of streets I guess to put on there is why they're not marked.

Commissioner Mourdock: Okay. Well, just looking at them and depending on if you count the list or count the maps, it's something like what I think are on here is there are 19 different streets of which 13 of them are either on St. Joe or west of St. Joe. And looking at them on here, I think, I counted and there were 15 with 11 on St. Joe or west of St. Joe. I just want to make sure that we're getting good coverage across the county. Do you know how the allocations were made on here as far as these specific listings?

Rick Dickinson: A lot of them were left over from last year when we didn't have the money to finish all the roads. That was about half of them.

President Mosby: I was going to say, if I remember pulling the list last year during the election..

Commissioner Mourdock: You remember that, huh?

President Mosby: It just popped into my mind for a minute. I think a lot of them got left off on the west side because they said they had ran out of money, but I was told then that we were going to try and pick 'em up the start of this year , okay?

Commissioner Mourdock: All right. I would just point out that since we represent all the people in the county and not just the district, arguably there is only two on the east side—

President Mosby: I think last year that—

Commissioner Mourdock: --which, Catherine, that's your area not mine.

Rick Dickinson:off Burkhardt, it's supposed to be four lane or something. They don't want to put a lot of money into there because it's supposed to be widened and there's some roads over there that do need to be done, but there's supposed to be money going into 'em so we're just patching them right now to try and get by.

Commissioner Mourdock: And I just want to note that the request we received, then two or three weeks ago, whenever we did this initial listing we had some people in here and I don't know if we've addressed any of their concerns, and I just, I'm not arguing that we should or shouldn't I'm just making that point that they're not here too, so.

President Mosby: The one that we had in here, I think, the County Engineer is looking into some cost estimates out there on Lyle Road to see, yeah, where that's going to. Is there anybody else here for road hearings? Seeing none.

Rick Dickinson: Did you get the list on what the different colors stood for as far as the plans?

Commissioner Mourdock: No, I didn't. No, what is yellow and what is orange?

Rick Dickinson: Yellow roads are \$100,000 to \$300,000. Yeah, the orange roads are under \$100,000. I got a little note here anything about Browning, it will be patched as spot paved unless Engineer's Office contracts out, contracts it out. Browning Road needs to be done, but it's not as bad as these other roads. And Engineer's Office, from what I understand, is gonna try to see if they can come up with the money to pave that. I don't know what's all going on. I'm not even in on those conversations.

Commissioner Mourdock: Yeah, okay. So Browning in its entirety isn't terrible. You're saying that it would be spot paved for the areas where we've gotten some calls.

Rick Dickinson: It would. The (inaudible) possible to be paved.

Commissioner Mourdock: Okay.

President Mosby: Do we have any motions?

Commissioner Mourdock: Yeah, we need a motion.

Commissioner Fanello: Motion to accept. I'll make a motion that we accept the final road hearing for no paving measurements.

Commissioner Mourdock: And I will second.

President Mosby: I have a motion and a second. So ordered. Does anybody see any reason for Rick to have to stay around for reports? We have a County Highway report in our packet.

Commissioner Mourdock: I do have one question, that yeah, we can take care of right now if you don't mind.

President Mosby: Okay. Let's go ahead and do it.

Commissioner Mourdock: Out on Rode Road. I got a call. We've been working out there and apparently we put a pipe in....

Rick Dickinson: Yeah, we're putting a pipe in a ditch. This has been going on for years. The water stands in this ditch for some reason, and I don't know what question you're asking about it, but there have been three or four come up at the office.

Commissioner Mourdock: Okay, what I'm talking about, I think, and I'm gonna miss the address, I've got it written down here just one second ...

Rick Dickinson: Like twenty eight something....

Commissioner Mourdock: It's 2807 or 2907 something like that. I noticed there are two lots. It appears to me that we put a black pipe, plastic pipe in our right-of-way....

Rick Dickinson: In our ditch...

Commissioner Mourdock:Pardon.

Rick Dickinson: In our ditch line.

Commissioner Mourdock: Yeah, in the ditch line, which I presume is in our right-of-way, certainly.

Rick Dickinson: Yes.

Commissioner Mourdock: And we put it in, and I understand it was tapped into out of a leachate field from a septic system.

Rick Dickinson: It's tapped into a septic system, and we got all the permission from the Health Department. There is no law against this, as long as they keep their septic clean. Now the Health Department is supposed to from what I understand they're supposed to go back and check on this every year. And once it's not being maintained, then they have to hook up to city sewer. If they ever sell this house it's supposed to be hooked up to city sewer.

Commissioner Mourdock: Okay, but why did we do it? I mean the Health Department issue aside. Rather if the Health Department says it's okay for 'em to discharge it doesn't matter where they discharge, they can discharge. So why did we do what we did?

Rick Dickinson: Why did we pipe that ditch?

Commissioner Mourdock: Yes.

Rick Dickinson: I can't answer that one either, but, I know that ditch was holding water and people complained. We went in and tried to riprap but that didn't work and it was still holding water, and we went in to pipe the ditch to solve a drainage problem.

Commissioner Mourdock: Okay, well. And I understand ,Rick, and I don't mean to put you on the spot cause I know you weren't expecting the question and probably didn't make the call here , but I would like to know why we went ahead and ditched that. Especially since now, at least, to my look, where we've got water coming out we may have solved one person's problem. But if in fact there's any problem with that septic water, if then all we're doing is still coming out on the surface. It's not that we're keeping it underground it's just that we're moving it several lots down.

Rick Dickinson: I don't think that was the issue on the drainage problem. We went in and ditched it, and the pipes are so shallow we actually made it worse than what it was. So, we had to do something so we went back in with rip rap.....

Commissioner Mourdock: When did we do it that we made it worse than it was? Not immediately, but sometime back?

Rick Dickinson: Couple of years ago.

Commissioner Mourdock: Okay, okay.

Rick Dickinson: The problem never went away. So, I don't know if we got with the Engineers or my boss decided to do it or what, but we decided to ditch that—

Commissioner Mourdock: Okay, well...

Rick Dickinson: -- to solve it. I don't know if it's going to solve the problem or not.

Commissioner Mourdock: I don't either . My concern, my main concern is this. We've had a long standing policy, and I think before I was ever Commissioner, to try and stay away from those situations of putting in pipe on our right-of-ways and then covering them up with dirt. Because once we start down that road, when we do it for one person we start hearing from this person and this person and this person, and I'm really concerned that we start that trend that none of us really want to go down that road...so, if you would, maybe have Ralph give me a call, and again, I apologize for putting you on the spot. I didn't know you were going to be here or I would have gotten you the question in advance.

President Mosby: How long ago did this happen?

Commissioner Mourdock: Today.

Rick Dickinson: Which part?

Commissioner Mourdock: Today.

Rick Dickinson: This has been going on for about three years, but there were—

Commissioner Mourdock: They were out there today.

Rick Dickinson: Yeah, they finished the job today.

President Mosby: So the pipe was installed today?

Rick Dickinson: No, the pipe was installed—

Commissioner Mourdock: Last week.

Rick Dickinson: -- Thursday or Friday, and then we finished up today. We put top soil on today and went out and seeded it and strawed it.

Commissioner Mourdock: And I'm concerned somewhat too, just looking at where the dirt is spread that we're actually off our right-of-way. Which almost always happens when we start getting into those things. Just because it seems we seldom have enough right-of-way. And I don't want us working off the right-of-ways, obviously.

Rick Dickinson: Yeah, that right-of-way. I wouldn't know why we'd go off the right-of-way, but the ditch is ours. The ditch is ours to maintain.

Commissioner Mourdock: Yeah, and where we taper from the center of the ditch line as on this particular case, as we taper it further back into the property it looks to me like with the dirt we've gone probably beyond what our right-of-way is. And, again, that's the kind of issue we don't want to go into. I don't want--

Rick Dickinson: I don't know about that , but, okay.

President Mosby: No problem. Any other questions?

Commissioner Mourdock: That was the only issue I had.

President Mosby: Okay.

Rick Dickinson: But, I will have him give you a call when he gets back.

President Mosby: You can take off.

Rick Dickinson: See you guys.

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Steve Sullivan: My name is Steve Sullivan. I'm a resident of Vanderburgh County, and a voter in the last election. I don't have a policy question or an issue question. I just have an access question, you might call it. In the last four weeks or so I've called three times to arrange to see Commissioner Fanello and Commissioner Mosby and have never had a call returned. So my question is what do I have to do to get to see you guys?

President Mosby: I still got your note laying on my desk. I've tried it twice and not reached you.

Commissioner Fanello: I've never received a message from you.

President Mosby: I've got mine laying back there.

Steve Sullivan: Should I try again tomorrow?

President Mosby: No. I'll be out of town tomorrow. But I'll be back at the end of the week. So, I've got your note, I'll call you again.

Steve Sullivan: That would be great. I'd appreciate that. And while I'm at it, maybe I could talk to Mr. Mourdock too. I'll give you a call tomorrow.

Commissioner Mourdock: Sure. Okay. I will be in here—

Commissioner Fanello: I've never received a message from you, so I don't—

Steve Sullivan: I'll try you again tomorrow.

Commissioner Fanello: Okay. I'll be out of town until Thursday.

Steve Sullivan: Okay, you're busy too. So am I.

Commissioner Mourdock: I will be in the office tomorrow morning. So, if you want to give a call here—

Steve Sullivan: I'll call you and I'll wait to hear back from you, and Mrs. Fanello.

Commissioner Fanello: Call me on Thursday.

Steve Sullivan: Thursday. Okay.

Commissioner Mourdock: Can you give us a hint as to what the issue is?

Steve Sullivan: I belong to the Tri-State Alliance for Gays and Lesbians, and we have some issues to discuss.

Commissioner Mourdock: Okay.

President Mosby: No problem.

Steve Sullivan: Thank you.

President Mosby: Thank you. Any other group or individual wishing to address the board?

John Stoll-County Engineer

President Mosby: Department Heads. County Engineer.

John Stoll: The first item I've got is a settlement agreement for the Gerhardt right-of-

way parcel on Burkhardt Road. This is for parcel 29 on the project. The agreement basically states that the county will pay Gerhardt \$5,000 for the right-of-way, and the county will construct a driveway in accordance with the details shown in the agreement. This has basically already been taken care of, so I don't know why the attorney wanted the agreement put together, but the way it turns out the checks already been issued for the \$5,000. We've already received the deed, the plans have been modified to include the revised driveway but, I guess, in order to make sure that we're obligated to do it, Gerhardt's attorney wanted this agreement signed, so, it's recommended this be approved.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is a request for street plan approval for section six of Cross Pointe Subdivision. This is for an extension of Cross Pointe Boulevard north of Virginia Street. I've reviewed the plans and recommend they be approved, however, there is one issue I wanted to point out on these. The developer is proposing to put in a landscape island out there. This is in the area in the middle of the street area shown in orange there. In doing so, it results in a very short southbound left turn lane from Cross Pointe Boulevard to Virginia Street. That's this area right here, it's only about 75 feet. When the Cross Pointe Boulevard is eventually extended north to tie into Oak Grove Road or when Columbia Street comes in, that turn lane link will be way too short. So the issue comes into play do we approve the landscape island now knowing that the county will be obligated to turn around and remove that because we will have accepted the street at that time, or do we ask the developer to remove the island and just put in a turn lane the entire length. I spoke to the developer's engineer over at Morley and Associates this afternoon and he was asking whether or not we could have any kind of covenant that would require the developer to remove the island at such time that it was warranted. That sounded like a reasonable option as far as I was concerned as long as the County Attorney felt that we could come up with something. We could key it on a condition of when traffic warrants it, or when Columbia Street's extended to tie ,or when Oak Grove... when Cross Pointe ties into Oak Grove. So, I don't know if that's something we want to get into as far as, I don't think we have to have a recorded covenant right now to approve the street plans, but I thought it seemed reasonable that we could work something out between now and the time that we accept the street. Does that sound reasonable to you at all?

President Mosby: Yes, it does. Yes.

Commissioner Mourdock: I want to be sure. The street plan we're accepting now does include that portion where the landscape island would be?

John Stoll: Correct. It goes from here to here.

Commissioner Mourdock: So, if we're accepting it now we're accepting it with the landscape island.

John Stoll: This is just the design approval, this isn't acceptance.

Commissioner Mourdock: Ah, okay. I got ya. I got ya, okay. So, again the

covenant-- .

Philip Hayes: We don't have the covenant drafted, I don't think--

Commissioner Mourdock: Right, but we would draft a covenant that says that when it's accepted the landscape island would have to be removed.

John Stoll: When conditions warrant, and we'd have that prior to county acceptance of the road.

Commissioner Mourdock: And would be moved at the developer's cost.

John Stoll: Right.

Commissioner Mourdock: With that covenant as a condition, I'll move approval of the street plans as recommended then by the County Engineer.

Commissioner Fanello: I'll second.

John Stoll: Next set of street plans I've got is for section two of Briarwood Subdivision. This is located at the northwest corner of Boonville-New Harmony Road, and Fisher Road. This is just an extension of some existing streets that were built out there last summer, and here again, we've reviewed the plans and we recommend that they be approved.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Inaudible.

Commissioner Fanello: Inaudible.

John Stoll: And the last plan I've got is for Alsap Place subdivision. This is located off Slate Road between Vienna and St. Joe Road. This road will be a privately maintained rock road 22' in width. I only have one change, and the engineer did make the change. I just wanted the street to come in and tie into Slate Road at a flatter grade. He did make that change, so it's recommended this plan be approved as well.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: Motion and second. So ordered. I guess this is where we sign. Sign this copy?

John Stoll: Yes.

Commissioner Fanello: There's at least one signature on here that they can read.

John Stoll: And the last item I've got is a supplemental agreement for Butler,

Fairman and Seufert's consultant services on the Fulton Avenue bridge. I was contacted by Steve Weintraut of Butler, Fairman last Friday, last Thursday, and he told me that with their original built, original agreement amount of being \$7,000 they are now at \$6,980 and they have requested a supplemental agreement in the amount of \$3,500. The services they have remaining are basically continuing with design of the jacking system to jack the pier back into place, as well as the structural evaluation of the pier once the excavation is completed on the north side of the pier.

Commissioner Fanello: I'll move approval of the change order.

Commissioner Mourdock: Were they the group that was doing the new technical testing? No, that was a different group.

John Stoll: That was a different group. That was (inaudible) expiration.

Commissioner Mourdock: Okay. I'll second.

President Mosby: Motion and a second. So ordered.

John Stoll: That's all I have unless you've got any questions.

Commissioner Mourdock: Just a request, if you would. You heard the conversation between Rick Dickinson and I a moment ago. Would you give Ralph Kissinger a call tomorrow and just kind of follow up with that, just from the point of view of the background of it, and possibly run into the horror stories that we've otherwise had.

John Stoll: In regard to that too, the right-of-way out there I believe is 50' total, so we should have 25' on that side of the road.

Commissioner Mourdock: Okay. We're probably okay there then. But it's still pressing and is something we need to worry about.

John Stoll: And like you said, that's why we've tried to avoid it. Because we end up doing them everywhere, and invariably they end up causing drainage problems as well.

Commissioner Mourdock: Yep, yep.

Commissioner Fanello: Ralph is out of town until Thursday as well, so.

Commissioner Mourdock: Make a note to call him Friday, thank you.

John Stoll: Thanks.

Department Head Reports

President Mosby: Did you want these? County Highway we've had. County Attorney, anything else? Nothing. Superintendent of Buildings has nothing, Burdette had nothing. Steve, we had a report from him .

Commissioner Mourdock: I'll move approval of the consent items. I'm sorry, I'll move approval of the Department Head Reports then as submitted to us.

Commissioner Fanello: Second.

President Mosby: Motion and second. So ordered.

Consent Items

Commissioner Fanello: And, I'll move approval of the consent items.

Commissioner Mourdock: And there were no late additions, correct?

Tammy Mc Kinney: Right.

Commissioner Mourdock: Okay. I will second the motion.

President Mosby: Motion and a second on consent items. So ordered. ¹

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Mourdock: Catherine's meeting with the jail is--

Commissioner Fanello: Jail is Friday. No wait, what's the 23rd? Friday, at 1:30 in Room 303.

Commissioner Mourdock: And I hope the--

Commissioner Fanello: I'll get that all out there.

Commissioner Mourdock: I hope to be in town to just sit in on that, obviously. As an observer.

President Mosby: Any other scheduled meetings?

Old Business

President Mosby: Old business, or, yeah, old business, the Old Courthouse.

Commissioner Mourdock: I don't know that we have anything specifically on the agenda other than just to make sure it stays in front of us. But I just want to clarify. I know in the consent items tonight we did designate in the full time position Tammy Mc Kinney as Superintendent of County Buildings. And I presume, as we talked about last week, that we're going ahead with the idea that she'll assume a lot of the duties with that.

Commissioner Fanello: That's true.

¹Consent items listed on Page 20.

President Mosby: Right.

Commissioner Mourdock: Very good. And I would just make the request, and I think this is common sense, but one of the things we need to do on the first priority basis is shore up the leases and make sure we know what we have, and I would also suggest that so we have some time to plan that while we try to get leases renewed with the current tenants that we not try to go beyond three years at this point. I think, that if we set that as sort of an outside window, hopefully, some of those tenants or hopefully all of them will be willing to stay for three years, and yet it gives us time to start looking into the long term development of the building as well. So, if there's any discussion with that, I mean, let's have it, but, otherwise, I would make that as a motion that we direct Tammy to work to re-up those leases for a period of not more than three years.

Commissioner Fanello: I'll second.

President Mosby: Three years is fine.

Commissioner Mourdock: Okay.

Commissioner Fanello: And then –

President Mosby: I have a motion and a second. So ordered on the leases for three years and Tammy....I think, Tammy did you go over there this afternoon?

Tammy Mc Kinney: No, I didn't get a chance to today. I plan to go there tomorrow.

President Mosby: Tomorrow, okay.

Commissioner Mourdock: I know there's been, I understand, there's been some discussion possibly as far as getting together, and I don't know–

Commissioner Fanello: Mark Owen had a discussion with the two of us about getting a committee together, which, I think, is a very good idea, and I did not bring my list of names that he had given me, but, as soon as I find out if he's checked with all of those individuals to make sure that they want to be on the committee, I'd suggest that we go ahead and form that committee, and then once we get the feasibility study grant at the end of the month, if that comes in, that committee would then be responsible for looking at that as well. But, Mark is, I think, willing to head up that committee and work with Tammy.

Commissioner Mourdock: Okay, why don't we prior to next week or at least during next week's meeting perhaps be able to talk specifically about who those people are, what sector of the community they represent, and, I don't know if we can give them much more, give them any real direction as far as a plan, but I do think we need to move forward. So, if we can schedule that for next week, let's go ahead and put that on the agenda under this same Old Business item.

Commissioner Fanello: Okay.

Commissioner Mourdock: I guess, we'll look to Tammy to do that, since it's now your project to take care of.

Tammy Mc Kinney: It's my baby now.

Commissioner Fanello: Good luck.

President Mosby: Any other discussion?

Commissioner Fanello: New Business?

President Mosby: We're still under old.

Commissioner Fanello: Oh, right.

President Mosby: Seeing none.

New Business

President Mosby: New business.

Commissioner Fanello: I need to, I got a letter from Lisa Bandy who is on the Convention and Visitors Bureau Board, and she's moving out of town. So, we need to appoint someone else, so I move that we appoint Mark Owen to that board.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second on Mark Owen on the Convention--

Commissioner Fanello: Visitors and Convention-- .

President Mosby: --Visitors Bureau. So ordered. Any other New Business? Seeing none.

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: Chair has a motion to adjourn and a second. So ordered. And we will start Rezonings in ten minutes.

Meeting was adjourned at 6:55 p.m.

CONSENT ITEMS:

Employment Changes:

Health Dept.	Public Defender	County Commissioner
Supt. County Bldgs.	Sheriff Dept.	Prosecutor
Circuit Court	County Highway	

Travel Requests:

Auditor	Health	County Commissioner
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Southwestern Indiana Mental Health:

EAP Agreement.

Vanderburgh County Employee Steering Committee:

Burdette swim and golf passes.

Treasurer:

Submit monthly report.

Sheriff:

Submit weekly jail information and reports.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Jane Laib
John Stoll	Richard Dickinson	Tammy Mc Kinney
Madelyn Grayson	Scott Anderson	Joanne Alexandrovich
Betty Knight-Smith	Steve Sullivan	Others Unidentified
Members of Media		

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**Vanderburgh County
Board of Commissioners
March 26, 2001**

The Vanderburgh County Board of Commissioners met in session this 26th day of March, 2001 at 6:02 p.m. in Room 307 of the Civic Center Complex with Vice President Fanello presiding.

Introductions and Pledge of Allegiance

Commissioner Fanello: I would like to bring the County Commissioner meeting to order. To my right we have Tammy Mc Kinney, Superintendent of County Buildings; Phil Hayes, County Attorney; myself, Catherine Fanello; to my left Commissioner Richard Mourdock; from the Auditor’s Office, Bill Fluty; and Madelyn Grayson. Which I remembered your name, I just didn’t know your title. If you all would please join me in the Pledge of Allegiance.

Approval of Minutes

Commissioner Fanello: First item on the agenda approval of minutes from March 19th.

Commissioner Mourdock: I’ll move approval of the minutes of that date.

Commissioner Fanello: I’ll say second, and so ordered.

Phil Hayes- Open Jail RFQ’s

Commissioner Fanello: Next item on the agenda would be to open the RFQ’s which are the requests for statement of qualifications for the Vanderburgh County Jail, Community Corrections and Juvenile Detention Center projects.

Commissioner Mourdock: Just to save us some time I will read into the record the RFQ’s that were received. We received 12 packages, the first is from United Consulting, and these are in no particular order, by the way. The first received was from United Consulting of Indianapolis, the second was from PCI of Evansville, the third was from Schenkel Shultz of Ft. Wayne, the fourth was from PSA from Peoria, fifth was Baldwin from Tell City, sixth was Kinkel and Son which is , I believe, here in Evansville, although it wasn’t marked on the envelope. Seventh is the DLR Group and their location was not noted on the envelope. Eighth was Aegean Construction out of Indianapolis, and that’s spelled A-E-G-E-A-N. Ninth was J. Keith Sharp Architect from Hopkinsville, Ky. Tenth was from Edmund L. Hafer, Evansville. Eleventh, Veazy, Parrott and Shoulders of Evansville, and twelfth was from RQAW from Indianapolis. So, I would move that we formally act to open those RFQ’s and then further move that we take those under advisement.

Commissioner Fanello: I’ll say second and so ordered.

Linda Nalley- Burdette Bids and Awards

Commissioner Fanello: Next item on the agenda, Phil Lawrence request to bid. You look a little different.

Commissioner Mourdock: Is the mike turned on? Excuse me, Linda, would you flip

the switch on the mike? I'm not sure it's turned on. It's at the very top, I think. Does it sound like the mike is on to anyone?

Linda Nalley: I got it.

Commissioner Mourdock: Alright. Thank you.

Linda Nalley: I would like to request to bid VC9903-2001 Food & Beverage Bid for Burdette Park. Bids are to be opened April 9th, and to be awarded April 23, 2001.

Commissioner Mourdock: I will so move.

Commissioner Fanello: Second.

Commissioner Mourdock: You need—

Commissioner Fanello: So ordered.

Linda Nalley: Second is, I'd like to award the bids on the shirts and hats for Burdette Park. The low bidder was Southwest, and I believe you have a bid summary. Gus Doerner's had one of the items, but instead of awarding just one, I think, we're going to award it all to Southwest. It will make it a lot easier.

Commissioner Mourdock: You're saying, Linda, they were, Gus Doerner, was low on one...I'm sorry.

Linda Nalley: It was like on four dozen t-shirts for the child and adult.

Commissioner Mourdock: So that one item of what you were bidding was less, but the sum total of all the items even with that one item still is the lowest bid.

Linda Nalley: Correct. It has to do with the emblems for the Outer Banks 5744 and 5734 shirts. It has...the design imprint and everything, because they have to do a certain design for a t-shirt instead of having one person do four dozen t-shirts, it would be easier for the....

Commissioner Mourdock: So you're recommending the entire package go to Southwest?

Linda Nalley: Southwest, yes.

Commissioner Mourdock: I will so move.

Commissioner Fanello: Second and so ordered.

Jill Marcrum- Courthouse Action Committee Update

Commissioner Fanello: Next item Jill Marcrum, Courthouse Committee update.

Jill Marcrum: Thank you, my name is Jill Marcrum. I'm here as President of the Evansville Bar Association. With me tonight are George Porch and Edward Johnson who are co-chairs of our Courthouse Action Committee. We also have various members of the committee, members of the Board of Directors and general

members of the Bar Association. Because of some of the comments that have been made in the past couple of weeks, I think it is important that the Commissioners, as well as the public, understand how this report came to be. It started over a year ago when the Board of Directors had a long range planning session and we tried to address problems that we identified in the legal community. A good portion of those problems all related back to lack of space within the Courthouse. In keeping in mind what our Executive Director, Susan Helfrich, who is not an attorney, has reminded us on a very regular basis, we as attorneys are the only one's who can represent these people in the Courthouse, and we as attorneys are the only one's who can help address the problems that we see with the Courthouse and with the judicial system. With that, the idea of the Courthouse Action Committee was born, and the reports subsequently created. Some people have called this the attorneys' wish list. This report isn't meant to focus on the attorneys. It's meant to focus on the public and the needs of the public. When we talk about things such as needing conference rooms for attorneys and clients in Juvenile Court, we do that not to benefit the attorneys, not to make it easier on them, but because people who have to be in court, in Juvenile Court, people who are being represented by Public Defenders in that Court have a right to have a private conversation with their attorney. They don't have the ability to do that in Juvenile Court. That is one example, but I think it is a good example of how if you look at every recommendation that this Committee made in this report, these recommendations all go back to the community and what would benefit the public. We, again I would reiterate, we're the only one's who can bring this to your attention as attorneys, because we're the only one's who understand how our legal system here locally works. With that I'll either turn it over to Edward and George to give you an overview, or if you have questions, we would be happy to address those questions, however you would like to handle it this evening.

Commissioner Fanello: Doesn't make me any difference. I think we talked a little bit in our jail meeting last Friday, so you've got my opinion, so.

George Porch: Good evening, I'm George Porch, a practicing lawyer here in Evansville for 30 years, but more importantly, a member of this community for more than 50 years. I say that because, echoing what Jill had to say, we are discussing a public issue here tonight, not a purely legal one. To emphasize that all we need to do is walk over to the Superior Courts any busy day, and we will see prisoners being herded through public areas, through courtrooms and sitting in the judicial corridor within arms lengths of passing judges, of staff, of jurists, jurors, and of the public. It's not beyond reason for one of these prisoners, and some of these are the baddest actors in our community, we know that, to reach out and take a hostage, or to have a cohort walk by and slip him something dangerous both to the public and to the sheriff's officers who are guarding these individuals. The sheriffs have done a magnificent job under the circumstances, but in truth we have an accident waiting to happen under the present situation. You may ask, how did we get here? Were our predecessors stupid in designing a building and a jail that would permit this situation? I'm one of the few left, I guess, that has practiced both in the Old Courthouse and in the present Courthouse, and the Old Courthouse was designed for criminal jurisdiction, felonies, to be in the Circuit Court, not in Superior Court. So, when our predecessors designed the new building, they designed it for safe transport of prisoners from the jail to Circuit Court on the second floor, and not to Superior Court on the first floor. What's happened is, with the criminal case load, that Superior Court now holds criminal hearings and trials on a daily basis. The process changed, the court and jail facilities have not. That's why we have a problem here today. That's just one example to gain your attention, but I'm here primarily to present an overview of the situation, and we do have handouts that show the increase in cases filed and other statistics. Thank you, Jill. My overview is that the process is like a river, with the mouth being the entry point for citizens either by

arrest or by lawsuits. Under the arrest scenario they all flow directly to the jail. Under the situation where you have civil litigants, but in all circumstances, the citizens in the process must flow to the courthouse. What we have now are constrictions at both of those points. Both in the jail and in the courthouse due to significant overcrowding, and that's the purpose of this handout, to indicate that what has happened is that the pressure of citizens entering the mouth of this river has increased the pressure downstream on the jail and the courthouse to the point where they have overwhelmed the physical capacity of both the jail and the courthouse. Now you may ask again, were our predecessors stupid in not building bigger buildings, bigger jails and designing these differently? Again, I think the answer is, no. What happened was our predecessors, and perhaps no one else, could foresee the changes in our society. For example, we have had a war on drugs for the past several years. More police on the streets. More citizens arrested. A larger jail population. Within a year of the opening of our new courthouse here, Indiana went to a no-fault divorce procedure. Within years the number of divorce filings doubled, and we are known as the litigious society. So, you may ask, this problem has been around for years, it's festered, why are we here today and why do we need action now? The reason is, it is now universally accepted that the jail is inadequate. If the jail, which it was, was designed and built in tandem with the courthouse, which it was, one serving the other, and the jail is inadequate, simple logic dictates that the courthouse is inadequate. So, we need to address both problems at the same time. What's the solution? Our report does not answer that question specifically. What we did was investigate through numerous lawyers, numerous committees and outside sources, several options which we thought were reasonable and available. We made no demands. We did make some recommendations for your consideration. You will note that our recommendation is not for the most expensive solution. It is not for the construction of a new judicial center similar to Boonville's. Instead it is for maintaining the present courthouse with some improvements, and connecting it to whatever jail facility is built or improved. If you take nothing else from our report, please take the importance of resolving both the jail overcrowding problem and the courthouse overcrowding problem at the same time. It makes no sense to increase the jail capacity, increasing the pressure of individuals going into this process at the mouth of our river which is flowing like the Ohio there at the mouth, only to have them stymied when they get downstream at the courthouse which is flowing at the outward end like Pigeon Creek. You've solved one problem, sure, but you haven't solved the entire process, and you haven't resolved the courthouse problem. When I first started I spoke about the public interest, and I did that because one of a lawyer's prime duties is to protect the public's constitutional rights. As our process now exists the guaranteed rights of due process, equal protection, open access to the courts and quick trials, and timely justice are all in jeopardy. Our community deserves better than that. We at the Evansville Bar Association stand ready to help you to reach solutions for the public good. Thank You.

Commissioner Fanello: Thank You.

Jill Marcum: If you have questions, we would be happy to entertain them at this time.

Commissioner Fanello: I don't really have any questions. I do think that we have to look at the projects simultaneously, there is no doubt about it, and I am more than willing...we may not be able to give everything that's been asked for in the recommendation, but I'm certain that there is some kind of compromise we can come to, but we have to look at courtroom space because it's not going to work if

we're going to increase the jail facility and we don't look at the space that we have over in the courthouse. So....

Commissioner Mourdock: I'll just make a couple of comments. First of all I sense you all are somewhat on the defensive tonight, or at least from the initial comments that you made, Jill, I sense that's the way you feel. I think I may have been quoted with that wish list remark, I don't know if that's the case, but if —

Commissioner Fanello: That was.

Commissioner Mourdock: —I wasn't, I probably used it at some point and didn't get quoted. I think without question, as we go into the new jail there is certainly going to be some hearing room, some arraignment room, I think, that's been discussed with everyone from the get go, and I think that's logical to expect. You had presented us with your report two or three weeks ago, and at that time I had asked a couple of questions, particularly regarding the rotation system we have here which is unique to Vanderburgh County. I also asked if you could get us any information as far as where we stand with other counties as far as the ratio of court officers to courtroom space. In reviewing the report, several issues did jump out at me, one of them, and these are the kind of things that didn't set well, quite honestly. I thought the comments about the computer system especially were troubling. We just spent 1.8 million dollars buying Court View 2000. We made that decision not as a group of County Commissioners, not as County Council, but, in fact, there were ten separate people involved with that selection process. They went to Virginia to review the system, and, in fact, came back and unanimously recommended that we buy that system. Now you are suggesting, or your group, I understand, is suggesting that we somehow get a different system. That we somehow build bridges to get to other bits of software. That's kind of troubling, I just don't feel very comfortable with that. Obviously, I hear reports that some of the courts processes aren't even using that system to it's fullest. We're not afraid of investing dollars, but we want to get the most bang for the buck, and when we all acted based on that ten member group's recommendation to buy the system, which by the way wasn't the cheapest, when we went out to bid we ended up choosing the highest system, so we could have taken some heat for it, but it is what everybody wanted, and we're still not getting it fully utilized.

Jill Marcum: I appreciate that.

Commissioner Mourdock: As you know, I've been in your office, without question there's a lot of tight space over there. We have to do some things differently, and I think there is some space that we have now that we can better utilize as well. So I'm certainly willing to do that, to keep making the system better. The night court idea that we spoke of last time, I read some comments this morning in the paper, night court is used in other jurisdictions and I think it must be used here if, to use Mr. Porch's example, we don't want the Ohio River to turn into Pigeon Creek, but I think we can provide a few more tributaries and keep some of this flow happening too through venues like that.

Jill Marcum: So that I understand, and so that the Bar Association and the public understands, when you refer to night court, what exactly are you referring to?

Commissioner Mourdock: I'm referring to whatever it takes to help the process move along, I have the luxury of not being an expert here, okay? If it's criminal court, or criminal court done through Circuit, whatever, right now, I know, as a business person we have courtrooms over there that basically sit after dark. People can work after dark too, although they don't always like to, and if that would help us move

people through the system more quickly, why aren't we doing that? In other words, if we've basically got a courtroom over here that's available ten hours a day, but only being used for four or five, is that the wisest use of tax payer dollars? To build other courtrooms that are going to sit there and only be used four or five hours a day and not used the other part of the time?

Commissioner Fanello: Jill—

Jill Marcum: Yes.

Commissioner Fanello:-- I was going to ask a question. Is it really feasible or possible to use night court for criminal cases?

Jill Marcum: That's one of the things that I wanted to address with Mr. Mourdock. If you are talking about arraignments, and a lot of what people are familiar with in terms of night court is what they see on TV, quite frankly, and I know there are jurisdictions, New York, Chicago, larger cities which do use a night court, which do criminal arraignments basically on a 24 hour basis. If that were our problem, if simply getting the people in jail arraigned were the problem, then I would agree, night court would be an obvious solution, and that could be done rather easily with minimal personnel involved.

Commissioner Mourdock: You are speaking just for arraignment?

Jill Marcum: Just for arraignments, correct. If you are talking about having jury trials...when, we have judges and we have practicing attorneys here in this court, in this hearing room. When you have a trial, as an attorney, you spend, you get up early, you get ready for your trial, you are in trial from 8:00 until 4:30-5:00, 6:00 maybe 9:00 at night. Then you have to go back to your office and you have to see if there are any emergencies that you have to deal with, and then you have to get ready for the next day, and if you are not in trial, if you are just having a hearing and your hearing is done, then you have to get ready for the next day's hearings or the next day depositions, so while it's easy to say night court, I think if we stop and look at it from the public's perspective of my being represented by an attorney who's just spent all day in a hearing, or all day over at court, or all day in depositions, and now they have to go into court with me at night to represent me for my evening hearing, and then tomorrow morning they have another hearing, but when are they going to get ready for that third hearing? When are they going to get ready for my hearing? Because they have gone from court A to court B, and if it's a jury trial those jurors will have worked all day, and how late are we going to keep jurors at night? I think those are some of the issues that if you were to talk to the attorneys who practice, and you were to talk to the people who are being represented by those attorneys, those would be their concerns. We have a problem with witnesses coming into court to testify as it is, they have to be paid expert witness fees. They don't want to come testify anyway, will they come at 10:00 at night to testify in a case, and if so, what fee will they charge? The same with any other expert, so we have extreme concerns not from the attorney's point of view, because the attorney works more than eight hours a day. I know attorneys that on a regular basis schedule meetings with clients after hours, from 5:00, 6:00, 7:00, meet on Saturdays, so that they can meet with clients when they are not in court. They have to get prepared for the next day, so I know that attorneys work more than just the time that they are in court. I think it's important that you also realize that of the attorneys that actually practice in the courthouse, we may have 455 attorneys who practice in Evansville, but we don't have 455 attorneys who actually practice within the courthouse. So you have a

small number of attorneys who actually do the courthouse work, and you are trying to spread them even thinner, and if you are talking about criminal trials, you are talking about extra Public Defenders, you are talking about making Public Defenders available at night.

Commissioner Mourdock: We are talking about making Public Defenders available at night, but we're not talking about extra ones, because you've still got the same case load, it's simply one you're going to schedule—

Jill Marcrum: No, because we have...we're trying to move more cases. That's the whole point of wanting the additional court space, is that so we can move more cases, so that people can get their justice, so that people can get their child support, so that people can get the decision of custody of their child whether or not they are going to spend their life in prison or whether or not they are going to be set free on this charge, so that those decisions can be made in a more timely fashion.

Commissioner Mourdock: Are you prepared to tell me that you feel there are no counties in Indiana that presently are doing night court for anything other than arraignment?

Jill Marcrum: For jury trials? I'm not aware of any that do for jury trials. I know that we do, we have an evening court running as we speak, there's a session of Misdemeanor Court that's running that's primarily traffic court, but also handles misdemeanor cases that's running right now. Juvenile Court usually runs later on Monday night, okay, but those are short hearings, if you are talking about those types of hearings, yes, Misdemeanor Court, Small Claims Court, things of that nature could be done in the evening, but that's not the bottleneck that creates the problem which causes the need for more courthouse space.

Commissioner Mourdock: Okay, let me change subjects here for a second. On the court rotation system, do you have any comments to make since the questions I asked last time?

Jill Marcrum: The rotation of our judges that, I believe, is done by local rule. Now, Judge Knight is here, Judge Heldt is here —

Commissioner Mourdock: Yes, right.

Jill Marcrum: —that's my understanding. As a Bar Association, we don't have the authority to change the local rules, that's up to the judges. If they decide that they are going to change how they handle their cases, then that will be it.

Commissioner Mourdock: I don't want to put you on the spot in front of—

Jill Marcrum: All of my bosses.

Commissioner Mourdock: The other judges here, yeah, yeah exactly.

Jill Marcrum: Thank you.

Commissioner Mourdock: So you can call me later.

Jill Marcrum: Are you saying do I think that's a good thing?

Commissioner Mourdock: Yeah, do you think that helps the system or speeds the system or slows the system?

Jill Marcum: There are pros and cons to it as there are with just about any system that you could develop. The pro is certainly that you don't have the burn out that we see in a lot of judges who handle one type of case experiencing.

Commissioner Mourdock: Do you have any other new information on the other question I asked you last time about the ratio of court officers to courtroom space?

Jill Marcum: I do not have that with me, but I will get that to immediately. I can tell you based on my experience, based on the local counties, it's a one to one.

Commissioner Mourdock: What do you mean a local county? Surrounding counties?

Jill Marcum: If you look at Warrick County they have three judges, they have three courtrooms, if you look at Posey County, they have two judges they have two courtrooms, if you look at Gibson County, they have two judges they have two courtrooms, if you look at Pike County, I heard they have a Magistrate, so they might—

Commissioner Mourdock: It sounds like you are suggesting we just have too many judges.

Jill Marcum: Well, we could...I tell you what. We could not build any courtrooms, we could not have anymore judicial officers and the justice for this community would eventually just slow to a grinding halt, and that is why we are here. We do not want to see that happen. If you look at it, and what I would ask is two things; one that when you read this report, when you go back and look at it again, when you are making some decisions look at this report, and stop and look at the recommendations that were made and look at them and think, how does this affect the community? How does it affect the public? Would this be a benefit to the public? Don't worry about the attorneys, nobody cares about the attorneys. We know we're low on everybody's totem pole of priority people. Think about the public and that's really what the whole purpose of this is to address. Yes, it affects the attorneys, but the bigger picture is the public. Commissioner, I know that you came and you viewed the space problem...I have authority from Judge Pigman, I'm not doing this without any authority, I'd invite Commissioners Fanello and Mosby, and I'd also like you to come back and look at the system, not just the space problem, because I think if you would walk over to the courthouse that space problem is fairly evident. When you start considering not only the courtroom space problems, but the lack of offices for judicial officers, for probation officers and other people who work in the courthouse, but if you start to understand our system, I think if you are going to make decisions about our judicial system, that it's extremely important that you understand how our system works so that you can be better informed, and hopefully make the best decisions for the public.

Commissioner Mourdock: Without question, there is need for space and your particular office situation demonstrates it the best. You're quite correct in your comment about it isn't for the lawyers, it's for the public and, obviously, we hear it from both sides, the public that wants better service and certainly we don't want people in a dangerous situation. The security issues that Mr. Porch brought up are certainly prevalent and even to the point of the parking lot, I understand that and totally agree with it on the security side. We also hear from the taxpayer side that is asking the questions, when we have courtrooms sitting empty, why are we going to build new courtrooms? I understand that is a simple statement, and it isn't necessarily fully understood, but I will, again, review the information you have given

us, and I've still got...well, I have no reservations in saying that we need to solve some of the office space problems, certainly something in the courtrooms can be looked at, but how we do it remains to be seen.

Jill Marcrum: I would like to make one more point on the issue of the courtrooms. The judicial system is not like industry. We are not producing widgets, okay. The bell doesn't ring at 3:00 or 4:00 and justice shuts down. Sometimes hearings, sometimes trials go until 6:00, 7:00, 8:00, 9:00 at night. So, when you say run a second shift, there's no guarantee that those courtrooms would be available. That's the other problem that results. Am I going to say, Mr. Mourdock, I understand that this is an important issue as to your particular case, but unfortunately this courtroom is scheduled for another hearing, we'll have to set this off for another 60-90 days, and you can come back and we'll finish up your hearing. That's what we're trying to avoid as well.

Commissioner Mourdock: Yeah, I understand. You could have 30 courtrooms, have them all scheduled, and have all of them sitting empty at the same time. Conceivably that could happen, I understand that.

Jill Marcrum: You could have all of them scheduled, and what we do is we over book.

Commissioner Mourdock: I know.

Jill Marcrum: There are times when people's hearings get continued, I can recall in the not too distant past a complaint, a letter to the Editor because of that exact thing. They had to wait for their hearing, and they had to wait because we didn't have a courtroom. So, you have to balance those things. We can't schedule... we already schedule into trouble, because we schedule more hearings and more trials than we have room to hear, and we juggle and we hear things in jury rooms and we hear things in the court hallways, and in offices where we shouldn't be hearing matters. Where there aren't proper records being made. That's not protecting people's rights as they should be protected. So, if you look at all of those problems, I think, you begin to understand, and that's why, I think, if you come over and you start to understand how we schedule things, and how many things...they are scheduling six or seven criminal trials a day to start on Monday, and another six or seven to start on Wednesday or Thursday depending on which court it is. Not to mention how many trials that we set in the other courts as well. We are trying to do our best, but you can only work so many hours in a day. All of the magistrates work during the day, so you would need additional judicial officers to come in at night to do the work.

Commissioner Mourdock: Well said, and I'll just leave my final comments with this. It will be some time before the bricks and mortar on whatever happens is going to happen, and until that period while decisions are being made it is best that everyone be working together to find some solution.

Jill Marcrum: That is our goal.

Commissioner Mourdock: When we dedicated some resources as we recently did to the Old Courthouse, and we did a trial or two over there, and from what I understand, actually a couple of trials that were scheduled there didn't happen because at the last minute there were settlements. That courtroom is still available to be used, and I would certainly think that in the sense of trying to make everything work that courtroom would continue to be used.

Jill Marcum: There are concerns on that.

Commissioner Mourdock: I know there are concerns, but my—

Jill Marcum: They are security concerns. Judge Pigman reminded me the other day that he had to put a civil juror in jail for contempt for assaulting his bailiff. If he had been at the Old Courthouse, there would have been no one there to take that person into custody. That is the concern that I think the attorneys share, because when you are talking about divorces, which are some of the hearings that we over schedule, you're talking about taking people who are at one of the most emotional times of their life—

Commissioner Mourdock: I understand.

Jill Marcum: – and putting them in a place where there is no security, and until that security issue is addressed, I think that there is a huge problem, and that we are running a certain risk if we continue to hear matters over in that courthouse. Not that it can't be done, but there are concerns that we want to have addressed, and there are certain risks that we are taking if we continue to have hearings over there. We are willing, the Bar Association and I know the Judges are also willing, because I've spoken with them, to help with this process. We are not here to try to cause trouble. We are here to try to help, and what we are trying to do is to make sure, I guess that you are alerted to all of our concerns before you make your decision so that the problems as you pointed out with these computer systems, so that they don't happen again, so that we can do everything that we can to alleviate them beforehand.

Commissioner Mourdock: Okay.

Jill Marcum: Anything else? I appreciate your time.

Commissioner Fanello: Thank you, Jill.

Madelyn Grayson: Excuse me, we need to make a quick tape change.

(Tape changed)

First Reading-Amendment to Home Inspectors License

Commissioner Fanello: Is Roger Lehman here? Oh, here he is. First reading Amendment to Home Inspectors License. Go ahead.

Commissioner Mourdock: Would you like to explain very quickly what the change is here, for the first reading?

Steve Fuchs: Basically the major change is in the peer review process. They had initiated a peer review process on their own, this ordinance was originally drafted from their suggestions, and it was a peer review that they had to pass, and now it is being revised. There still is a peer review, but it is not a prerequisite that they have to pass it in order to retain their license.

Commissioner Mourdock: Okay. On first reading then I will move approval of an ordinance amending Chapter 15.50 concerning Home Inspectors, and specifically that revision deals with the peer review of licensing. Since this is a first reading, is there anyone else here wishing to speak to this? With my motion for approval I would schedule the final reading to be scheduled for April 2, 2001.

Commissioner Fanello: Second and so ordered.

Steve Fuchs: Thank you.

Any Group or Individual Wishing to Address the Board

Commissioner Fanello: Any other person wishing to address the board?

Marsha Abell: Thank you, Ms. Fanello and Commissioner. My name is Marsha Abell. I'm Clerk of the Circuit Court, and I wanted to address one of the issues brought out in the report that was submitted to you this evening by the Bar Association. It did trouble me a great deal when I read their comments regarding our computer system, since I was the person who headed up that project. I spoke with Gary Egnar of Court View 2000, which is the package we use, just this evening before we came over here, and was informed that they are one of the seven finalists for the entire state's project, which the judicial center is putting together, and they are in fact one of the two finalists for Marion County. So, obviously, if this system is good enough that the judicial system in Indianapolis, who is now going to start funding some of the smaller counties to upgrade their computer system, is going to recommend Court View 2000, and since Marion County, who has a lot more judges than Vanderburgh County has feels that this system is adequate to run Marion County, I think, that the comments from the Bar Association were absolutely untrue. We did, in fact, wire each courtroom for computer usage at the time that we ran the lines in here. Industrial Contractors did that at a large sum to the county. We did not put fax machines nor e-mail services in the courtrooms. We did talk about putting printers in the courtrooms, and we were told they would be too noisy, so I felt that fax machines and e-mails would certainly be more noisy than a printer. In fact we wanted to put a printer in Misdemeanor so we could print out the payment schedules as the people are appearing in front of the Misdemeanor Judge. I would hate to see at this point for anyone to take this computer system and want to do anything to it at all. Alter it, get rid of it and start all over again. We are just now to the point that we are using it comfortably. It's been a long process. It was a hard four years to get used to this system and get my staff all happy enough that they don't talk about what the old system used to do. I don't think that the comments about Court View 2000 are justified. Mr. Egnar told me this afternoon on the phone that they have some upgrades that we don't have in our system yet, that we are going to be looking at. He's giving me an estimate for training that they are going to propose that they do to our staff so that we can continue to use more and more of the modules that are provided by Court View 2000. It was almost a \$2,000,000 project, it was a long time selecting, we were at least a year after we first went to Williamsburg before we even looked at the contract. To start that all over again at this point, I think, would be totally ridiculous. Thank you.

Commissioner Fanello: Thank you, Marsha. Anyone else? Okay moving on to...oh, I'm sorry, Judge Knight.

Judge Knight: If I may be so bold and foolish. My name is Doug Knight, I'm Judge of the Vanderburgh Superior Court, and this reminds me of, I believe,"The Love Song of J. Alfred Prufrock", by T.S. Eliot when he says in his writings, "What if one

settling a pillow beneath her head would say, 'No, that's not it, that's not it at all.'" I don't think that the comments about Court View 2000 are on target. My recollection—

Commissioner Mourdock: Which comments, the ones in the report or the Clerk's comments?

Judge Knight: --Oh, no, I agree with all of what she said, and I didn't get the sense that the report was attacking Court View 2000. I thought that the better spin on that was that technology in the courtroom is where it's at in the future, I think, and that has to do with imaging. When jurors want to look at an exhibit, they don't pass the exhibit around, they all look at it simultaneously as the witness views it. I think that was the kind of technology that I thought was to be addressed in a courtroom setting. There are a lot of people out there that sell a lot of these commercial products that are really whizbang products. We all remember the O.J. Simpson trial, and the technology that came before our eyes in that setting. I think, that was the spirit in which the technology comments were made, and if it's a criticism of Court View 2000, I don't agree with it, with the criticism. I agree with Marsha.

Commissioner Fanello: Thank you, Judge. Anyone else?

John Stoll- County Engineer

Commissioner Fanello: Moving on to Department Head Reports. County Engineer.

John Stoll: I've got two items here this evening, the first is an agreement with Clark Dietz Engineering for a drainage study and design at Evergreen Acres Subdivision. This is for an amount of \$30,900, this is to address some culvert work, some ditch work, possibly some inlets that need to be installed upon Pine Place, Heather Court, and Larch Lane vicinity. This project is included in the 2001 budget, so it is recommended that these agreements be approved.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second and so ordered.

John Stoll: The second item I've got pertains to the Burkhardt Road project between Morgan and Lynch. The way the project was originally designed, it called for the portion of road from Morgan to Lynch Road to be widened and overlaid rather than total road reconstruction, and over the past few months that section of road is totally falling apart, so it's no longer suitable to be widened and overlaid. In discussions with Bernardin Lochmueller, they said to change the plans they estimated it would cost approximately \$5,000 since we are about ready to bid the project. Given the fact that the road is in no way shape or form suitable to be overlaid and give us a road that will hold up for the long haul, I would recommend that we pursue a supplemental agreement to change it to where the entire road would be removed and reconstructed properly rather than widening and overlaying the existing. What I'm asking for this evening is just a verbal okay to pursue a supplemental agreement and let Bernardin Lochmueller start the work right now. Their amount not to exceed will be \$5,000, and I'll bring a supplemental agreement in at a later date.

Commissioner Mourdock: I can live with that, so moved.

Commissioner Fanello: Second, and so ordered.

John Stoll: That's all I have, unless you've got any questions.

Commissioner Fanello: No. Thank you, John.

Ralph Kissinger- County Highway
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Commissioner Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. Excuse me. I'm sorry I was absent last week, I didn't realize when we scheduled the final road hearing that it would coincide with the Purdue Road School, which I attended. If you have any questions on any of the paving, or anything like that I would be glad to answer them tonight.

Commissioner Fanello: I don't.

Ralph Kissinger: The only other thing I have to add is that the Engineer's Office and I have been working together, and we're trying to figure out what we do want to put out for bids at the Engineer's Office. So there could be some roads added to that, which first on the list probably would be Browning Road, because it is in need of repair. Other than that, that's all I have.

Commissioner Mourdock: Okay. A couple quick points. Number one, just for the record you and I spoke earlier this, or late last week, Ralph, and the situation at Rode Road as far as working off someone else's, or let me start over. You agreed that the situation that we had as far as installing, at our cost pipe, and basically filling in some of those ditches, we're not going to be doing anymore of that. Is that correct?

Ralph Kissinger: I don't want to do anymore of that, no.

Commissioner Mourdock: Okay.

Ralph Kissinger: It's not my policy to do that really.

Commissioner Mourdock: Okay, before any of that would ever happen again, I would appreciate that you would bring it to the Board for discussion.

Ralph Kissinger: I would suggest that anyone in the county—

Commissioner Mourdock: It would save us all a lot of trouble.

Ralph Kissinger: — Sure.

Commissioner Mourdock: Okay. There were three points, I'm going to skip to number three while I'm thinking of number two. The southeast corner of Mohr and St. Joe I mentioned to you a week or so ago, would you again make a note to take a look at that? I've got a citizen call on that one. That one has come to me twice, and I had mentioned it to you once before. It may be that the weather wasn't quite suitable.

Ralph Kissinger: We have, I think there is a problem there. We patched that the first time you asked, and since the heavy truck traffic really makes a toll there. So, what we may have to do is cut that, cut a patch out in that road and repair the road all the way down to the base.

Commissioner Mourdock: Okay. The last point was coming back to Rode Road here for a minute, nowhere in your reports have I seen Rode Road mentioned, and it makes me wonder what else hasn't been mentioned.

Ralph Kissinger: If it wasn't, it was an oversight.

Commissioner Mourdock: It was not mentioned in this week's report, it was not mentioned in last week's report.

Ralph Kissinger: It should have been mentioned on Friday the 16th.

Commissioner Mourdock: Yeah, and it's not.

Ralph Kissinger: I don't see it mentioned either. It was an oversight. I'm not trying to hide it from you.

Commissioner Mourdock: I understand. I just want to make sure we have thorough reports.

Commissioner Fanello: Since I hadn't talked to you about that particular instance, was that a project that was started before, or last year under the prior Superintendent?

Ralph Kissinger: Apparently, yes. When I went back through the work orders on this street there, what apparently had happened there is in 1998 and 1999 that ditch was dredged. The only residence left on that block that wasn't piped was this residence, and there was a short inlet on the other side of this resident's drive. Apparently what happened, was when they dredged the ditch, they dredged it too deep, and what was piped was higher, the elevation was higher than what the dredge was, so therefore there was a lot of standing water there. So, it was the consensus of everyone involved that the rest of the ditch be piped, then the entire street would be piped, well in the meantime it got put off and put off and set aside and different things happened, and it ended up it just finally got done last week or week before last.

Commissioner Mourdock: Just to make a point there, I think, the discussions that you are referring to prior to the start of this year were that we had a long standing policy where we weren't going to put the pipe in there.

Commissioner Fanello: So, that would be my question, if it was under the prior Superintendent, why wasn't that policy followed?

Commissioner Mourdock: I don't know the answer to that question.

Commissioner Fanello: I mean, to me, that would be and that person still works in that office.

Ralph Kissinger: I don't know either. Like I said until-

Commissioner Fanello: At the garage.

Ralph Kissinger: The first that I really knew that it was going on, and it was probably an oversight on my part, is when the work was going on and when I went out and looked at it. I asked who had authorized, and there were different... the Health

Department said it was okay to do it, and it wasn't really a recommendation of the Engineer's office, but they said we had every right to pipe the ditch if it was on the right-of-way. So, I took it at that and let them go ahead and finish the job.

Commissioner Fanello: I guess that is my whole point, it was the policy last year but the former Superintendent didn't follow the policy.

Commissioner Mourdock: No, the former Superintendent did follow the policy that we didn't put the pipe in. Now your question of why he wasn't asked, I don't know the answer to that question, or if he was asked, I don't know.

Ralph Kissinger: Yeah, but--

Commissioner Mourdock: It has not just been in the last year. From the day I got here we've done that, because we get these requests all the time, and it's a slippery slope.

Ralph Kissinger: It was the former Superintendent that had the pipe installed. I have since told him that there will be no more unless it comes across my desk, and I have some okay from the Commissioners.

Commissioner Mourdock: Okay.

Commissioner Fanello: Okay.

Ralph Kissinger: So as far as that goes, the policy is now that there will not be anymore ditches.

Commissioner Fanello: Thanks, Ralph.

Ralph Kissinger: Okay.

Phil Hayes- County Attorney

Commissioner Fanello: County Attorney.

Phil Hayes: No report.

Tammy Mc Kinney-Superintendent of County Buildings

Commissioner Fanello: Superintendent.

Tammy Mc Kinney: I just wanted to make a note to the Commissioners that I have been over to the courthouse twice last week. I met with Faye and she gave me a tour of the courthouse. I've met with Stewart Sebree, he's of the Historic Landmark. I've either talked to most of the tenants, either in person or on the phone last week, in fact, I even talked with Community Telephones' Attorney assuring them that everything was going good. What I need from the Commissioners is acceptance of the resignation of the Preservation Society that we are going to accept the courthouse responsibilities. A couple of my tenants are asking for that.

Commissioner Mourdock: Let me deal with that one at a time here. I would move that the County Attorney draft the proper document respective to the original lease we have with the Old Courthouse Society to assume their duties and reassume our rights.

Commissioner Fanello: Was that a motion? I'm sorry.

Commissioner Mourdock: That was a motion.

Commissioner Fanello: Second and so ordered.

Tammy Mc Kinney: Then I need an okay to start preparing new leases for tenants that are on a month to month basis, and go to a yearly, or to a three year.

Commissioner Mourdock: Are you saying that they still want to stay on a month to month, or do you know that yet?

Tammy Mc Kinney: They want to go to yearly.

Commissioner Mourdock: Good.

Tammy Mc Kinney: Up to three years.

Commissioner Mourdock: I'll move that we also direct the County Attorney to construct a lease that would meet the terms as stated.

Phil Hayes: We've already done that process.

Commissioner Mourdock: Okay.

Commissioner Fanello: Second and so ordered.

Tammy Mc Kinney: That's all I have.

Commissioner Mourdock: Just a couple quick comments regarding the Old Courthouse. I spoke with the Sheriff the other night very informally, but he did tell me that he would be pleased to bring some people from Community Corrections to the facility to do some of the routine maintenance that we've otherwise, I'm sorry, janitorial that we've had to contract for.

Tammy Mc Kinney: Okay.

Commissioner Mourdock: You might talk with him about that. Also, if you would, Tammy, each week as we get our written reports from Ralph Kissinger and from all these other folks, I would like to see a written summary too for the Old Courthouse specifically, as far as where we are making progress.

Tammy Mc Kinney: Sure, okay.

Steve Craig- Burdette Park

Commissioner Fanello: Burdette Park.

Steve Craig: Outside of the request for bids of the Food and Beverage Bid and the accepting of the awards for the shirts and hats all I had was my worksheet for the week.

Commissioner Mourdock: I'll move we accept the Burdette Park report.

Commissioner Fanello: Second and so ordered.

Steve Craig: Thank you.

Commissioner Mourdock: I did get word, and we can talk about this in detail at a later date, but I know the Advisory Board met recently and had some thoughts for us as far as other potential parks out there too.

Steve Craig: Yes. Thank you.

SWCD and Ozone Officer Reports

Commissioner Mourdock: For the record we had submitted the Soil and Water Conservation District report and the Ozone Officer's report , and I'll move we admit those to the record.

Commissioner Fanello: Second and so ordered.

Consent Items

Commissioner Fanello: Consent items.

Commissioner Mourdock: There were no late entries for consent, Tammy, correct?

Tammy Mc Kinney: No.

Commissioner Mourdock: I'll move approval of consent items then as filed.

Commissioner Fanello: Second and so ordered. ¹

Scheduled Meetings

Commissioner Fanello: Scheduled meetings.

Commissioner Mourdock: Did David get a Juvenile group scheduled?

Commissioner Fanello: He is working on that. He met with Jonathan Weinzapfel last Thursday to discuss, I think, Warrick County and Posey County are interested in talking to us about our Juvenile Center, so he is working on that. Any other scheduled meetings?

Commissioner Mourdock: No.

Commissioner Fanello: Okay.

Old Business

Commissioner Fanello: Old Business. As far as, I think, last week we talked about appointing a committee for the Old Courthouse, and Mark Owen is still getting in

¹Consent items listed on Page 20.

touch with those people to get their okay, so once we have everybody's final okay we can go ahead and appoint that committee, which I'm hoping will be in next Monday's meeting.

Commissioner Mourdock: Okay.

New Business

Commissioner Fanello: New Business.

Commissioner Mourdock: I have...sure.

Richard De Voy: I have something to say on that.

Commissioner Fanello: Okay.

Richard De Voy: My name is Richard De Voy, and I'm the clock keeper at the Old Courthouse. I have been for eight years, you might say I was apprenticed to the former clock keeper, and two years ago he gave me the honor, I consider it an honor, to take care of the clock and all of it's mechanisms. That is one area of the building that you won't find any neglect. I take the job seriously, and I'd also like to be put on that board.

Commissioner Fanello: Alright. We did receive your name and I told Tammy to... she's received a couple of other calls—

Richard De Voy: Okay. That's all for tonight.

Commissioner Fanello: Thank you, Richard.

Commissioner Mourdock: Right on time.

Commissioner Fanello: Anything else? Do I have motion to a adjourn?

Commissioner Mourdock: I'll move that we adjourn.

Commissioner Fanello: Second and so ordered.

Meeting was adjourned at 6:55 p.m.

CONSENT ITEMS:

Employment Changes:

Sheriff Department	Community Corrections	Prosecutor
The Centre	Health Department	Public Defender
County Council	County Clerk	

Travel Requests:

County Assessor	Veterans Services	Legal Aid
Health Department		

The Centre-Tony Greubel

Surplus request for washing machine.

Sheriff:

Submit weekly jail information and reports.

THOSE IN ATTENDANCE:

Catherine Fanello	Richard Mourdock	Philip Hayes
Bill Fluty	Tammy Mc Kinney	Madelyn Grayson
John Stoll	Ralph Kissinger	Steve Fuchs
Jill Marcum	Judge Knight	George Porch
Linda Nalley	Marsha Abell	Richard De Voy
Others Unidentified	Members of Media	

APPROVAL:

VANDEBURGH COUNTY

BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson

**Vanderburgh County
Board of Commissioners
April 2, 2001**

The Vanderburgh County Board of Commissioners met in session this 2nd day of April, 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'd like to call to order the Board of Commissioners meeting of Vanderburgh County, April 2nd. We have with us tonight Tammy McKinney, Superintendent of Buildings; Phil Hayes, Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Madelyn Grayson. I'd like to stand and have the Counselor lead us in the pledge.

(Pledge of Allegiance was given)

President Mosby: Thank you, Counselor.

Approval of minutes

President Mosby: Approval of the minutes from the March 26th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Since you were not here, David, Catherine needs to approve it, so I'll go ahead and move approval of those minutes and then she needs to second. Since you weren't here, you can't sign off on them.

Commissioner Fanello: Second.

Commissioner Mourdock: And you need to say so ordered.

Commissioner Fanello: So ordered.

President Mosby: Drainage Board minutes being held –

Commissioner Fanello: Those are for Drainage Board.

President Mosby: Okay.

Home Inspectors License

President Mosby: Roger Lehman, Home Inspector. Is Roger with us?

Commissioner Mourdock: Not here, but we have had several brief discussions on this and this is the final reading for the amendment to the Home Inspectors License and what's being changed here as was discussed either last week or the prior week was basically the peer review procedures. The meeting has been advertised. Is there anyone here to speak to this particular issue? No. Okay. Then for the record, seeing none, I'll move approval of final reading then, the amendment to the Home Inspectors License.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second on the amendment to the Home Inspecting License. So ordered.

Commissioner Mourdock: And because that is an ordinance we actually need a roll call.

President Mosby: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Myself, aye. Three ayes, no nays. Motion carries.

House moving request

President Mosby: House moving request. Roger is still not here.

Commissioner Mourdock: There is someone here to speak to that one.

President Mosby: Are you here to speak to moving a house? 98 – okay. Please come forward.

Mike Freeman: My name is Mike Freeman with MCF House Movers and we were seeking a permit for Vanderburgh County. Typically, Roger takes care of these and usually don't have to even come to the meetings but I wanted to show up and make sure that it got taken care of. We're trying to beat the farmers planting. We've got to go through several farm fields and then I've got a route here if that helps you any. I don't know what information you need.

Commissioner Mourdock: The only issue that I had is one of indemnification for the county and I don't know, since you're in the business there may be a fairly routine form that you fill out and provide to County Commissioners, I don't know. I see this as actually moving from Warrick into Vanderburgh County, so you're headed in the right direction.

Mike Freeman: Yeah, in Warrick County we have a road usage agreement and supply a road bond. I honestly don't think we've done that in Vanderburgh County, but am happy to do that if that's –

Commissioner Mourdock: Yeah, that would be the only stipulation I would have to make sure we've got indemnification. For instance, if you were out there –

Mike Freeman: Cave the road in or whatever –

Commissioner Mourdock: Yeah, or took down a power line or something like that, that it doesn't come back on us. So with the condition that you work with our County Attorney, Mr. Hayes, to have an indemnification agreement that covers the county's interests, with that condition I would move approval then that we act on the

request before us to grant the house moving request.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second with an amendment. So ordered.

Commissioner Mourdock: So you'll just need to get a hold of Mr. Hayes to make sure you get all the language worked out.

Philip Hayes: Yeah, it's alright. The procedure will be that you just, on your permit applications and those procedures with Mr. Lehman, if you'll just ask him to contact me, why we'll get that format laid out for you. Okay?

President Mosby: Thanks, gentlemen.

Phillips Swager & Associates/American Consulting

President Mosby: Kent Moore, PSA.

Ron Budzinski: My name is Ron Budzinski, I'm president of Phillips Swager & Associates. With me this evening is Jim Matarelli who is also with PSA, and with American Consulting is Kent Moore and Jim Guidroz. We appreciate having about ten minutes here, if we may, with the Commission just to give you a little more personal presentation of the kind of qualifications our team has for what is going to be a huge decision the county is going to be making in a short period of time and that is regarding the new jail project. And assuming that you'll get other proposals other than just ours, we thought that having some opportunity to, like I say, very quickly but very specifically walk you through the packet that you have in front of you there of our qualifications, we truly do appreciate this evening doing. The essence of the material that you have there, there's on your right-hand, a folder, a packet such as this here and if I may, I'd like to go through what we think are some of the key points of several of those graphics and Jim Matarelli will take a few minutes after I'm through to also familiarize you with some of our work. The information that is in there is, like I say, that sort of put a name with a face and a face with a firm so that, as I say, you're reviewing a lot of these qualifications here, that much more familiar with certainly our interests and our qualifications to do such a project. The graphic that you see that has the map, it should be the second graphic, probably best summarizes the kind of experience that Phillips Swager Associates would bring to a project as significant as this. This isn't the first, it isn't the second. We've been doing these kinds of projects, particularly projects that touch the system as a whole, where it touches the detention aspects, it touches the law enforcement aspects, it touches the community services aspect. As it says there at the first bullet, we've been doing this really for about 27 years. It says 25 years, but it's 27 years. We've got experience in doing justice facilities at both the federal, the state, the county and municipal levels and the dots there on the map are pretty accurate. There are few more dots, but a representation of some 22 states that we have done these kinds of facilities in. Our firm is located in Peoria, Illinois. We also have offices in Chicago and we have offices in Dallas and Washington, D.C. and so from there we team with firms all over the country to put a team together to do projects such as this. I mentioned American, we are also working with Cripe. Cripe will be doing the civil engineering and also some architectural support and then the fourth player on our team is a lady by the name

of Karen Chinn and she'll be doing some of the programming work for us. So that makes up our team, and again as it says, it's well established. We've been doing this for a lot of years and we've been doing it together for a lot of years and I think that is significant as the Commission reviews these proposals and looks at how long people have worked together and the projects that they have done. The third sheet there is a key staff. What I tried to do is just to summarize for you sort of a bulletized background of key individuals that will be working on the project. As I mentioned, my role with the firm is I am president of the company, but 80% of that time is spent on projects and this project and the size, significance, I'd be the partner in charge for the project if we were fortunate to be selected. My personal background is 25 years in doing this kind of work, involved at different national organizations, national programs, that brings not only the local expertise to this, but also a national expertise as well. Jim Matarelli, whom I'll turn this over to in a few minutes, likewise has a considerable amount of design experience and would be the lead designer for the project. The other names there are just some representations of whom you'll see in the proposal that will be key to this project. There is another graphic here that's called county experience. The point of that graphic is these are all detention facilities. They're detention facilities of some significant size, 300 beds or larger. The project that you see right here, that's the white complex of facilities, that's one of the larger ones we've done, it's almost 2,000 beds. It was done for Cooke County. It's one of 11 different projects they have on a site. So it goes from that size there, that kind of complexity to, you see the picture down on the lower right hand corner of a project that we did in Minneapolis that is purely just an intake center. And then some of the other graphics there represent other jail projects that we have done utilizing this concept that's now kind of an old concept but it is a proven concept, is one of direct supervision. The next page here is a project that shows you some state experience. As I say, what we bring is really the full range of justice design experience to the team. You'll see several projects there, three of which are here in Indiana: the Pendleton project, the Wabash project, and the project in Miami. Each of those projects, again, like I said at the beginning, we team with firms. We have teamed with American, and we've teamed with Cripe on those projects, so we've got a working relationship there with them. So again, the pictures do some justice to the scale and the size, particularly some significant work here in the state of Indiana. We have also had a considerable amount of federal prison work and in detention in the correctional arena. We've done some of the larger correctional projects in the United States. What is specific, I think, to the county here is the background that we have relative to security systems. We have that kind of capability in-house to perform those services as well. There is another slide here that shows master planning. Again, the master planning goes from the needs assessment to looking at staffing plans, what it's going to cost to operate the facility and various security qualifications. You can see we've done the state master plans for Maryland, we've done them for Illinois, we've done a considerable amount of work in Indiana, particularly with the New Castle facility which is the largest special needs facility in the United States. Some design recognition, these graphics here represent experience that we have had in making different presentations, publishing different documents that are used by the industry as design guidelines both for the courts as well as for the detention as well as for juvenile projects. The last slide here that I would like to say a little bit about is one that speaks to the security and the technology expertise. When you've been doing these kinds of projects for this long a period of time, it became very evident to us that we needed to have that kind of capability, that kind of security technology expertise in-house and we indeed do have that and you'll see listed there a number of projects that we've had that kind

of experience with. So before I turn it over to Jim here and just give you a little bit more explanation of some of the specific project experience we have, I'd say that again, we appreciate very much the opportunity to stand before you and sort of verbally talk about who we are and the interest that we have in this project. So we hope that when all those proposals come in, in the big box, Phillips Swager will be one that you look at very carefully. Thank you.

Jim Matarelli: The, I think the next sheet in your packet there is reception and classification centers. That happens to be one of our areas of specialty. Every county jail, of course, has a large intake processing piece to it. One of the things that we've done around the country is we have three or four very large intake and reception areas around the country for the state of Illinois, Connecticut, Missouri and we also did the reception center here in Indiana, in Plainfield. The special needs facility is also an area that is a specialty of ours and that essentially means that the medical component and mental health component of any county jail is something that we've done and expanded on at the state level. So we've done large facilities that are just special needs. The next one was the one, the project that Ron was talking about earlier, New Castle, which is the largest special needs facility in the country. Its got almost 2,000 beds and it includes special programs and facilities for sex offenders, substance abusers, has an assisted living component as well as segregation and mental health. The significant thing is that large facility is composed of medium, minimum and maximum security housing and, of course, the county jail has to deal with all those kinds of things as well. And, in fact, the minimum security housing is probably representative of what would be used in your community, your community corrections piece. The medium security is more like the general housing and the mental health beds and special needs are the maximum security piece. The mental health and segregation of maximum security piece that represents the greatest number of the county jail. This is a very, very large facility but it goes to show that we can, that all of our experience comes back to how can you best serve the needs of an individual client. We've done it for large clients, we've done it for small clients, and probably the single biggest client type or project type that we've had over the last ten or fifteen years is county jails of the type that you're talking about. I'll skip through these pretty quickly, the next two or three are just views of that New Castle correctional facility. That is under construction now. It'll be finished up probably at the end of summer. It uses precast concrete which is probably something you might want to consider here for good economics and efficiency. That was done in five separate building packages. You can see in this particular view the number of buildings that were shown there, there were five separate general contractors that were involved on that site and the complexity of the construction and the amount of expertise it took to make all that work together on one site was considerable. And I know one of the options that you'll have here is having all three components of your project on one site and it could be under one contractor or several contractors and there is advantages and disadvantages to those kinds of things that we would very much like to help you deal with. One of the components is juvenile facilities. I think the next sheet highlights our juvenile/work release experience. Not to spend a lot of time on each individual one but it's something that we not only have the large correctional experience, but we have the specific juvenile correctional expertise as well. The Frederick County facility is a 128 bed substance abuse and work release center so it's a community correction and work release center which is very similar in concept to what's defined in your program. An example of a large state juvenile facility is the 250 - 300 bed campus that we're doing at Pendleton. The next three slides show that and then finally, the mega-jail projects which any jail over three or four hundred,

we call mega-jail just because it has all the components that are needed in a large county project and it generally means that it has to go up in some fashion because there's limited site area. The Cooke County project that Ron mentioned earlier is basically eight 200-bed mini-jails to form the 1,600 plus bed facility for Chicago. We did Marion County and we've also done, as Ron said, Minneapolis and several other large projects that incorporate the direct supervision concepts that I know you're interested in. And the last sheet is just some visuals of some of those juvenile and work release facilities that have been built. We're very much aware of the need and the need that has been there for many years. I think we followed this project for well over ten years and we'd very much like to be a part of it when it goes. Thank you.

President Mosby: Any questions?

Commissioner Mourdock: I have many questions, but to be fair, as we've spoken previously about how we're going to review the RFQ's as a whole and I believe the intent is still the short list from the number of RFQ's we have and the short list (inaudible) my feeling is as we get ready to work through those questions, we need to have some standardized way of doing that and the questions that I might ask at this point might be premature in two ways: number one, it would give PSA too much time to figure out the answer, and number two, it would also show my hand as to what type of questions I'm going to ask of everyone else. So, you've generated some more questions in my mind and I'm going to just sit on those for a while.

Jim Matarelli: Well again, we just appreciate the opportunity, like I say, to kind of give you an advance peek at who we are and, like I said, I'm sure you'll be seeing lots of proposals. So, please give us your full consideration.

Commissioner Mourdock: Okay. Thank you. Your presentation does bring up the issue as well, as far as the timing for how we want to handle the RFQ's that were received a week ago, two weeks ago?

Commissioner Fanello: Two weeks ago.

Commissioner Mourdock: Any thoughts on how we want to do that? When we want to do it and how we short line, when we short list?

Commissioner Fanello: I mean, personally, I think each Commissioner should bring their recommendations to the table and I've gone through all of them, I'm ready to make my recommendation probably in about two weeks.

Commissioner Mourdock: Two weeks from now?

Commissioner Fanello: Uh-huh. Yeah.

Commissioner Mourdock: Alright.

Commissioner Fanello: And I think I spoke with the Sheriff earlier today and they would like to present their recommendations and he felt like he needed a week. Is that correct, Sheriff Ellsworth?

(Inaudible)

Commissioner Fanello: If he could present his within the next week and maybe the Council also, if they're interested in presenting any recommendations after they look through them within the next week and then we come back in two weeks...

Commissioner Mourdock: Okay, so do I understand that correctly? Let me try to repeat it back. Next week at this meeting the Sheriff's Office will present whatever thoughts they have and then the following week, which would be the 16th, during our formal meeting we will somehow, each Commissioner present what we're thinking and try to come up with a consensus of who the short list –

Commissioner Fanello: Of who the short list is, of who we would interview.

Commissioner Mourdock: Okay, well if we do that then, tell me again, what are you going to do next week, Sheriff?

(Inaudible)

Commissioner Mourdock: Yeah, I'm not sure, either.

President Mosby: Do you want to do that in an open meeting (inaudible).

Brad Ellsworth: What Commissioner Fanello and I – I'm Brad Ellsworth, Sheriff – had talked about was, either the forming of a committee to review them together and or individually reviewing the 12 RFQ's and then coming back with the short list, compile those. I'm certainly agreeable to do that where my staff and I review that and bring our individual, it may be easier that way, and certainly we're open to your all's decision on that, but if that's –

Commissioner Fanello: I think that's a better idea.

Brad Ellsworth: We'd need at least another week to review. We've looked over about five of them so far. But if that's what you all want.

Commissioner Fanello: I mean, do you want to have them coming back all on the same night? Is that what you're –

Commissioner Mourdock: Yeah, it almost seems to me we have to, otherwise, we're putting the Sheriff on the spot next week by saying you tell us which five you think ought to be short listed and then that's done publicly and then if we come back together the following week, you know, conceivably each of us comes back with a different list, it almost sounds to me like we'd be better to do it all in one night, maybe the 16th where the Sheriff, each of us comes forward and puts our list together and then each of us is in a position to defend why the various companies are on that list.

Commissioner Fanello: I don't have a problem with that. I mean –

Brad Ellsworth: That gives me more time. My only problem with that, I was just trying to – if you need them in a week I could do it.

Commissioner Fanello: No, that's fine.

Commissioner Mourdock: Okay, so that's what we'll do the 16th. And again, each

of us will put out –

(Inaudible – several speaking at once)

Commissioner Mourdock: – short list.

Commissioner Fanello: So, since Councilman Hoy is in the audience, could you please pass that along to the Council however you guys want to do that.

Commissioner Mourdock: I'm sure we'll have a full room that evening.

Any group or individual wishing to address the Board

Commissioner Mourdock: While the Sheriff is here and I'll jump to another one, if you had a report, Brad, I know you had the grant hearing or at least it was scheduled to be heard on Community Corrections. Did that, in fact, take place last week?

Brad Ellsworth: It did. Chief Williams, myself, and Major Woodall went up to Indianapolis and met with Mike Brown and one of his staff members. It was a preliminary meeting. It was not – we went through the fixed asset portion and they reviewed some of the areas where we'll receive increases in fixed assets. We did not discuss our other requests. We brought it to light to them, the other request involving personnel which was the majority of our increase request. They had some questions they needed answered. They're going to send us a form which is pretty much standard procedure they said. We'll throw them back some numbers and then they'll let us know within 20 days they said. So we know we're going to receive some substantial requests in the fixed asset area but they didn't tell us about the big numbers and they're going to review that. But like I said, we're going to play a little tag back and forth with some paperwork.

Commissioner Mourdock: Is there a specific date then to get together on the other item?

Brad Ellsworth: They did not give us another date. Basically, what they said is they'd fax us a form and we plug in some numbers, send that back with a new application and they'd let us know from there within 20 days.

Commissioner Mourdock: A new application, so you have to go back through that whole thing again?

Brad Ellsworth: Just print it back out, print another copy with some other numbers punched in and it's just a matter of re-keying a couple of things but they wanted a new fresh copy.

Commissioner Mourdock: Does that change their original schedule then to make announcements statewide by July 1st?

Brad Ellsworth: Shouldn't, no. Should not at all. So I think we'll know something within the next 20 days. The changes they wanted us to make were very simple. In fact, we had supplied some of the information they wanted and they didn't quite see it, so they wanted to review that.

Commissioner Mourdock: Okay.

President Mosby: Any other group or individual?

John Stoll - County Engineer

John Stoll: The first item I've got is a change order on the Lynch Road I-164 interchange project. This is for an increase of \$10,738.96, of which Vanderburgh County's share will be \$2,147.79. The items that are on this change order are additional steel, which was just omitted from the original contract, a profilograph which basically tests and makes sure the pavement was installed to the proper smoothness, which again was omitted from the original contract, and then three items: expansion joints, preformed joint material and seal coat. They were all called out on the plans but they weren't included on the itemized proposal so it's recommended that this change order be approved.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: The second item I've got is also in regard to the Lynch and 164. The contractor has submitted a request to use his construction equipment to cross Burkhardt Road in order to haul fill from his borrow pit on the west side of Burkhardt to the construction site on the east side of Burkhardt. He submitted a letter saying that he wouldn't use steel plates to cover the area where he crosses the road and that he would provide flag men when necessary, provide construction signs and in his letter he says NFH Incorporated, which is the contractor, takes full liability for any damage that they may cause to this area during this operation. So by approving this, he's taking on responsibility for making any repairs that they cause for all practical purposes. And we had done a similar thing on the previous phase of Lynch where the contractor had to repeatedly cross Green River. There again, he placed steel plates on that intersection. In doing so, it was in the heat of the summer, the steel plates actually were lodged into the pavement and the contractor ended up having to mill up the whole intersection and resurface it. So we have had contractors make good on their promise to repair any damages. Any questions?

Commissioner Mourdock: Yeah, just two separate issues. Did we have them for that, actually post a bond to get that work done or...?

John Stoll: The last time they did not from what I could find. I couldn't find a specific record that said they had posted a bond. We had their bonds that were submitted as a part of the contract but not a bond specific for that crossing.

Commissioner Mourdock: Well, I'm certainly not opposed to letting them do it. I think the easy way to handle it would probably be to post bond in some amount to make sure that road is protected if, in fact, something happens to make sure that we're ready to get those repairs done. But I did not hear anything in what you just read deal with broader indemnification issues. If they're doing that and somebody comes through and runs into one of their trucks or something, the county would get named in that lawsuit, so let's make sure we get indemnified as well as the bond.

John Stoll: Okay, I can work with Phil to get the language on something like that.

Philip Hayes: Right. The Commissioner is correct on that. In addition to what you had pointed out in your memo of the 28th to me, I made a note that we probably should have a bond for damage to the road because surely there's going to be some there on the crossing. I mean, if they come up with a fair enough estimate and all they need to do – they might even be able to use the same construction bond they already have and then get a certificate of insurance on broad liability, right, resulting from our agreement to allow this crossing.

Commissioner Mourdock: Otherwise, if something happens, since their insurance company didn't have this under that part of the construction contract, they'd try to walk which is why the indemnification is –

Philip Hayes: Yeah, we'd done some new language, John, so if you want to give me a call we can adapt it. It's the same thing we're doing on encroachments and things like that.

John Stoll: Okay.

Commissioner Mourdock: So all that being said, I move that we direct the County Engineer to try to work out that arrangement with the contractor to allow hauling of dirt across our road.

Commissioner Fanello: I'll second.

President Mosby: Motion and a second. So ordered.

John Stoll: After I get with Phil, then, I'll bring this back once we get all the details worked out. The next item I've got is a notice to bidders for contract number VC01-04-01 repair and re-paving of various roads. This would be for paving Browning Road between Boonville-New Harmony and Old State, for paving Oak Hill between Lynch and 57, and also I'm requesting one additional intersection that was not included on the original paving list and that's the Memory/Rode Road intersection. That intersection was needing to be milled and resurfaced due to the fact that when it was resurfaced several years back, the asphalt actually created a drainage problem because the water used to drain through the intersection as opposed to the way the crown was carried through on the intersection, it actually ponds water at one corner of the intersection. So to correct that, we had an exact, same situation down at Elmhurst and Rode, we had to mill it off and then put a thinner surface coat of asphalt back down. It was my mistake in not bringing this up during the preparation of the paving list because the lady who lives at the corner of that intersection had called last fall to ask that this be included and since we were going to be out there with the milling machine on Oak Hill Road, it just seemed like an optimum time to put that in the contract. So that is what the notice to bidders would be for.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

John Stoll: I forgot to mention that was approval for advertising, so you can get that advertised. Next, I've got a supplemental agreement for Burkhardt Road between Interchange Road South and Lynch Road. This is for an additional \$4,300. This is for the revisions to the plans that we discussed last week and that is the pavement is falling apart out there between Interchange Road and Old Boonville Highway. And given the fact Bernardin had finished out the plans basically, it would be a more significant revision to change at this point, but like I said, their supplemental amount is \$4,300 and it's recommended this be approved.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

John Stoll: The last item I've got, I just wanted to let you know that we are in the process of notifying contractors to get price quotes on the installation of the storm drainage pipes at the Peerless and Huckleberry intersection next to Mr. Batteiger's house and also for a culvert replacement on St. Joe north of Schenk Road. We've notified one of the three contractors for each of these and we'll receive the price quotes at next Monday's meeting.

Commissioner Mourdock: Batteiger, is that the one on Peerless?

John Stoll: Peerless and Huckleberry, yes. We're going to go ahead and put in two inlet boxes at the northeast and northwest corners of Peerless and Huckleberry and then run some new pipe and basically stop the pipe along the north side of Huckleberry just west of – well, basically about where the existing paved ditch starts right now.

Commissioner Mourdock: Okay. And I'll just add that's been going on for a long time trying to get resolution to this one. So I'll go ahead and move approval of the advertisement.

Commissioner Fanello: I'll second.

President Mosby: Motion and a second. So ordered.

John Stoll: It really wouldn't even be an advertisement. Since it's going to be under \$25,000 we can put it on a price quote basis, so we've already notified the contractors and we'll just get the – we'll have the sealed bids submitted next Monday.

Commissioner Mourdock: Okay.

John Stoll: That's all I have.

Ralph Kissinger - County Highway

President Mosby: County Highway.

Madelyn Grayson: Excuse me, we need to make a quick tape change.

(Tape Changed)

Ralph Kissinger - County Highway

President Mosby: Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my reports. I don't know if you have any question on those. I have two things I would like to bring up. First of all, on the paving list there is a misprint. Old Henderson Road, this reads from Golden Rule to Happe Road and it should be Seminary Road to Happe Road. I think Mr. Mosby brought that to my attention a while back, and I've just finally gotten around to checking and correcting that. The footage is correct. It is 5,100 feet, I think. It's just the wrong intersection was named in the original list. Also, if the bids come in that the Engineer's Office are putting out for bids, if they come in order, we will be able to add some road footage to the paving list. The only other thing I have is, the Town of Darmstadt found out we were paving up to the city limits on St. Joseph Avenue, and you can probably help me with this, Mr. Mourdock, they said in the past that the town has paid us to pave on when we've paved up to the limits.

Commissioner Mourdock: Uh-huh.

Ralph Kissinger: They have requested that I give them the prices of the paving. The only thing I need to know, is do I just charge them for the asphalt, or the labor and the asphalt, or exactly what do we charge them for since they are in the county?

Commissioner Mourdock: As a resident of Darmstadt I want to think about this for a minute before I say! I think as we've done in the past, I think it has been simply on the materials basis, but let me check and see. We certainly have had an arrangement with them in the past—

Ralph Kissinger: Yes.

Commissioner Mourdock: —I just don't recall the details.

Ralph Kissinger: That's basically what I was told, but like I say, I'm new at this and I'm not sure, and I thought I better find out. I will figure the footage and let you know that at the next meeting. Other than that I have nothing else.

President Mosby: Any questions? Thank you.

Ralph Kissinger: Thank you.

Philip Hayes - County Attorney

President Mosby: County Attorney.

Philip Hayes: We have no formal report. I have, however, begun a list of court activity that we have scheduled up for later in this month. There are a couple of arbitrations, if you will, mediations in one respect or another, and we'll probably make a request for an Executive Session on those items. Other than that, we just

have routine business. I don't know anything of significance to take up time here, but, I think, probably an Executive Session toward the middle of the month. I know the 16th sounds like it's getting kind of crowded, so it might be earlier that day depending on schedules. I have been telephoning around trying to see who all is going to be available, because we'll have a couple of extra lawyers and perhaps a party or two to appear.

President Mosby: The 23rd?

Philip Hayes: The 23rd, does that look good for everybody?

Commissioner Fanello: What's on the 16th that we can't...why can't we have one on the 16th?

Philip Hayes: Were you not going to have—

Commissioner Mourdock: Yeah, but that's at six.

Commissioner Fanello: Well, that's at six so we could still have one at 5:00 because I was going to request that we have one on the 16th anyway.

Commissioner Mourdock: Yeah.

Commissioner Fanello: Because next week we have Solid Waste.

Philip Hayes: Alright, that will work.

Commissioner Fanello: Okay.

Philip Hayes: Let's go ahead with that.

President Mosby: At 5:00?

Philip Hayes: That would be probably adequate, yeah.

President Mosby: Any questions?

Tammy McKinney - Superintendent of County Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have two late travel requests from Health and one from Soil & Water and I wanted to give the Commissioners an update on the Old Courthouse Committee that is being formed. I'm going to give you a list of who has confirmed that they do want to be on the committee and that is:

Marsha Abell	John Stoll	David Matthews	Mark Owen
Don Cox	Phil Gauss	Ed Bassemier	Nino Cocchiarella
Richard DeVoy	Melinda Jarboe		

Commissioner Fanello: Do we need to go ahead and make a formal motion to appoint that committee?

Commissioner Mourdock: I don't know that we do since they are kind of volunteer. Is that the full list or are you still waiting on somebody?

Tammy McKinney: That is not the full list. I have about four others that are out of town and we're waiting back. A couple of them we should know later this week and then we would like to set the first meeting for later next week.

Commissioner Mourdock: I would just suggest until we get the full list, once we get that, then we can probably go ahead and vote to recognize them and send a letter or something.

Commissioner Fanello: Alright.

Tammy McKinney: Okay. Also, I spoke with Faye this morning about the SIGECO bills, they are paid up, January, February and March. I just need to know who to send the check to? Do I pay back the Preservation Society or the Old Courthouse?

Commissioner Fanello: And I'm going to raise that...you probably have the same question. Since we're taking over the Old Courthouse, I don't know that we need to reimburse now at this point since we've decided to—

Tammy McKinney: So just sit on it?

Commissioner Mourdock: There is really nothing to sit on. They've paid the bills. It's no different than March of 2000. They paid the bills and there is nothing else for us to do. I met with Faye today as well, and have asked her, and she told me she was in the process of putting together what, in essence, would be a termination letter dealing with a number of different issues. One of them, for instance, being SIGECO, where she is going to let us know the status so that as of the termination date, which would be April 13th, everything logically trades off.

Tammy McKinney: Okay.

Commissioner Mourdock: So as soon we get that, we'll know exactly what other liabilities are still outstanding. Make sure we don't have anything fall through the gap, and that is certainly something, Phil, you might be prepared to look at, too, just to make sure we don't have some other liability that they currently carry that we're not aware of. No surprises, obviously.

Commissioner Fanello: There has also been...Tammy and I actually met with Anne Gryczon and Robert Woolsey, who is on the Board of Preservation, and there has been some question about exactly what in the Old Courthouse is ours and what is theirs.

Commissioner Mourdock: Asset wise?

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Um, okay. With the general subject of the Old Courthouse, Tammy, can you give us an update? Have any of the leases been executed? You know, we spoke here a couple of weeks ago about making sure we get leases up to, what did we say, three years? Have any of those been executed?

Tammy McKinney: I haven't received any leases to be signed. I don't know, Phil, are you still working on those leases for the tenants?

Philip Hayes: As far as I know there is what, only one that is prepared to go ahead and sign a three year lease and that's The Phone Center.

Tammy McKinney: No, you mean tenant wise?

Philip Hayes: Yes.

Tammy McKinney: I think everyone wants to sign, everyone that I've spoken with, but I don't have a lease, an actual lease, to present to them.

Commissioner Mourdock: Does everyone want to sign for the full three year term? Do we know what the terms are that they're looking for, because to me that's the important issue that we need. In the next 30 to 60 days, as we do our decision making, and particularly, in regards to what we're going to have to go to Council to try to fund as far as any shortfalls in our operating budget, the only way we're going to have a good handle on what that is going to be, is to know who signed on there for those longer term leases and at what rate.

Tammy McKinney: Right, but when I go to those tenants and ask them if they want to sign the three year lease, or a one year lease, or whatever the term of the lease, they are going to ask about the rent. Is it raising, is there an increase?

Commissioner Mourdock: It's tough to negotiate in a public meeting.

Philip Hayes: Yeah, I think that at this point--

Commissioner Mourdock: That, by the way, could be an Executive Session issue since that's a lease issue.

Philip Hayes: Well, my understand...the reason there haven't been any draft leases set up is because the conversation that I've had with those tenants that made inquiries is that they frankly don't know what they want. It's we want to stay there, but they don't know what the conditions are going to be, and also none of them have any fix on what the certainty is of long-term provision of the necessary services to make the building tenantable.

Commissioner Mourdock: Long-term past three years?

Philip Hayes: No. Simply one year, six months, whatever.

Commissioner Mourdock: Okay.

Philip Hayes: That seems to be what it is, Commissioner, so we have not handed over any standard leases at this point, but we have a standard lease already developed for that kind of building, particularly for an historic building. We're prepared to go ahead and offer those terms and negotiate it, but I don't think that we have the cost basis prepared yet in order to know exactly what our rent needs to be, what escalators we want to try to negotiate, and for that matter what...there are certainly, I think, desirable tenants, that they may not be able to handle a commercially commensurate lease, and that needs to be specially presented.

Commissioner Mourdock: And all those are valid points.

Philip Hayes: Right.

Commissioner Mourdock: I come back to what we're trying to do with the plan so that Council can better plan for what we may have to do for stopgap funding. Certainly it is somewhat chicken and egg. They want to know what is going to happen after three years, and they want to know what the escalation is going to be. We need to know who is going to be there before we can do all those things.

Philip Hayes: Right.

Commissioner Mourdock: We need to keep pushing that process forward.

President Mosby: I would also like for us to wait until this task force goes in and looks at what is going on. I mean, they might come back with a recommendation on rent prices, too. Square footage prices.

Commissioner Mourdock: That's certainly a possibility, too.

President Mosby: And a possibility that they might say we're not making the best use of the building, too. So I would really like to wait until this task force is formed and see what their recommendations are before we move forward too quickly with signing three year leases.

Tammy McKinney: Okay.

President Mosby: Just in case they--

Commissioner Mourdock: Are you suggesting with that, David, that we change the motion that we had several weeks ago about using that as a target to get people signed to three years?

President Mosby: Yeah. If we're going to have this established by next week.

Philip Hayes: Just from the standpoint of drafting this stuff, I was under the impression that a three year term was what you all wanted to do. I wasn't under the impression that we wanted to get started signing them each day and that we were not prepared to do that now.

Commissioner Mourdock: My recollection, what the three year date was, and I don't have my minutes and obviously my computer is not working at the moment, but what my recollection of the three years was, our motion was, to try to give the tenants security to know that they could be there for up to three years.

Philip Hayes: The idea would be...to budget for it, and to go through all of the appropriate planning, yeah, that's what I had thought.

Commissioner Mourdock: Yeah.

Philip Hayes: So I don't think it is inconsistent if you want to go ahead with your committee report, at least we know we're not go any further out than three.

Commissioner Mourdock: Right.

Philip Hayes: I think that's what...okay. That's how I had registered it.

Commissioner Mourdock: And getting—

President Mosby: Do we need a motion?

Commissioner Mourdock: I think that would only muddle the waters at this point.

President Mosby: Okay. Any other questions?

Commissioner Mourdock: Just one. As you do work with these people, David's comments being part of this as far as knowing what that committee wants to do, do keep us informed on individual leases that you are working with as far as anybody who is inclined to sign. The other issue, too, and I know...in fact, I guess the Sheriff just stepped out, but there has been the discussion of two weeks ago regarding having Community Corrections' people doing some of the routine maintenance. The other part of that is the daily janitorial type service, and I don't know if it's the right approach to think that those same folks might be used for that. I don't have an opinion one way or another, I'm just raising the question, but if, in fact, that is something we want to do, just to routinely make sure the toilets aren't overflowing and to make sure the light bulbs are getting changed. Let's make sure we have that as part of our plan, too.

Tammy McKinney: Okay.

President Mosby: I think Chief Deputy Williams is here. We could probably ask him.

Eric Williams: I think the Sheriff's Office is willing to work out some kind of mutually agreeable agreement with Community Corrections on maintenance and small type items like that.

Commissioner Mourdock: I just see maintenance as something different than janitorial and I want to cover both.

Eric Williams: And janitorial to some degree.

Commissioner Mourdock: Okay.

President Mosby: Okay, thank you. That's my point, yeah. We've talked on that. Any other comments or questions?

Commissioner Fanello: Well, just about the fact that there is a question of who owns what over in the Old Courthouse and there seemed to be some gray area there, so I don't know how the other two Commissioners feel about that, but I suggested that Anne get in touch with Phil and discuss what items she feels like belongs to the Preservation Society.

Faye Gibson: May I address that?

President Mosby: Sure.

Faye Gibson: Faye Gibson, Director of the Courthouse.

Commissioner Mourdock: I didn't know you were sitting back there, Faye. You were hiding behind the podium this whole time.

Faye Gibson: Some times I like to be incognito.

Commissioner Mourdock: I know that feeling.

Faye Gibson: And then some times I can't be. I didn't realize that was an issue.

Commissioner Fanello: I didn't realize it until this afternoon.

Faye Gibson: And Anne brought this up as an issue?

Tammy McKinney: I had someone come to me. Gwen Koch came to me about some items that the Bower sisters had donated to the courthouse.

Faye Gibson: Items that I have already called Betty about?

Tammy McKinney: I don't know, but the table and chairs, maybe an oriental rug or something. I just know Gwen was very concerned about those.

Commissioner Fanello: She just wanted to make sure that they remained in the Old Courthouse.

Tammy McKinney: And then, when I brought that up this afternoon, I don't know if it was Anne or Robert that said, well, that's the Preservation Society's.

Commissioner Fanello: He felt like some of the items were donated to the Preservation Society, and not just to the Old Courthouse. Not to the county, per se, but to the society.

Tammy McKinney: And Robert even admitted that—

Commissioner Fanello: I don't know the answer to that question.

Commissioner Mourdock: Yeah.

Tammy McKinney: He said it was going to be an issue—

Commissioner Fanello: Yeah, he felt like some items were going to be an issue.

Tammy McKinney: —deciding what specific...

Faye Gibson: An issue with whom?

Commissioner Fanello: An issue, I guess, between the Society and the county because I don't know how you feel about it, but—

Commissioner Mourdock: I guess the question is, if someone gave them to the Old Courthouse Preservation Society with the intent that they go to the Society and the Society is not in the function of running the courthouse, the question is are

those, whatever it is, a table, does that table somehow leave and go somewhere else? That's the question.

Commissioner Fanello: The lady that was in last week, Gwen Koch, she just wanted to make sure that those items...she donated those items, she said, to the Old Courthouse and she wanted to make sure that they stayed in the Old Courthouse.

Commissioner Mourdock: Oh, okay, so everything was given to the Old Courthouse?

Commissioner Fanello: She felt like...that was her understanding that she donated them to the Old Courthouse.

Commissioner Mourdock: So they weren't given to the Society?

Faye Gibson: Items that Gwen Koch specifically donated?

Commissioner Fanello: Uh-huh, or the Bower sisters.

Tammy McKinney: Or the Bower sisters.

Commissioner Mourdock: So they were given to the courthouse, not the Society?

Tammy McKinney: Right.

President Mosby: That's what she said.

Commissioner Fanello: I don't know if anybody really distinguishes the Society. When those people donate, I don't know if they know if they are donated to the Society or to the Old Courthouse.

Commissioner Mourdock: Okay.

Commissioner Fanello: So that question was raised.

Faye Gibson: Well, considering since I haven't been asked about this and I've been there for 13 years, the longest tenure of any director for the Old Courthouse, I personally have felt it was the correct thing to do to call individual donors who I have dealt with personally in 13 years and discuss the situation with them and give them the option—

Commissioner Fanello: And that's fine. This was just a question that was raised this afternoon.

Faye Gibson: —and that has been occurring including conversations with Betty Bower, including conversations with Bob Schnutte, who indeed is the grandson of Ron Zengleman who donated to the Society the engraving tools his grandfather used to put the sculpture on the outside of the building.

Commissioner Mourdock: Okay, so that's a classic example. If he gave them to the Society—

Faye Gibson: And I'm not sure anybody would know that except me, quite frankly.

Commissioner Mourdock: Okay.

Faye Gibson: So I would prefer those kind of questions be directed to me.

Commissioner Fanello: Well, I mean, it just came up this afternoon and we don't know the answer. That is why we're bringing it up now.

Phil Hoy: I have a...Phil Hoy, County Council. I have a couple of questions. The Preservation Society is a 501(c)3 organization, correct?

Faye Gibson: That is correct.

Phil Hoy: Do you not have a clause in your bylaws, incorporation papers, that says if you dissolve, there has to be a clause in there that tells what happens to the property of that organization.

Faye Gibson: That is also correct.

Phil Hoy: That is correct.

Faye Gibson: Indiana State law requires that assets of a 501(c)3 is you attempt to give back assets to donor be they physical or be they cash assets so if someone had just handed me a \$10,000 check, ha-ha, I could give it right back to them, okay. Then any assets then left by the 501(c)3 by Indiana State law are to be donated to another 501(c)3.

Phil Hoy: Does it say that, that you give those back to the donors? Is that in your bylaws or not?

Faye Gibson: I would have to double-check.

Phil Hoy: The reason I say that is, I have a little experience, like 43 years of experience, with 501(c)3's and every 501(c)3 that I have been connected with has a legal clause in it that says that organization owns that property and upon dissolution if you're dissolving your corporation—

Faye Gibson: Which has not been decided yet.

Phil Hoy: That has not been decided, but upon dissolution generally that property has to be turned over to another 501(c)3 and that is stated...that will have to be in your documents. It would seem to me that legally that's what we would have to look into because I know at Tri-State Food we don't give the vehicles back to the dealers who donated them or anything else. That would go to another 501(c)3 and you've got to have that. That's a requirement to be in that document. I'm not a lawyer, but I know that much.

Commissioner Mourdock: Okay.

Faye Gibson: I will clarify, at this point this Society has not dissolved.

Commissioner Mourdock: Right. The only question is what is on the inventory list and that's what we need, I guess. Whatever things were donated to that 501(c)3.

Faye Gibson: I can also supply the, you know, the asset list that we've done with our 990 every year.

President Mosby: Thank you.

Commissioner Mourdock: Thank you, Faye.

Philip Hayes: Faye, excuse me, Faye, one other thing. There are no liabilities, I think we settled that early on, didn't we, as far as any claims or contracts unexecuted? I think we agreed the information you furnished was satisfactory that there are no bills or liabilities floating to us? That was an earlier question.

Faye Gibson: That is correct.

Philip Hayes: That Commissioner Mourdock had—

Faye Gibson: We've paid all our bills, that's why we don't have any money.

Philip Hayes: Exactly. I've got a report on that. That was early on, the first couple of meetings you had.

Phil Hoy: I have another comment about...this is Phil Hoy, County Council. What you need to watch is, and you need to watch and your donors need to watch is, if they gave an article and they took a tax deduction for that article they cannot give that article as a tax deduction and take it back.

Commissioner Fanello: Oh, they were...well, I don't know if there has been some confusion, but they weren't wanting items back. They just wanted to make sure they stayed in the Old Courthouse.

Phil Hoy: It was mentioned a while ago about giving items back, and I don't think you can legally do that.

Commissioner Mourdock: Phil's point may...or Phil's point is that, in fact, if there isn't a 501(c)3 out there, they may not be able to stay in the Old Courthouse if, in fact, they were given to the Society to begin with.

Faye Gibson: As a tax deduction.

Commissioner Mourdock: Which is just what we need to find out.

Faye Gibson: Because they are very...you know, we're crossing over into gray lines into governmental control again. The other point being, I think these donors would also like to know something you just said, David, this committee may decide that an office building or as the building is configured right now is not the best use of the building, and then all of a sudden there may be pieces of furniture that right now in the reference to Betty Bower and the Bower sisters they have donated several pieces that we use as our Governor's Parlor which is used as a board meeting room, which is used as dignitaries, which was used as a jury room when we had court in the building. If indeed that room goes away for some reason then again you're getting into sticky issues of where does that furniture go to. We still have the county file cabinets that were left in 1969 that we'll gladly give back because we have never known where to keep all those stored.

Commissioner Mourdock: Again, Faye, I apologize. I didn't notice you behind the podium there. I summarized our conversation earlier, a few minutes ago, did I say that correctly?

Faye Gibson: Yes. And to answer when we say liability I think of bills I haven't paid and they are all paid. The only contractual, if you will, obligations are the fact that SIGECO sends a bill to us, the waterworks sends a bill to us. But, I mean, assuming those functions will still continue in the building then I will do letters transferring the billing address.

Commissioner Mourdock: Thank you.

President Mosby: Any other comments?

Tammy McKinney: No, sir.

Steve Craig - Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. Do you have any questions off of any of the inserts that I gave you?

Commissioner Mourdock: Yes, absolutely, and I need to very formally make a clarification here. I appreciate that you sent along the minutes of the advisory meeting of March 21st. On the second page under additional agenda items, and I'll read this for just a moment:

Jerry Schmits says that Commissioner Mourdock has asked him to see how the advisory board felt about the county taking over the Hamilton Golf Course instead of signing a new long term lease with the current operator.

Obviously, these are not verbatim minutes here as we do taping everything, and I'm not sure exactly what Jerry did say at the meeting, but I want to state for the record, what Jerry and I spoke of prior to the meeting, this does not represent that accurately. What I had asked Jerry to talk to the board about was, in general, the idea with the Hamilton Golf Course property, might it be conceivable at some point in the future to have some part of that property, not all of it, but to have some part of it used as a new county park on the north edge of the county? It was not meant at all to suggest that we needed to pull the lease, either A from the Hamilton's or B not use that in some way as a golf facility. I was just looking at all that acreage out there and trying to think of all the development that is happening on the north side of the county, and thinking that we need to plan ahead, and that might be the right spot for a county park. I just wanted to clarify that for the record. I don't know if you want to add anything to the conversation or the minutes, Steve, but I did want to make sure that was corrected.

Steve Craig: They were taken off of a tape, so.

Commissioner Mourdock: Okay, but this wasn't taken, it was a summary of a tape, I presume?

Steve Craig: Right.

President Mosby: Any other questions or comments? I don't have any.

Steve Craig: That's all I have.

President Mosby: Okay.

Steve Craig: Other than that and my worksheets. Thank you very much.

President Mosby: Thank you.

Commissioner Mourdock: I would move approval, we do have the Ozone Officers report and Soil and Water Conservation report, and I would move that we accept those reports as well.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

CONSENT ITEMS

Commissioner Fanello: Before we accept the consent items, there is one item under there that Counselor Hayes would like to look at, and that is item F, the service contract between Willis Administrative Services and Vanderburgh County. This is the first he has seen of this, so he would like for us to hold off on that.

Commissioner Mourdock: So we are withdrawing F from the consent items?

Commissioner Fanello: Yes.

President Mosby: Okay.

Commissioner Fanello: So with that ,I'll move approval of the consent items.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second as amended withdrawing F from the consent items. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Fanello: None other than, I guess, our Executive Session on the 16th.

President Mosby: That's the only thing I know of.

¹Consent items listed on page 32

Commissioner Mourdock: Nothing here.

President Mosby: Okay.

Philip Hayes: What about the jail?

Eric Williams: It's still there.

Philip Hayes: And are you right on?

Eric Williams: Right on?

Philip Hayes: These numbers that were submitted into the record.

Commissioner Mourdock: Right on, meaning right on the limit, or are these numbers accurate?

Eric Williams: They are accurate.

Commissioner Mourdock: Okay, the last number I saw was actually below 100% capacity again. We were at 265, I think.

Eric Williams: Somewhere around 282.

Commissioner Mourdock: Okay, then we were over again. No, we're under, 286 or 268?

Eric Williams: 268 is the capacity that we agreed upon.

Commissioner Mourdock: 329.

Eric Williams: 329, I'm sorry, Now you've got me all confused.

Philip Hayes: 286 is the (inaudible)--

Old Business

President Mosby: Old Business. What about RFQ's?

Commissioner Mourdock: We dealt with the RFQ issue before as far as the timing of it.

President Mosby: Okay.

New Business

President Mosby: New business.

Commissioner Mourdock: I have two issues, and I guess this is under New Business? First of all, we have had, last week the presentation by the Bar Association in essence on the need for more courtroom space. We've all been acutely aware of the fact that they do have some tight offices over there, and the

more courtrooms we have, the better we have it controlling the number of people we have in our jail, just because we process cases quicker. What they laid out before us in their report was obviously somewhat of an aggressive plan to get new space, and clearly they are looking at us to help them in the long term as we work through the jail situation. It seems to me, though, that we would be prudent to begin to deal with it in the short term situation as well. Just as a point of discussion, and I'll make this as a motion if you like, but we have all this space being run by the Building Authority. Steve Utley, having worked with him over at The Centre does a good job of starting with concepts and making them into solid plans. It appears to me that it would be prudent if we worked with the Building Authority, perhaps sent a letter to them to direct their employee, Steve Utley, to take a look at all of our current space, and to see how we might better utilize it in the short term. Specifically, what I would suggest, is that we send Steve on a mission to see if he can find ways in the present building, or buildings, to come up with five additional courtrooms, and also to get better utilization out of the current Law Library, which is a large space over there, thinking that Law Library might, in fact, be a good place to start to help with some of the relief that is needed on the overcrowding of offices. The magistrates in particular are very much jammed in. Having Steve do it frees us up a little bit of, well let me say it this way, I think Steve is more neutral than any of the rest of us who are involved with this, and certainly professionally he is the best to look at it from the idea of taking existing courtrooms and maybe dividing them in some way, and putting a schedule together so it's least disruptive to what court operations are.

Commissioner Fanello: Are you suggesting that we look at all space, not just courtroom space?

Commissioner Mourdock: That's right. That building plus this building.

Commissioner Fanello: Okay. I don't have a problem with that. I think we need to look at all of our space to make sure it is being utilized correctly.

Commissioner Mourdock: With that being the case, I will be more than happy to draft a letter to do what I just said, which I could present at the meeting next week, so that then that letter formally needs to go to the Building Authority Board because Steve works for them, but with the idea that we better utilize that space, and try to do something in the short term, I'll move the drafting of that letter.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: The second item I have is one that is New Business, Old Business, but it's in regards to the hotel project across the street. I read with interest that the county is willing to commit in some form up to \$1,000,000 to make that happen, and I have two concerns; number one: that we need public discussion of those issues, and number two: that the dollar figure, whatever it is, is the appropriate figure. As the senior member of the board here, I remember with some anguish how this room was filled on a couple of occasions when the three commissioners, myself, Mr. Tuley and Mr. Borries, at the time, were told we had to do something to help the hotel business here in town by bolstering the convention business, which we then spent \$40,000,000 to bolster the hotel business. Now, obviously, there are those who think we need to bolster the hotel business even

further by putting more county money in it. Obviously, the Mayor and I have a great deal in common, and it is not my point to squelch a deal, per se, but I'm concerned that there is an adequate amount of communication publicly about those types of proposals, and also, I don't know if either of you have had discussions with Council, and honestly, I don't know if the Mayor has had discussions with Council, so I shouldn't say—

Commissioner Fanello: To my knowledge he hasn't had any discussion with Council, but I have, he's had discussion with me.

President Mosby: I will say that I called the Mayor, I went in and met with him, asked him what his plans were. At that point in time he didn't have any specific plans. I told him if you have something, or somebody comes forward, I would be glad to meet with you, talk with you, work with you in any way due to the investment the county has in the convention center. At that point, he didn't have anything. I was made aware of a meeting he was having with Bays on Monday by City Council President, Curt John. I was not invited by the Mayor, so I didn't feel like attending and inviting myself. I believe what you read, probably through some memos, is probably what came out of that meeting, but he has not formally discussed any of it with me. I was only made aware of it by the City Council President, and he told me what was basically discussed in that meeting, and said I don't know where you stand. There was a meeting with Joan David, Chief of Staff, and the Mayor and Bays and the City Council President, I believe, and some other people.

Commissioner Mourdock: Okay, but it's been represented that the county is , "Good for a million bucks." Is that—

Commissioner Fanello: I don't think that is completely correct—

President Mosby: Somebody needs to ask the Mayor.

Commissioner Fanello: Yeah, that's not a completely accurate statement, and as I said in the newspaper last week, I'm willing to look at some possible incentives, and would be more than happy to look at them, but we have not been formally presented with anything, and the Council has not been formally presented, and when I talked to the Mayor, I asked him, I said, you know, you need to go to the Council and talk to them, and you also need to talk to the other two Commissioners. We were actually meeting about something else and that, I just happened to ask how the hotel situation was coming along.

President Mosby: I got all of my information from Curt. I mean, I'll admit that. Curt kind of laid out what Mr. Bays had in mind and what he had done over at the Executive in Owensboro. We had conversation, he asked me my opinion, and I told him from what I have seen, evidently on what Mr. Bays has laid out, I mean it would be something that would catch my eye. Due to the fact that I know we need a motel over there or we are going to continue to lose conventions as we are right now.

Commissioner Mourdock: The question of what we do is, I think, less critical right now than simply how we do it. Certainly we may come to a vote where it is a two to one vote as far as what we do with an incentive, and that's fine, that's just the way the process works. I would like to think that when we did The Centre, we had a pretty good plan in place even to the point of reading about the tunnel or the walkway that would come across. I tell you, that building was designed with that

walkway in mind. All they have to do is take down two panels and they are right there. Again, we were making that commitment as long ago as five or six years, and I think, we've done that, but the rest of this as far as the public discussion, and the public commitment, and I don't, I certainly don't want to undermine what Mr. Bays is doing. I don't want to make him think there is something available if it isn't available, and by the other hand, if there is something that can be made available, he needs to know it sooner rather than later, but it needs to be done in the public process.

Commissioner Fanello: I completely agree, I just, you know, somebody needs to come forward to us and make some type of formal presentation, or let us know what's going on.

Commissioner Mourdock: Okay.

President Mosby: I had offered to attend a meeting, I told the Mayor that if he had a meeting I would be more than glad to work with him and bring back to this body whatever...since we can't have two of us meet—

Commissioner Mourdock: As we well know.

President Mosby: We well know that, and we won't do that. I offered that to him and, as I said, I was informed of that meeting by the City Council President. We talked about it. Other than that, I can't really fill you in on anything. Any other business under New Business? Any other business? Anybody that would like to speak? Maybe Councilman Hoy can tell us.

Commissioner Fanello: He's got all the answers.

Phil Hoy: No, I don't.

President Mosby: Come on.

Phil Hoy: I have a question.

President Mosby: A question.

Phil Hoy: Concerning the hotel, again, I read this in the paper, as we all did. I think all of us here did. I think it would behoove us to, perhaps, as the Council and maybe you all as Commissioners make some kind of overture, I am not happy, how else can I say that, the Mayor left us out of the loop. If indeed that is what happened, I don't know, but I would like to see us take some initiative, and I would be glad to carry whatever message to the council. That doesn't mean they are going to do it, you understand, I'm just speaking on my own behalf.

Commissioner Fanello: I would just like to see something formal so we know, have something to even—

Phil Hoy: Maybe we should make some kind of formal statement so that we keep the process going.

Commissioner Mourdock: I think that is appropriate. The only thing that I have seen that is close to, quote, formal, was carefully labeled with the word draft all over it,

but in that document that was labeled draft, it said that the county was basically going to go, I think the wording was not to exceed \$1,000,000, and I am hard pressed to picture the Mayor just kind of grabbing that one out of the air, and I think there was a conversation somewhere, and it may have been nothing more than conceptually, but it is the point that it is public business that we need to discuss.

Phil Hoy: There is some economic development money available, as you all know.

President Mosby: I mean, if that figure came from anywhere, I don't know where it came from, because that was a figure that was brought back to me and I had never had a conversation about this whole thing, so—

Commissioner Fanello: In the meeting, when we were meeting, when the Mayor and I met, about another item and I asked the question about the hotel, and he brought up the fact about the incentives, he said I would want the county to look at contributing some money, he goes, I'm looking at 3.3 million, possibly the county could look at \$1,000,000? I said, you need to come to the Commissioners and the Council, but I am willing to look at that. If that was taken as anything more than just conceptual, that was an error on his part.

Phil Hoy: I would be glad to carry this second message back to the Council and have them discuss this issue. We meet this week.

President Mosby: I would be curious as to where the Council stands and what they think.

Commissioner Mourdock: That's the important question.

Phil Hoy: I'll bring it up on the floor then Wednesday, because we do meet Wednesday.

Philip Hayes: Mr. Bay's legal counsel is Edward Johnson, a partner of Johnson, Carroll, Griffith who contacted me last week. He told me a couple of things, one was that they were getting together with the County Treasurer with regard to the tax bill owed, and the other thing was discussing the format for going to the city for tax abatement. That was about it, it was those two items, there was no mention of any other formal submissions or anything else.

Phil Hoy: I'll call President Bassemier and ask—

Philip Hayes: I just wanted to let you know.

Phil Hoy: Mr. President, may I make another comment about the Old Courthouse?

President Mosby: Sure.

Phil Hoy: This is addressed to you, Mr. Hayes. I would feel really good and comfortable if you looked at their documents, the Preservation Society's documents to see exactly what they say, because if they say that their assets have to be turned over to another 501(c)3, then we may as a county have a 501(c)3 organization operating, let's hope, in tandem with—

Philip Hayes: I appreciate—

Phil Hoy: –plus also then, I know you can give gifts to the government, I've been told that and take it off your taxes, someone told me that, I have never done that.

Philip Hayes: We mostly don't want gifts. We're not interested in a whole lot of gifts, they usually have barrels on them, you know, if it's land you'll find a couple of barrels buried.

Phil Hoy: Some people are generous, believe it or not.

Philip Hayes: Abandoned vehicles.

Phil Hoy: We ended up with–

Philip Hayes: We have, you're right.

Phil Hoy: We may need that vehicle to receive–

Philip Hayes: Their 501(c)3's exactly like every other 501(c)3, just like the one you have–

Phil Hoy: So it's got to go to a 501(c)3–

Philip Hayes: Once you get, yeah, once you get finished with it then it's got to go somewhere. If it's in our property, we will store it. We will maintain, if we take custody of any of the items that have been mentioned here tonight, then we will sequester those and secure them and make sure they are not damaged or in any way destroyed or lost, and as far as getting the gift, we cannot. We have to work through a 501(c)3 in order to get other gifts.

Phil Hoy: Then my suggestion to the Commissioners as you move through this then, we have a new 501(c)3 created.

Philip Hayes: We can't really do that, that's the problem. We can encourage good citizens to do it, and I think as Faye mentioned, I don't think their Board is ready to know at this stage what they wish to do, I mean, we're more than happy to work with that 501(c)3 if that's–

Suzanne Crouch: Excuse me, Mr. Hayes, Burdette has applied and been accepted as a 501(c)3.

President Mosby: Yeah, I talked to Robert Kearney the other day, and he had said the paperwork had gone through–

Philip Hayes: Burdette Park as a County Park didn't do that, if somebody did, it would be like the Friends of Burdette Park, or someone else, but the county, that facility I don't think did.

President Mosby: The Board applied for it somehow.

Philip Hayes: Then the Board isn't a Board, then it does not, it does not have the governmental qualities that would forbid it from doing that. It's like the parks foundation, David, I think that's the same thing.

Phil Hoy: I don't know how they are doing it, that's not, you know—

Philip Hayes: Understood. They have the friends, and the friends were asked to buzz off, yeah.

Phil Hoy: --They have another group, and somehow they...I don't want to get, I have, you know, I don't have a puppy in that fight, or a dog, either one.

Philip Hayes: We're on the right track, we're on the same track.

Phil Hoy: Okay, what I'm saying is that, I think, what we may encourage, foster, whatever word you want to use. As Commissioners, I think it is very important that we do that, because there are a lot of us out there who love this building, and probably will buy a membership in it, if there is a vehicle through which we can buy a membership, as you know.

Faye Gibson: Yes, I know. The Society loves the building and the Society doesn't want to go away. It just can't pay its bills, it's broke, so it's not to say the Society or the members of the Society who have given \$25 or \$50 a year, or I who have been there thirteen years, or the Board who has been there for many, many years, that we don't care about this building and what happens to it. We don't want to be a liability, though, that we can't pay our bills, and we're broke now because of SIGECO bills, but I think that needs to be said that we don't need, you know, to think that the Society doesn't care about the building.

Phil Hoy: Don't leave, Faye, since you're standing here, and you represent that Society, would that Society then be willing to be the vehicle with whom we work as a county? Because, if that's the case, then we don't have to pay a lot of money to have a lawyer draw up a new 501(c)3—

Commissioner Mourdock: Right.

Phil Hoy: —contract, and your Board—

Commissioner Mourdock: Right.

Phil Hoy: —could vote that, and could be the vehicle through which we work, and I know, and if I'm putting you on the spot, I'm really not going to apologize, because I know how you love that building, and so do I.

Faye Gibson: Yeah.

Phil Hoy: I think, the Society might do that, and we could do this without going through all that pain—

Commissioner Mourdock: It sounds like if that Board is willing to do that, all we need to make sure is that they have a viable Board—

Phil Hoy: Can you carry that to them?

Commissioner Mourdock: —meaning people who are willing to continue serving with the Board—

Faye Gibson: I would be more than willing to carry that to them.

Phil Hoy: Thank you very much.

Faye Gibson: We have a Board meeting Wednesday night.

Phil Hoy: Okay, good.

Commissioner Mourdock: Okay. As long as their Board is willing to do that, it makes moot a lot of these issues.

President Mosby: Any other questions or comments? Seeing none. Motion to adjourn.

Commissioner Mourdock: So moved.

President Mosby: So ordered.

Meeting was adjourned at 7:18.

CONSENT ITEMS:

Employment Changes:

Superior Court	Health Department	Community Corrections
County Council	Burdette Park	Pigeon Assessor

Travel Requests:

Health Department	Recorder	Public Defender
SWCD	Weights & Measures	

Recorder- Betty Knight Smith:

Surplus microfilm camera, microfilm duplicator and card encoder.

Lease at the Coliseum between Council of Veterans Organization and Vanderburgh County.

Sheriff:

Submit weekly jail information and reports.

THOSE IN ATTENDANCE:

David Mosby	Catherine Fanello	Richard Mourdock
Suzanne Crouch	Philip Hayes	Tammy Mc Kinney
Madelyn Grayson	Ron Budzinski	Faye Gibson
Phil Hoy	Mike Freeman	Jim Matarelli
Brad Ellsworth	John Stoll	Steve Craig
Ralph Kissinger	Eric Williams	Others Unidentified
Members of the Media		

APPROVAL:

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson and Transcribed by Charlene Timmons, Teri Lukeman and Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
April 9, 2001**

The Vanderburgh County Board of Commissioners met in session this 9th day of April, 2001 at 6:04p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I would like to call to order the meeting of the Board of Commissioners of Vanderburgh County for April 9, 2001. With us tonight is Tammy Mc Kinney, Superintendent of Buildings; Counselor Philip Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor Suzanne Crouch; and Madelyn Grayson, who is our Recording Secretary. Also I would like to acknowledge sitting in the front row tonight, former Commissioner Bob Willner and his wife, Betty, is with us, and Bob we will have you lead us in the Pledge.

Commissioner Mourdock: For old time's sake.

President Mosby: Thank you, Bob.

Approval of Minutes

President Mosby: Approval of the minutes from the April 2nd meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered.

Robert Willner-Darmstadt-McCutchanville Kiwanis Club

Next will be Robert Willner, Darmstadt-McCutchanville Kiwanis Club.

Robert Willner: President, Commissioners, I appreciate the opportunity this evening to speak with you. I'm Bob Willner, and I do represent the Darmstadt-McCutchanville Kiwanis Club. We have taken on the civic project of repairing the cross located on Highway 41 and Old State Road. I'm sure you have some pictures there, if you don't, I have some. We have been toying with this project for about a year, and we finally got the state to tell us that it belonged to Vanderburgh County. I'm sure that you didn't know that, and neither did I. Just a little bit of history, Reverend Reveal at Evansville Camp Reveal, and with the Evansville Rescue Mission had permission to put the cross up in, I think, the 1920's. In the 40's the state came along and rerouted Highway 41 to four lane highway, and they bought the property, used what they wanted and then turned it back to Vanderburgh County. At that time I understand that they didn't have to even notify you they just simply did it. I think, nowadays it has changed, you have to accept it now, but not true then. Anyhow, we would like to repair the cross and turn it back over to the Evansville Rescue Mission, they have been doing the maintenance on the property for 70 some years, and we think they have a vested interest. Here is the artists' sketch of what we would like to do, and that might be the end result and it may be changed from that, because we don't have a sign crafter yet. We think that we need to get title to the property before we continue with any outlay of cash. Andy Easley did the land

survey and Jerry Atkinson did the legal work, and with me this evening is our Club President, the Treasurer and several members of our club, including a former member of the State Highway Department, whose work, I guess, has been very valuable. We will answer any questions that you have, and, if I can, I will take them. We would like to have title to the property. We would like to update the sign, take care of it and then we would like to turn the property and the sign back over to the Evansville Rescue Mission, who has agreed to maintain it forthwith.

President Mosby: Questions?

Commissioner Mourdock: Yeah, a couple of questions, Mr. Willner, and I am not in any way against the proposal. This property came up once before and it was, I think, probably in 1995 it came before this board at one point, and there was some discussion then about who, in fact, owned that parcel of ground. As you said, the state says the county owns it, and yet I don't know that we have ever had any record show up, and I know we had John Stoll, and I don't know if John's here at the moment, but he did a pretty extensive search to see if we had it, and there was no record, in fact, that we owned it. Now the obvious, and correct me, Phil, if I'm wrong here, but the obvious way for the county to deal with this, since there is a question of our ownership, is effectively just issue a quit claim deed for any right that we may in fact have for this particular property, and I would think it would be prudent to have the state do the same thing. Has the state indicated willingness to do that for you, or are they just saying the county has it?

Robert Willner: I have a letter, and I think you have one from the State Highway Department saying that the county does have, that the property does belong to Vanderburgh County. Do you not have a copy of that?

Commissioner Mourdock: I do have, yes.

Robert Willner: It is signed by Dale Lucas.

Commissioner Mourdock: Right, and I—

Robert Willner: He has been there for maybe since the sign was erected, I don't know.

Commissioner Mourdock: I'm sure, just again to make sure the title is clear for the folks at the Rescue Mission ultimately, they probably would need to get, and I would think Mr. Lucas would not have any problem signing a quit claim deed from them. If they are saying we don't own it, then the quit claim deed would just formalize that, but that way they would take care of any interest they may have ever had, and we would take care of any interest we ever had, and the deal would be done. Does that make sense, Phil?

Philip Hayes: Yes, and I talked to Jerry Atkinson who has handled all of this for you, and, of course, he's, I told him I would make him an expert on the record tonight, and he is that. Let the record so reflect. He mentioned the notion of quit claiming or another more fitting conveyance from a government. What Mr. Lucas' letter says is that, he hedges on me, he says we control it, and that may be the case historically, in fact, so, I think, what the Commissioner has said is the case and tomorrow we are going to get together and talk about what appropriate form to use, but whatever that is, if you wish to approve subject to an appropriate quit claiming and then he's also without repeating, talked about other safeguards and conveyances from any other

claimants that may be there, including the Rescue Mission.

Robert Willner: I might add that the property is not big enough for any type of building, so we're not talking about somebody that might want to do something with it.

Philip Hayes: No, right. That's our understanding.

Commissioner Mourdock: It doesn't say on this draft what the acreage is, but I'm going to guess, just looking at the meets and bounds here, it can't be much more than 1/10 of an acre, 1/4 of an acre, I mean it's just a little wedge out there. Okay.

Robert Willner: Really you couldn't use that much, if the county has a right-of-way of 50'.

Commissioner Mourdock: Okay. Well, I would move then that Vanderburgh County, or that this board direct the County Attorney to draw up a quit claim deed or other appropriate deed to the Darmstadt-McCutchanville Kiwanis Club so that this parcel of ground can again go back into the interest of, basically the Reveal heirs or the Reveal Association.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second, so ordered. Thank you, Bob. I appreciate it.

Robert Willner: I hope all of your problems are this easy.

Commissioner Fanello: We wish.

Commissioner Mourdock: You know they are.

John Stoll- Open Quotes For Culvert Installation

President Mosby: John Stoll. Open quotes, I guess, do we have the quotes? Do you want to go on while he opens them?

Commissioner Mourdock: Sure, I'll move that we open the quotes for the Peerless Road culvert installation.

Commissioner Fanello: I'll second.

President Mosby: That's the same job.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

Commissioner Mourdock: I'll also move that we have the County Attorney open bids for the St. Joe Avenue culvert installation.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered. While he is doing that the next item of business is Phil Hayes agreement for legal services, so we will move on down, and at this time, I would like a motion to amend the action item agenda to include, I think, a draft that everybody should have seen on the deal with Bays Investment Corporation.

Commissioner Mourdock: Okay.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered.

Mike Shopmeyer- Bays Investment Corporation
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President Mosby: The next order of business will be Bays Investment Corporation, Mike Shopmeyer is here to speak with us.

Mike Shopmeyer: Good evening members of the Commission, I am here on behalf of the Mayor's office to address an incentive package, a draft of which you have before you. If I may, I would like to give some history of what has transpired in the last three or four weeks as we've been in the midst of negotiations, much of which have been very much publicized for this incentive package for the renovation and redevelopment of what has traditionally been known as the Executive Inn Hotel property, which would include the garage across the street. I think it goes without saying, that all of us, particularly this Commission, understand the vital importance of that property to our community given its location and the fact that it is the only convention hotel in our city. We have, as a community, been at a serious disadvantage, I would say for maybe two or three years as that property and more importantly the services provided has by most accounts from independent sources seen a serious degradation to the point that it closed and we stand here today in the situation where we have several attorneys none of which are necessarily economically what any of us would face. I would point out for the record that the city of Denver just went through this process and I believe the subsidy from that community they had to put forward just months ago was in the \$40,000,000 to \$50,000,000 range. I would venture to say that community is not 40 times larger than this city. Let me talk about what is in the letter before you, before I do that let me set forth our objectives as we went into negotiations, those objectives were to assure that the problems that we've had to date with our convention hotel services, which are critical for the convention center to succeed, have been longstanding, and, frankly, may have, in fact, preceded the prior owner. We want them to set in place as best we could in negotiations, a framework that would prevent us from seeing this problem again, because it is a 30-40 maybe 30 year old roughly facility, and we think we have found that answer in the agreement that is before you, and in no small part because of the party we were negotiating against. I will tell you, in the midst of these negotiations that other parties did come forward, and as the numbers came together and, I think, as they saw where Bays Investment was going they dropped out or were not close to where we are right now. The biggest problem with that property, in my opinion, as a real estate lawyer was the title defect that exists in its very development, and that development included a large portion of that property which is under a very expensive lease that one would say encumbered that property. In Evansville, Indiana, I am not aware of another piece of property that has ever been

developed with such a state of title, I would call it a title defect, that may be a strong term, but it is certainly a title anomaly, and that became very obvious as the negotiations commenced with all of the parties. Bays made it very clear in the negotiations that development would not occur from his camp without the assemblage of that property which in my experience should have occurred before the development ever occurred. As best we can tell, that was not the desire of Mr. Green, and some have suggested that his motivation for the operation of the hotel may not have been as profit oriented as most business people need to be. I think having studied and looked at this a great deal over now the last two years because we are involved in the lawsuit for the collection of the innkeepers tax which I represented this body, in which I graciously agreed to turn over to Mr. Hayes which he has not accepted my invitation at this point. We knew the problems and how serious they were. That title defect stands to be corrected in the document you have in front of you. I will tell you that the initial drafts of this document provided for the city to undertake that through the city's condemnation powers through its Redevelopment Commission, and in the later negotiations of the last few weeks, Mr. Bays for, I will be happy to answer detailed questions, but it is very time consuming for government to undertake that process. Mr. Bays has expressed a willingness to do that at a price. That price was added into the cash offer, which is \$3.3 million total, you see in front of it your share is \$1,000,000. I will tell you that that add on of that price we spent a great deal of time in the last four days with an appraiser expert looking at whether the amount that Bays has asked for to be added to the incentive would support, or the appraisal would support that number, and I will tell you today that that number was between 10% and 40% above the amount Bays is, in our estimate, subsidizing to the tune of several hundred thousand that acquisition that we would have under the prior negotiations picked up. The initial negotiations also included abatement, I will tell you those negotiations were on a ten year schedule, those negotiations, you will see the contract, excuse me, you will see that the incentive proposal that is in front of you is for a three year abatement. This body, I do not believe, would not vote on that abatement, because it is in the city, it would be voted on by the City Council, but it does affect your future strength, it does not take away any money you have, by any means, but it, I guess, might affect your budgets indirectly. The other objectives were to make sure that we didn't run into a situation as this county did before where we have a hotel developer who decides to compete with our very Centre and that prescribes in the restrictive covenant that's called for in this proposal you have in front of you. Finally, we did not want to put up any of the taxpayer's funds until such time as we saw that the investments and the many requirements we have in here that would include a bridge in these funds that connect the convention center with the convention hotel, which is my understanding that this convention center, which this body built provides for that, if both vomitories on the Martin Luther King side of the building. It provides that the assemblage of the properties so that should we ever, unfortunately, have to revisit this some day again, ten or fifteen years from now, we won't have the title defect. The \$8,000,000 investment is to be completed before you let go of your first dollar in this package that is before you. I won't go into all the back and forth negotiations, I'll tell you that the investment amount was considerably lower, David was involved in the last series of negotiations, he knows as well that there was a lot of give and take that occurred, I don't think we need to go part and parcel into each of those points, again I will answer your questions as you may ask those. I will tell you that in the negotiations Bays has performed everything that he has told us he would do. In fact, he is way ahead of the game. He moved ahead on the acquisition of the property, all of us know he is in there, all of us can see the investment that is being made as we've spoke, I think that he has done that in good faith based upon where we have been in these negotiations for many weeks, and I think it speaks highly to the performance

we are going to see. In plain and simple terms, I would have to say, I personally have been convinced, and I was skeptical as we began the negotiations that this appears to me to be a company that is going to do what they say they are going to do. Nonetheless, we legally have put in place the safeguards that will ensure that both in the standards in the non-compete, and the crosswalk, in the payment terms and so on that we think put in place protections that we think this city and this county never had before in the prior dealings which we have had, and we have had a public-private partnership with this entity even when Green was there. I would say that it fell apart, as obvious by the convention center that was built across the street. I think that we have done all that we can in our power, and I think that this is the best agreement that we can reach at this point, and I would encourage, and the Mayor would encourage that you enter into this instrument. I would also point out that Curt John on behalf of the City Council as the President has also been involved in negotiations as has David.

President Mosby: I will just say that I was called, and Friday I did go to two different meetings, I believe it was, one in the morning and one in the afternoon, very extensive dialogue between the developer and the city and the county, and what I read here is basically what we asked for in the end, and it looks like a three year abatement and seven years, ten years. I will say that he has to keep it a three star motel for seven years. There is going to be covenant that runs with the land, so that if he sells it, it still has to remain a three star motel or there is a \$30,000 per month damages fee due to the county and the city on their money. It has to remain a hotel for ten years—

Mike Shopmeyer: Yes.

President Mosby: —they cannot change the facility.

Mike Shopmeyer: It's actually not penalties. Penalties are illegal, it is liquidated damages that we have—

President Mosby: That is why I didn't say penalty.

Mike Shopmeyer: Okay. I thought, maybe I did. It is liquidated damages that in that case we don't have to go out and establish our damages, which would be very difficult, so he will sign off and his company will sign off on that. That will certainly if we fall into disrepair or poor service as, we think, most would agree did before, we'll now have some leverage to deal with that, whereas we did not before, except for our back taxes.

Commissioner Mourdock: Just to clarify, on the restrictive covenant provision, and I realize this is not the language of the document itself, but this covenant apparently has several different clauses to it, for instance, what I have in this paragraph says that it has to be a three star hotel, then the next sentence talks about that it has to run as a full service convention hotel, which begs the question, what if it is still a full service convention hotel, but no longer the three star? Is that \$30,000 per month provision in place, or would it be in place for each clause within the restrictive covenant?

Mike Shopmeyer: Yes, that is certainly the intent, and that would also apply to the limit, the non-compete, for example, the couldn't buy the Green Center, although, I think, the library, as I understand it, the take is accomplished, but there is land behind the garage that they do own.

Commissioner Mourdock: Secondly, in your remarks, Mike—

Mike Shopmeyer: May I finish one point? It's seven years on, I think I have a typo here, it is actually, I think I left in three diamond, and I was told this afternoon it is technically three star.

Commissioner Mourdock: It is star here.

Mike Shopmeyer: Is it star?

President Mosby: Three star standard, right.

Mike Shopmeyer: Whatever the AAA, the mobile is, one is star and the other is diamonds. Seven year on that standard, ten year on convention hotel, to answer your question, Richard.

Commissioner Mourdock: Okay. Second question the, in your remarks of a few moments ago, you said that the \$8,000,000 investment on their part has to be made in the next 18 months, and you said verbally that before any money came from this body, came from the county, that would have to be fulfilled, did I understand that correctly?

Mike Shopmeyer: Yeah, and that's a good point.

Commissioner Mourdock: Because this document goes on to say that we have to make that payment on or before January 15, 2002, which is only like nine months away.

Mike Shopmeyer: That's a very good point. I think that that provision ought to be amended to say January 15th.

Commissioner Mourdock: Of what year?

Mike Shopmeyer: The 18 months, and you've got to realize, if I may, buy some excuse for the scribe, I am the scribe this afternoon. That 18 months was from prior negotiations. We have accelerated that, so I would here on the spot amend that. It's a very good point that you make, to say that the investment will, I am confident that we can achieve that investment by the 15th of January.

Commissioner Mourdock: Of 2002?

Mike Shopmeyer: David, you were in there with me, I think—

President Mosby: He says it will all be done by the end of the year.

Mike Shopmeyer: He says six months is what we were told.

Commissioner Mourdock: Okay, so you are saying effectively the 18 months that you mentioned verbally a few moments ago, and that is in this document goes away and that the date that when the county would begin to make payment would just be January 15, 2002?

Mike Shopmeyer: Yes. That is my error, I'm going to have to talk to the lawyer to make sure, but David was there. Surely the discussions are for everything to be

done. The only thing that I see that might not be done would be the engineering of the crosswalk. The reason is not our center, it is where it comes down within the hotel. It is going to take some engineering on their side. While our center is ready and developed with that in mind, that hotel is not. So the question is does it come down at the corner of Locust and Walnut? That's the only thing that I see that could hold us up. We could, obviously, come back to you before you cut the check and see if you are willing to... and he may have that done—

Commissioner Mourdock: Yeah.

Mike Shopmeyer: —based on our discussion—

Commissioner Mourdock: Not having been a party to the discussions, and I understand the makeup of the board, and it is not necessarily appropriate that I should have been in those discussions, but I would have at least raised the issue, and perhaps you did, on should our investment be tied to the date or their actual investment? In other words, if they make, if it takes them 14 months to make the \$8,000,000 investment, should that be when our money kicks in? Maybe you had that discussion?

Mike Shopmeyer: What I am proposing to you, and I think, I'm pretty confident I can achieve is just change that 18 months to the first payment from the county, which is January 15, 2002.

President Mosby: I think to answer his question though, is basically we owe no money until the investment is made and this thing is considered a three star motel. We don't have to make one payment—

Mike Shopmeyer: Except my language contradicts that with the 18 months, and I think that—

President Mosby: If he never achieves that, we don't owe any money.

Commissioner Mourdock: No, that's not correct. The way this is written, if he achieved that, but he didn't make \$8.3 million investment, we still wouldn't owe him any money, because this is two fold, this is on the three star status and the investment of the \$8.3 million. Frankly, I don't care if it takes him \$20 million or \$3 million, we all want the three star status, that's for sure.

Mike Shopmeyer: Is the 18, again, the 18 month, I think, is an error, I think, that they will be agreeable to the January 15th completion of everything, Richard, but I might ask that you vote both ways so that—

President Mosby: Can we just delete it? I will just amend it to say \$8 million of this investment bringing this facility to a three star, just leave it out. I mean all you would have to take out is, "in the next 18 months".

Mike Shopmeyer: Yes, because the language down below says that we won't pay, right, Richard?

President Mosby: I wouldn't set the motion—

Commissioner Mourdock: That's right. I think there is two areas. I think, in the paragraph that starts with the bold lettering, Urban Development Funding, okay, it

should say, "garage facility of not less than \$8 million of investments", and to be consistent, I would suggest, "prior to January 15, 2002". Then you don't have to do anything with that paragraph on the back page.

President Mosby: Okay.

Commissioner Fanello: Does that make sense, Mike?

President Mosby: Investment prior to—

Mike Shopmeyer: That's what I am saying, I may go to them, and if so, I'll be back, but based on the dynamics of negotiations as Dave and I have seen it, I don't think that is a problem. I will tell you the 18 months came out of negotiations three weeks ago, where we were then.

Commissioner Fanello: With that...did you have any more questions?

President Mosby: Well, we need to vote on that—

Commissioner Mourdock: Go ahead, then I will make my statement here in a minute.

President Mosby: Do you want to vote on this? As we discussed, this funding is contingent upon your investment in the hotel and its adjoining garage facility of not less than \$8 million of investments prior to January 15, 2000—

Commissioner Mourdock: Yeah, I mean to accept that language into the document you have, just to accept that language, I will go ahead and move that.

Commissioner Fanello: Second.

President Mosby: Okay. I have a motion to accept the language with a second, so ordered.

Commissioner Mourdock: Okay, my bigger issue will come up here at the time of the vote. Unless there is anything else, we could go ahead and vote now.

Commissioner Fanello: I'm going to make a motion, since we can't actually deliver the \$1 million without Council approval, I will make the motion that this Board accept the incentives and support the tax incentives for the hotel and then I would ask that our President, I guess, go before the County Council and follow through with the funding approval.

Commissioner Mourdock: And for the purposes of a roll call vote, I will second that motion. Then we just need to do the roll call.

President Mosby: Okay. So we have a motion and a second—

Commissioner Fanello: And a roll call vote.

President Mosby: And we will do a roll call vote, and before we do I would like to state that one of the first things I said to the Mayor graciously when I walked in is that I cannot speak for the County Council. Having been there before—

Commissioner Fanello: That is why I said the motion that way.

President Mosby: I told him, I said, you understand that they are the funding mechanism of the county and we are the Executive Branch, and I am more than glad to be here, I do support this document, we need a motel, we can't build one or buy one for \$3.3 million with the generous donation from the city of \$2.3 million of that, but I did state, as Mike can witness, that I cannot speak for the County Council.

Mike Shopmeyer: That is a great subject, but it has to be by law because there is an appropriation process that all contracts are subject to, and obviously Mr. Bays' company and his lawyer are well aware of that, and it is in here.

Commissioner Mourdock: And it is fully appropriate as a contract that this contract come to this board before it would ever go to the Council.

President Mosby: Right, and the Mayor said the same thing, he has got to take his to the City Council, so, but I will say one thing on Mr. Bay's part, he is a very dynamic person, I believe he will live up to everything he says. We were negotiating over there and they were putting roofs on at the same time, and the motel looks better already, so I will say on his behalf after sitting in a meeting with him and Jessica that I believe they are very honest people. Saying that, roll call vote, Commissioner Mourdock.

Commissioner Mourdock: There are times when you seriously question what is the best role for the community as a whole? What's the best role for county government as a whole? Being the only member of this Board who sat in these chairs a few years back when we got ready to do the convention center, at that time we had people come forth, many from the hotel industry in particular, and not just at that time Mr. Granoff, who owned the Executive, but all the different hotel people, Visitors and Convention Bureau, which Mike has represented before, and they came here and said we have to do this, we have to invest \$40 million in this auditorium, at that time, to make a full convention center and to revisit and revamp the auditorium. If we don't do that, we are not going to have a hotel business in Evansville. Now it strikes me that the shoe is on the other foot. We made that investment for \$40 million, and now we are being asked to come back in and sort of recreate the hotel business. I also have the concern, and I know there has been talk, and in your remarks, Mike, you mentioned it briefly about other interest in a second hotel, or whatever, I think it is in the best interest of this community to have not just one convention hotel, but several, and I fear that if we start with this type of incentive with this hotel, what is it going to be for the next hotel? Especially where this one has somewhat of a geographic advantage with the walkway that was given a lot of pre-consideration to begin with, I mean we thought that would be a good idea, but geography very much designs who would get the benefit of that. I do not in anyway wish my vote to impune the character of Mr. Bays or his organization, I have heard many good things, but having made a \$40 million investment once in the convention business of Evansville, I really, and the city did not help in that one by the way, but we did that one, we did it in good faith, and I think this one is for the city to do, and the city should proceed in good faith, but without the county, so I will vote no.

President Mosby: Commissioner Fanello.

Commissioner Fanello: Well, now I will make my statement. We have a \$40 million facility sitting there practically not living up to its potential because we have no quality convention hotel. I'm excited to see this proposal. If it were any other hotel sitting across the city or county, I would think more than once about it, but since this hotel is directly tied to our convention business, and I feel like this \$1 million

investment by the county will bring back convention business tenfold, I vote yes.

President Mosby: I guess I would be remiss if I didn't make a statement.

President Mourdock: It's up to you.

President Mosby: I would like to say, this was not ironed out in one day or one hour, I mean, there was a lot of extensive negotiation, the county and the city did just not up and say here we will give you this money. It was talked about what it means to the city, what it means to the county. I have to look at it from a county perspective, when I look over there and see a \$40 million convention center that was built, and I know it's not living up to its potential without a motel, and that is obvious because we lost a convention of this body to Indianapolis. I got my card the other day saying note the change. Time and place. The City of Evansville was supposed to have the county convention this year, it should have brought 1200 to 1400 people to this city, and what did we do, we lost it, because we did not have a motel. So, saying that and noting some of the other things that have happened already that conventions I've heard that we possibly could lose in the future, I have to vote yes to protect this county's interest. There being two ayes and one nay, I will go to the County Council and explain our position. Thank you, Mike.

Mike Shopmeyer: I will see that that's changed. If you could go ahead and write—

Commissioner Mourdock: Just initial the change there, Mike.

Mike Shopmeyer: Yeah, you can initial, but I will redo the whole page.

President Mosby: You initial the change too. We should all initial it and sign it. While we are signing this, I will go back to C with John Stoll and let the Counselor give us the quotes on Peerless Road and St. Joe Avenue.

Philip Hayes- Open Quotes On Peerless Road And St. Joe Avenue
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Philip Hayes: Okay. We have opened St. Joseph Avenue I am going to do first, project VC01-04-03. BMB, Inc. of Evansville bid \$16,850 non inclusion affidavit and other matters appear to be included as required. Bid number two was Deig Brothers, bid was \$11,982 and summarily their non inclusion affidavit and other documentation as required was there. There was just the two bids, was that correct? With regard to St. Joseph Avenue, okay, so we have those two bids are categorized, and I will go ahead and give them to you to give to the Auditor. With regard to Peerless Road, project VC01-04-02, the first bid was from CCC of Evansville, Inc. and that was in the amount of \$10,750.17. The second bid was from Deig Brothers, Inc. and it appears that their appropriate documentation has been submitted with an attached bid, and the attached bid amount is \$17,898. The third bid was submitted by BMB, Inc. of Evansville, and they have properly included all documentation including non inclusion affidavit in proper form, their total amount of bid is \$14,877. We have no other bids, is that correct? We have one other one? Understood. We've already read that, that was CCC of Evansville, Inc. in the amount of \$10 thousand...there should be a total of three bids having been read into the record and that is all that we have on those projects.

Commissioner Fanello: Do we need a motion? Motion to take under advisement.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to take the bids for Peerless Road and St. Joe Avenue under advisement. So ordered.

Phil Hayes-Agreement For Legal Services With Tim Born
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President Mosby: D, Phil Hayes, agreement with Tim Born.

Philip Hayes: Correct. Tim Born of the firm Terrell Baugh Salmon & Born, LLP has been representing the county in a matter entitled, "Evansville Outdoor Advertising, Inc. versus Area Plan Commission of Evansville joined with Vanderburgh County". This year 2000 case filed in December was assigned to Mr. Born and his law firm and we have determined that no contractor agreement for legal services was entered into. In that we would request that a contract be entered into as of the second or third day of January 2001 in order to cover billings on that. We think that the interest of the two parties, the Area Plan Commission and the County are convergent in most instances and I've been informed that we will be notified concerning any necessary separation of services. In addition, Mr. Born has also agreed to represent the county as co-counsel with Joe Harrison, Jr. of Bowers Harrison in the matter of Vanderburgh County on the Lynch Road project, and that is an imminent domain case, the property owner is Durcholz, there is heavy litigation and I think that the body has been made aware of the complications, so as a result after conference with the parties, it was determined that Mr. Born would assist as counsel for Mr. Harrison in that matter. Mr. Harrison is lead counsel. They were to have gone to a mediation that was assigned by the court that the mediator has had to defer that matter, we are not sure for the reason, we will be told a little bit later.

Commissioner Mourdock: Mr. Born's representation in the Durcholz case is totally outside any connection with APC?

Philip Hayes: Yes. Yes, it is, but there is a convergent expertise that he has developed—

Commissioner Mourdock: Sure. Yeah.

Philip Hayes: —and I think without getting into the gravamen of what is anticipated in the case, we feel that's ground we don't have to tread over again, so to speak.

Commissioner Mourdock: The APC is not involved in the lawsuit?

Philip Hayes: They are not. No, they are not.

Commissioner Mourdock: Okay.

Philip Hayes: It's mainly to gain association with the, how can I put this without giving up the ghost, certain issues, I think, that are anticipated in the evaluations that are given in that field it's important.

Commissioner Mourdock: Having worked with Tim for a lot of years on APC he always does an outstanding job there, and I've not seen him in action as a litigator with this stuff, but I know he does have a great wealth of expertise, so I would move approval that we put him on for that extra bit of work with the Durchholz case.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second, so ordered.

Any Group Or Individual Wishing To Address The Board

President Mosby: Any other group or individual wishing to address the board under action items? Okay.

Steve Craig: Steve Craig, Manager of Burdette, and I was wanting to request opening of the Food & Beverage bids for Burdette which were due in by six tonight by Phil.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to open bids for Food & Beverage for Burdette Park. So ordered. At this time then we will have corporate counsel open the bids for Food & Beverage while we move on to department head reports, and then we will come back. Is there any other group or individual wishing to address the board before we move.

Cheryl Musgrave: I'm not sure if this is the right place to bring it up. I have a need to advertise a vacant position in my office, and if I waited until next week I would lose another five days and an opportunity for a Sunday paper, so I would like permission to advertise this recently available position in the Indianapolis Star, the Evansville newspaper, National Publication for Assessing Officials.

Commissioner Fanello: I will so move.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to allow the Assessor to advertise for a position. So ordered. Any other group or individual wishing to address the board under action items? Seeing...yes.

Troy Tornatta: Troy Tornatta, County Council. I guess, I had a question on what our involvement with the courthouse, the Old Courthouse Society is going to be? What direction we are going to take there? I've talked,...go ahead.

Commissioner Fanello: No, go ahead, I thought you were finished.

Troy Tornatta: I have talked with the President, Robert Woosley, and I get some mixed feelings on what the Commission wants to do versus what I've talked to Mr. Woosley on and what direction we should take, so I'm just kind of throwing the question out there.

Commissioner Fanello: Are you going to stick around for awhile, because we are going to get to Tammy's report on the Old Courthouse, and I think we might want to bring some things up during that.

Troy Tornatta: Yeah.

Commissioner Fanello: I mean, if, I don't know exactly what your wondering, but, if you are wondering if we are going to take it over, I think, we have decided as a body to do that.

Troy Tornatta: In what capacity and then what are we going to have the—

President Mosby: You are referring more to the board and what was discussed last week, I believe?

Troy Tornatta: Well, I guess, I'm looking for the direction that we think we will take, and what parties we are going to—

Commissioner Mourdock: Do you mean, Troy, the direction that we are going to take in the day-to-day management of the building or the direction we are going to take in working with the Old Courthouse Society—

Troy Tornatta: More or less—

Commissioner Mourdock: —as a legal entity?

Troy Tornatta: Exactly. The latter of the two. With the Old Courthouse Society, how we handle that situation, to make sure that we are not coming in with the guns, as opposed to coming in with open hands and open minds trying to figure out maybe a problem.

Commissioner Fanello: I think, maybe a couple of weeks ago I had talked about us forming a committee, which we have the names for that committee tonight, but I also know that Tammy had informed me today that she has requested several times from Faye and the Society some information and has received, has not received any of the information she has asked for. I was also in a meeting last Monday with Tammy and Robert Woosley and again that information that list of items was presented to him as well, so we are lacking some information which was going to be brought up when Tammy gave her report.

Troy Tornatta: I would just like to, you know, I told David that I would try to make contact with Mr. Woosley, and did, and we sat down and talked about several ideas that he had, more importantly, was the fact that they are a working body that wants to be involved, and there have been some conflicts and maybe part of that can be rectified after Tammy takes over some of her duties with the courthouse. Until that happens, and until we are in, I guess, what I am trying to say is, if the decision is to throw the Old Courthouse Society out, and they have no say in this, then I would appreciate that we reconsider that, because they are an important part and if we find and draw a conclusion that they are of no use to us or we are no use as a partnership then I think that we can go on from there.

Commissioner Mourdock: I'll take a bite into that apple. It's my opinion, one member of this board, and this came up, was it last week or two weeks ago we were talking about some of the assets that may have actually—

Commissioner Fanello: It was last week.

Commissioner Mourdock: —been given to the Old Courthouse Preservation Society and what would happen to those. Faye Gibson made the comment at that point that the Old Courthouse Preservation Society is not going away, they are not looking to

dissolve that entity which is today established as a (c)3–

Troy Tornatta: They run the jail. They work with the jail building.

Commissioner Mourdock: That is somewhat of a separate issue in light of the letter that we received, as far as what their future role would be in managing it, but it is my opinion that that entity needs to continue in existence. The only thing that is effectively changing, in my opinion, is the day-to-day management of the building. All the bills should be paid directly by the county, the tenant management, the facility management would be by the county. However, keeping that entity in existence, and that means they would have to keep a board there, although it would obviously be a less active board than it has been in the past, that would also allow us the chance to potentially get some grants, and also do things that they can do that we can't do. So, I would hope that that entity would remain in existence, that we would have a good working relationship with them, but otherwise we leave them with a lot of the day to day headaches.

Troy Tornatta: Well, I think that some of it has come off as almost hostile. Between the two groups. One way or another. How it has been presented from them possibly, and how we have taken a look at what they have said, and maybe it's not always put in the right context and that's why I had a talk with Robert who assured me that they want to work with the county, he would appreciate being on the board, if for nothing else, even not a voting member, just to say that, you know, if somebody comes up an idea then he can say we tried that, this is what we ran into, if you want to go that route, and work as a help.

Commissioner Mourdock: As their own legal entity, I think, that board has to remain in existence, it would be something different than this board, I don't think this board can function as the Board of Directors of a 501(c)3. I think, it may be different people, if they wanted it to change, but we couldn't change the board members.

Troy Tornatta: I guess what I am saying, in the names that you are going to give–

Commissioner Fanello: Well, this is for a committee.

President Mosby: This is not a board.

Commissioner Fanello: This is just a committee to look at recommendations for where we should go.

President Mosby: I think this is where you are confused.

Commissioner Fanello: This has nothing to do with the board.

President Mosby: Because I had talked with Councilman Hoy last week, and, I think, probably I think a lot like Commissioner Mourdock does, I don't have a problem with the Preservation Board staying onboard and working with Tammy, and us operating together. If they feel there is hostility there, I mean, I don't understand why. I don't feel there is any hostility, they came to us, said they couldn't run it, they didn't have the money, and we accepted the challenge of taking that on, with Tammy being at the helm. The Board, as far as I'm concerned, will stay together as they have, and this is just a task force to look into what is being done over there and how it is operating and making sure that the square footages are right, and that we get leases signed for three years, and we have everything legally in order.

Troy Tornatta: The committee that you have, or are setting up—

President Mosby: That is what that committee is for. Just to make sure everything is together.

Troy Tornatta: And then do they disband?

President Mosby: They will, they either disband or some of them can go on the board if the Preservation Board is willing.

Troy Tornatta: I just don't feel like as a representative of the Council, I wasn't real clear on that—

Commissioner Mourdock: Yeah.

Troy Tornatta: —and how that was set up, and I don't think that the Preservation Society is very clear on that either.

President Mosby: Well, we call it a task force, not a board.

Commissioner Fanello: Yeah, it's just—

Commissioner Mourdock: Let me do it this way, maybe this will solve the problem for everybody. I would move that the Old Courthouse Task Force have one position to be filled as an appointee of the Old Courthouse Preservation Society. In other words, let their board members vote and put one person on there—

Commissioner Fanello: I think we do. Do we not have, we don't have one on there? Okay, because I know Dennis Au had said something about being on, I don't have a problem with that. Second.

President Mosby: When we get to this.

Commissioner Mourdock: We can do it right now, I mean, I just moved it so if you want to—

Commissioner Fanello: Second.

President Mosby: I have a motion and a second that we put one person from the Preservation Board on the Old Courthouse Task Force. So ordered.

Troy Tornatta: And they are very, very willing to work with Tammy in whatever she needs, and so, I think it will be a good fit. I'll get back to Robert and let him know, and he is excited about that. Okay, thanks.

President Mosby: Thank you. Is there any other group or individual wishing to address the board before we move on to Department Head reports? Seeing none, we will move forward. I lost my agenda. This is good.

John Stoll-County Engineer

President Mosby: Engineer. I lost my agenda.

John Stoll: The first item I've got is a notice of termination of construction letter from the county to IDEM. This is for phase one of the Burkhardt project. Basically, we did not previously send this, and IDEM sent us this letter telling us that we need to either extend the Rule 5 coverage or terminate it. The project is completed, so we can terminate it.

Commissioner Mourdock: I will move signing of the termination letter.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is a street plan approval request for a very small portion of the widening of Burkhardt in conjunction with the Super Target development. Basically, the only portion that's in the county in their widening is this portion north of this pink line here. They are going to add a southbound right turn lane out there adjacent to Motomart, and then the existing southbound right turn lane becomes a through lane. All that the county has is this 30' piece here plus the 100' taper, so we are basically just matching in to what the city has previously approved. In reviewing it, Morley and Associates did a traffic study that said that the lines of traffic typically should extend 273', which is basically to about this Motomart driveway, so with the end of traffic being here the through traffic won't block access to the right turn lane, so based on their report, it should work, so, hopefully, their assumptions are correct, but that is all I am asking for approval on is this very small piece here.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

John Stoll: The next item I've got is a letter to INDOT regarding their proposed relinquishment of a service road that they were going to build along State Road 62. In their letter that was forwarded to me, they had requested that the county accept for relinquishment a frontage road that they have not built as of yet, and in reviewing this—

Commissioner Mourdock: Is this the one out there east of —

John Stoll: East of 164.

Commissioner Mourdock: Yeah, yeah.

John Stoll: This issue came up a couple of years ago. INDOT has revised their plans somewhat, they have added some right turn lanes, and left turn lanes out on State Road 62, but because this is a reduced scale we can't really see if trucks can actually make those turns as their design plans show. What I did was I wrote a letter for the Commissioners to sign off on that said—

Commissioner Mourdock: Not acceptable—

John Stoll: —we would not take action on it until we at least got a full size set of

plans, and once we do that and see if it really does work then the Commissioners could reconsider whether or not we want to accept the relinquishment or not.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Of the letter?

Commissioner Fanello: Yes. On the letter.

Commissioner Mourdock: Okay. Second.

President Mosby: Motion and a second. So ordered.

John Stoll: Next I would like to request approval to go to the County Council to transfer \$5,500 from the Broadway Avenue Bridge account to the Engineering Equipment account for the purpose of purchasing a new copier. The Broadway Avenue Bridge is completed, the remainder of the funds in that account are not needed for the bridge any longer, and our copier is shot. It was eight years old, and the repair bill to get it fixed in its current state was going to be over \$500, so that's why we would like to go ahead and purchase a new one.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second. I was just going to add that today was heavy trash day pick up in a few areas, you might have been able to slide it out and the Solid Waste District would have taken care of it for you.

John Stoll: Some of the proposals we've gotten they are going to give us a credit for a trade in, so we will let them haul it off. The next item I've got is a supplemental agreement for earth exploration services on the Fulton Avenue Bridge. This is for an additional \$10,000, and this should complete their services on the project. Basically, they are in a position right now just monitoring what is going on, and as of last Friday they had completed about half the excavation down to the base of the pier, so the remainder of the excavation should be completed this week, and subject to what they find, really the soil work should be pretty well finished after that, so it is recommended that this supplemental be approved.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second, with concern that those options, those words subject to what is found—

John Stoll: Right. The excavation that has been completed so far they have not seen any cracks in the pier, and it's about, they have excavated about 12' to 14', so that's about half way of how far they have to go, so, so far, so good.

Commissioner Mourdock: As the man was heard to say as he fell from the ten story window and passed the third floor, you know.

John Stoll: I think we have already gone past the third floor on this one. The next item I've got is a recommendation to award contract number VC01-04-03, the St. Joe Avenue culvert replacement to Deig Brothers for the amount of \$11,982. This was one of the bids that was just opened previously and I went through it just now

and everything is in order, so it is recommend to be approved.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: Can we do that?

Commissioner Mourdock: Well, he's, it's a small amount--

Commissioner Fanello: There were only two.

President Mosby: Motion and second. So ordered. So ordered. That was taken under advisement for fifteen minutes.

John Stoll: That one was easy since there were just two items and just two bids. Typically it would be a week before I would come back. The last item I've got is I just wanted to let you know that a couple of weeks ago when I said that we would be bringing a change order back on McCutchan Road bridge project, which was we were estimating would be about \$2,000 over run, ended up being the final quantity showed we had a \$3,000 under run from the original contract amount, so we won't have a change order on that. That is all I've got.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Ralph Kissinger-County Highway

President Mosby: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. I have my weekly reports and one thing to add. Mr. Mourdock, we got the corner of Moor Road and St. Joe, we did extend the culvert out. The two prior times you had asked me about it, I had thought it was potholes on the other side, but we did take care of that. The gentleman that requested that did come by and thanked us for doing so. When the paving crew gets to that area, we want to go ahead and widen that turn radius somewhat. Other than that, we've started paving, and I don't foresee any major problems right now in the paving, so if there are no questions, that is all I have.

President Mosby: I don't have any.

Commissioner Mourdock: Very good.

Ralph Kissinger: Thank you.

President Mosby: Thank you, Ralph.

Tammy Mc Kinney- Superintendent of Buildings

President Mosby: We'll move on then to Superintendent of Buildings. That's okay, Superintendent of County Buildings, Tammy Mc Kinney.

Tammy McKinney: I don't know if I should do this under action items or not, let me describe what I've been requested and you can let me know. The Probation Office would like voice mail in their office, Commission paid? To be paid by the Commissioners. They want 12 voice mails, and that would run \$72 a month extra.

Commissioner Mourdock: My only comment would be, the floodgate breakath. I mean, I guess, instinctively, if they are going to do that, why don't they put it in their own budget for next year and move forward with it then? I just fear what would happen in every other department.

Tammy McKinney: Actually every other department pays their own.

Commissioner Mourdock: That's what I mean, but if we start paying one, then I would think we are going to get a flood of those coming in to us.

Tammy McKinney: So, when they call me, I will just tell them to put it in their budget for next year?

Commissioner Fanello: That is what I would do. If we need to make a motion to that affect, then I will move that you direct them to pay it out of their own budget.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second. So ordered.

Tammy McKinney: Okay, I believe everyone got a list of the task force members. Do you want me to go ahead and read them?

Commissioner Fanello: Yes, just go ahead and read the names.

Tammy McKinney: Okay, in question to Dennis Au, we are trying to contact him, and we just haven't been able to reach him to be on the task force.

Commissioner Fanello: Okay.

Tammy McKinney: Right now we have Marsha Abell, John Stoll, David Matthews, Mark Owen, Don Cox, Phil Goss, Ed Bassemier, Troy Tornatta, Nino Cocchiarella, Richard De Voy, Melinda Jarboe, and Will Fosse. I have set the first meeting for our task force to be Thursday, this Thursday, the 12th at 2 o'clock in Room 303.

Commissioner Mourdock: Okay, and as we did a few moments ago, you also have a new position on there now, one person from whomever the Old Courthouse Preservation Society appoints—

Commissioner Fanello: I thought that would be Dennis, though.

Tammy McKinney: It was Dennis.

Commissioner Fanello: Wasn't he on the Board? Is Dennis on the Board?

Faye Gibson: Just as a point of clarification, Faye Gibson, with the Old Courthouse, Dennis used to be on the Board, he resigned.

Commissioner Fanello: Okay.

Faye Gibson: So that would not fit that bill at this point.

Commissioner Fanello: So we still, maybe Robert—

Commissioner Mourdock: Yeah, let them pick whomever they want to choose, they should choose.

President Mosby: Yeah, call the committee or Board and just tell them to give you somebody.

Commissioner Fanello: Then Mark Own, I had talked to Mark Owen and we had asked, or he had asked Lee Cooper to be on the task force and Lee has too many commitments right now, so if we can think of a banker or a financial person to put on there, he thought that might even be nice to have that kind of input.

Tammy McKinney: I am trying to contact Dave Knapp.

Commissioner Fanello: Okay.

Troy Tornatta: Just coming into it, Robert did ask that if there was a position that he would like to be on it, so you don't have to ask him, he did ask me to bring that forward if there was a position.

Commissioner Fanello: Okay.

Commissioner Mourdock: Robert, meaning—

Troy Tornatta: Woosley.

Commissioner Mourdock: Okay.

Tammy McKinney: Do you have his phone number where I could contact him and just let him know that there is going to be a meeting on Thursday.

Troy Tornatta: I will get that to you.

Tammy McKinney: Okay, I would appreciate it.

President Mosby: So with your announcement, do you want to go ahead and make Robert Woosley before we, are we going to vote on this?

Commissioner Mourdock: No, we don't need to, we just—

President Mosby: I didn't know if we just accept it or not, okay.

Commissioner Mourdock: Are you going to chair the meeting then, Tammy? Is that what your intention is?

Tammy McKinney: Yes.

Commissioner Mourdock: Okay. Did we not have Scott Anderson on the list at one time? Wasn't he talked about?

Tammy McKinney: Not for the task force.

Commissioner Mourdock: Okay.

Commissioner Fanello: You don't remember, I don't think so.

Tammy McKinney: I know I have had numerous phone calls about the flag, and I just want to clear that up that Mark Acker spoke with Faye about putting it up and just under liability and insurance for the Preservation Society he wasn't able to do it, so next week when the courthouse becomes a county building we will get the new flag up.

Commissioner Fanello: I don't know if you...Richard is a little puzzled, so I don't know if you knew about the complaints that Tammy has—

Commissioner Mourdock: Oh, I know about the complaints, I've gotten the complaints too—

Tammy McKinney: He has answered my phone before and gotten a complaint.

Commissioner Mourdock: No, I guess, what you are saying is that the Old Courthouse Society is concerned because they don't feel that they have liability coverage if somebody was hurt—

Tammy McKinney: Right. If Mark happened to get hurt while putting the flag up—

Commissioner Fanello: I guess, why didn't they, someone from the Society put it up, or was there nobody from the society to put it up?

Tammy McKinney: I don't know about that.

Commissioner Mourdock: Well, I will be glad when we quit getting the calls. That seems minor, unless, of course, someone falls off the roof. Go ahead, Faye.

Faye Gibson: Again, just for a point of clarification, I have had no staff for six weeks, I mean, we are down to me and I'm already unlocking the building at 7:00 a.m., locking the building at 6:00 p.m., overseeing the bare minimum that the building is getting cleaned, and it's not my expertise to climb 216' to change a flag.

Commissioner Mourdock: Right, and no one is suggesting that. My comment to Tammy earlier this week was that if Mark Acker is going to be involved, then let's get the thing changed, and let Mark Acker change it. I don't see that whatever day the termination letter said for Faye's group, whatever day it is at 12 midnight, I don't see that we have to wait to do things until that moment. I think we ought to have a pretty reasonable transition here, and that would seem to me to be a small thing.

Faye Gibson: Just one point I would like to make, be it Mark Acker, be it whomever, it is not a wise thing to let one person go up there by themselves. You've got

constant velocity, wind velocity, you're talking that you are standing literally on top of the roof, you are standing on a diameter that is only 12' wide with eight pillars, there is no banister around you and it is not a simple task to change that flag. We never--

President Mosby: John, do you have somebody who can go up there?

Faye Gibson: --allowed one person to go by him or herself.

Commissioner Mourdock: Okay.

Tammy McKinney: Faye, I had a couple of phone calls today, and I don't know, I know that you are don't have much money left or whatsoever, but there is no soap in the bathrooms, hasn't been for a couple of weeks. The soap machine has been out of soap for a couple of weeks.

Faye Gibson: This is true. It has been stated publicly we are running out of money, and I have to worry more about the \$7,600 bill that I just paid SIGECO last week, so, I'm not sure what you want me to do, quite frankly.

Commissioner Mourdock: I don't know that at this point, Faye, I don't know if there is anything that we need to have you to do, thank you. We just need to take the bull by the horns, and as I said a moment ago, the sun isn't going to come up a different color on whatever day that the thing goes into our management versus the Old Courthouse, we just need to start phasing those things in. If we need, as you just said, David, some line items for supplies, or whatever, that we need to establish, let's do it. We don't have to wait, again, until whatever date that was. Was it the 13th, Faye? Whatever date your letter was?

Faye Gibson: Yes.

Commissioner Mourdock: Start doing it.

Tammy McKinney: Which that comes to another issue, to do that, Friday is a government holiday, and so are we going to get the keys Friday? Should I come to you and get them on Friday, or how are we going to do that?

Faye Gibson: I will be at the Old Courthouse on Friday. If it is going to be on Friday, I will be there.

Commissioner Mourdock: Okay.

President Mosby: That's fine.

Commissioner Mourdock: There we go.

Tammy McKinney: Okay.

President Mosby: Anything else under Superintendent of Buildings?

Tammy McKinney: Well, I guess, the whole thing about just the transition, I feel like every time I try to do something I can't because it's not a county building yet, and I feel like I am just running in place.

Commissioner Mourdock: Don't, my suggestion on that, and I don't know that it takes a motion, but, think of it as a county building now—

Commissioner Fanello: You do whatever—

Commissioner Mourdock: County Council, as Troy would tell you, we have been paying a bunch of money for a long period of time over there and certainly there are things that Faye will continue to work on until her last day there, but let's just start merging the things together. It isn't her problem, it isn't your problem, it's our problem, and it's the problem of all the people who are tenants down there. We owe it to them to make this an orderly transition, so whatever it takes to make it work, we just need to do it.

Troy Tornatta: Why don't we get keys made and transfer them like, tomorrow.

Commissioner Mourdock: Okay.

Faye Gibson: I've got tons of keys—

Troy Tornatta: Tammy, if you would, can you have her keys tomorrow morning?

Faye Gibson: Sure.

Troy Tornatta: Okay. Tammy you will have keys tomorrow morning and then that solves part of the problems, and you can do what you need to do, if that's okay.

Commissioner Mourdock: Sure.

Tammy McKinney: That would be fine, that way Mark can have a set also.

Commissioner Fanello: I guess my only other question is what about the information that Tammy has requested, is there, is that going to be—

Tammy McKinney: The current leases, and —

Faye Gibson: It is in the works—

President Mosby: Okay.

Faye Gibson: Again, I have no secretary, I don't have any staff, I am trying to wrap (inaudible) it is on my desk (inaudible).

Commissioner Fanello: Okay.

President Mosby: Thank you, Troy.

Commissioner Mourdock: Do we also then have a document or something you are working on with Acker's group, so that whatever his responsibilities are going to be will be defined?

Tammy McKinney: I am meeting with them on Thursday.

Commissioner Mourdock: Okay, but beyond meeting with them understand that we

need to have some documents where their liabilities are spelled out and our obligations are spelled out.

Tammy McKinney: I will meet with Counsel.

Commissioner Mourdock: The same is true with the Sheriff. The Sheriff was here a week or so ago and talked about using Community Corrections people to do different functions over there. We need those documents in place too. So anybody who is out there that we will be dealing with at that facility, we don't just need conversation, we need the document.

Tammy McKinney: Right.

Commissioner Mourdock: I would hope that we would have those, when is the 13th?

Tammy McKinney: Friday.

President Mosby: Friday.

Commissioner Mourdock: Friday the 13th. I would hope we would have all of those documents ready to go by next Monday, because clearly we are in the saddle next Monday.

Tammy McKinney: Okay.

President Mosby: Any other questions?

Steve Craig-Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I'm not going to ask you to pay for my voice mail, that's for sure. The only thing I have is my work sheets and then our bids that we had gotten on our Food & Beverage.

Commissioner Fanello: Do you want to go ahead and read those, Phil?

President Mosby: Yeah, we can go ahead and read the bids.

Philip Hayes: We are not prepared to do that. I've conferred with Steve that the bids will require computation, all of them. We have received bids which appear to be in proper form and have been opened on VC99-03-2001, as follows; Midwest Frozen Beverage, Fisher Candy Company, Diamond Foods, Weber Foods, Coca-Cola Company of Evansville, Pepsi Cola General Bottlers of Evansville, and Schwan's. There are a total of seven responses. Is that consistent, Steve, with what you have?

Steve Craig: Yes.

Philip Hayes: Okay.

Commissioner Mourdock: I will move that we take those seven bids under consideration.

Commissioner Fanello: Second.

Steve Craig: I will bring the results back next, I guess we have to, do we have to have our stuff in by Wednesday, then? Since we are not open Friday.

Commissioner Mourdock: Good question.

Tammy McKinney: For the agenda for next week?

Steve Craig: Yeah.

Tammy McKinney: Thursday is fine.

Steve Craig: Thursday is fine?

Tammy McKinney: Uh huh.

Steve Craig: Okay, then I will get back with you before Thursday, and we'll go through that next Monday.

Tammy McKinney: Okay.

President Mosby: I have a motion and a second to take bids under advisement. So ordered. Any other questions for Steve?

Commissioner Fanello: No.

Steve Craig: Thank you.

President Mosby: Thank you.

President Mosby: I will move that we take the Soil and Water Conservation District report and the Ozone Officer's report, accept those for the record.

Commissioner Fanello: Second.

President Mosby: I have a motion to accept. So ordered.

Commissioner Fanello: I will move that we accept the—

President Mosby: County Attorney, did you have anything? We skipped you a while ago.

Philip Hayes: No.

President Mosby: Now I will take your motion.

Commissioner Fanello: Motion that we accept the consent items.

Commissioner Mourdock: Just to clarify, there were no changes to the consent items since the packets were originally issued?

Tammy McKinney: Correct.

Commissioner Mourdock: I will second then on the consent items.¹

President Mosby: So ordered.

Scheduled Meetings

President Mosby: No scheduled meetings?

Commissioner Mourdock: Although–

Commissioner Fanello: We do have an Executive Session next Monday at 5 o'clock.

President Mosby: Okay, Executive at what time?

Commissioner Fanello: 5 o'clock.

President Mosby: 5 o'clock Executive Session.

Commissioner Mourdock: And, of course, next week we will be taking the or having our discussions, per our previous discussions–

Commissioner Fanello: On the–

Commissioner Mourdock: –jail RFQ'S.

Commissioner Fanello: RFQ'S, yeah.

Commissioner Mourdock: You might eat a heavy supper or lunch because we also have zonings next week, and zonings will probably take three hours.

Commissioner Fanello: I think I am going to be sick that day.

President Mosby: Did I tell you that I was going to be out of town next week. Okay.

Old Business

President Mosby: Old Business?

Commissioner Fanello: I have one thing to bring up under Old Business. Tammy do you have that copy of the library agreement? It was an agreement that we tabled at the beginning, I think, it was our first meeting, and it's the agreement between the county and the library to offer the GIS, thank you, for them to offer the GIS and provide public access. I have had some meetings with Cheryl and the Mayor and Roger and, I don't know if you know, Richard, but, Data Board is kind of working on being reorganized and we talked about reorganizing the GIS committee so it has some more defined duties, and I was satisfied with our conversations and I'm satisfied from the meetings we had a couple of weeks ago, the public meeting on the–

¹Consent items listed on Page 30.

Commissioner Mourdock: So, the discussion as it was originally going to be held the first week or the second week of this year as far as having the server set up for GIS at the library, you are saying that you are still willing, or you are now willing to go forward with—

Commissioner Fanello: I am willing to move approval on the contract with the library.

Commissioner Mourdock: Was that a motion?

Commissioner Fanello: Yes.

Commissioner Mourdock: I will second.

President Mosby: I didn't bring the agreement with me.

Commissioner Fanello: I've got it.

President Mosby: I'm trying to remember what exactly...I can't abstain? I have a motion and a second. So ordered.

Commissioner Mourdock: I do not have any Old Business.

President Mosby: Any other Old Business?

New Business

President Mosby: New Business? Seeing none.

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I have a motion to adjourn and a second. So ordered.

Meeting was adjourned at 7:22 p.m.

CONSENT ITEMS:

Employment Changes:

Prosecutor	County Assessor	Sheriff Department
County Council		

Travel Requests:

Auditor	Health Department	Center Assessor
Knight Assessor		

Auditor:

Submit monthly financial, cash and expenditure reports.
Submit Accounts Payable Vouchers.
Declaration of surplus equipment for County Auction.

County Clerk:

Submit monthly report.

Sheriff:

Submit weekly jail information and reports

THOSE IN ATTENDANCE:

David Mosby	Catherine Fanello	Richard Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	Robert Willner	John Stoll
Ralph Kissinger	Steve Craig	Troy Tornatta
Faye Gibson	Mike Shopmeyer	Cheryl Musgrave
Members of Media	Others Unidentified	

APPROVAL:

**Vanderburgh County
Board of Commissioners**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and transcribed by Madelyn Grayson

**Vanderburgh County
Board of Commissioners
April 16, 2001**

The Vanderburgh County Board of Commissioners met in session this 16th day of April 2001 at 6:12p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for April 16, 2001. Tonight we have with us Superintendent of County Buildings, Tammy Mc Kinney; Counselor Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. If you could please join us in the Pledge of Allegiance.

Approval of Minutes

President Mosby: Approval of minutes from the April 19th meeting.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: I'll amend that to say April 9th, which I think is—

President Mosby: Oh, April 9th, I'm sorry.

Commissioner Fanello: I'm sorry.

Commissioner Mourdock: I will second.

President Mosby: I have a motion and a second. So ordered.

Sherman Greer- EMA

President Mosby: Sherman Greer, EMA.

Commissioner Mourdock: Before we get started, Sherman, and to everybody who may address us tonight, just so you know we do have a rezoning meeting scheduled at 7 o'clock, and you are going to see a large crowd gathering in the hallway in just a few minutes. That is an advertised meeting to start at 7:00, so if you can keep that in mind as you speak tonight we would appreciate it.

Sherman Greer: Okay.

Commissioner Mourdock: The clock is running.

Sherman Greer: The clock is running. Since I am first, I am going to set the example here and make this short and sweet. We've met with the County Council, City Council, and the Mayor's office on this proposal for the Emergency Management Agency to be housed with the Red Cross, which is building a new facility in the next couple of years. You have before you the budget of projected costs or estimates for the year 2001, and those may change within the next year or two. I don't think that they are ready to break ground for another couple of years on this new facility that they are building. The Emergency Management Agency and the Red Cross have been working together since about 1995 within this area here, and it seems like

we've got a really good thing working for us, and we would like to maybe be housed with them. Total cost of this project would be about \$579,000, with approximately 6,100 square feet, some of that is shared space, some of it is warehouse, for the cost of it through the Emergency Management Agency. What are our other options? As you can see here with leasing, lease purchasing 15 years, and other options that we may have, or options that you may suggest for us if this doesn't seem feasible right now.

Commissioner Mourdock: You are just looking for us to take it under advisement tonight, obviously?

Sherman Greer: Well, yes, we are not asking for anything, any money or anything right now, but what we are working under is kind of a time line with the American Red Cross, and I have Miss Trish De Voy here with us from the Red Cross and she can explain to you why it is such a time limit.

Trish De Voy: In the Red Cross system we have to present to our national Red Cross all the costs of a building project for approval, and they would require an accounting of all of the money that we are going to be raising for our portion of the building, plus all other square footage in order to be able to make a decision on whether or not we could proceed on our project. What we are asking for is an approval, no money at this time, we do hope to break ground before two years, so we would be looking for the funds before we actually start construction. It was suggested by City Council that perhaps a representative from City, County and the Commissioners meet and pass a resolution so that we would have something to send to our national Red Cross assuring that there would be funding coming in for this project.

Commissioner Fanello: I will make a motion to take it under advisement.

Commissioner Mourdock: I will second the motion to take it under advisement.

Commissioner Fanello: What is the earliest that you need...I guess, yesterday, right?

Sherman Greer: Always, but as soon as possible, something that we can present to them so that they can go ahead with their plans and start their fund raising and we can—

Commissioner Mourdock: Is it accurate, Miss De Voy, to say, if, in fact, the county didn't make this obligation, you would continue on forward, just without that allocation of space perhaps, not without building that space. You are going to do this project regardless?

Trish De Voy: Right. Absolutely.

Commissioner Mourdock: Okay. The one thing in my mind, and I know this won't be a popular reaction among many, but we have the Old Courthouse over here and we keep talking about can that space be used for other things of county government, and I will just throw that one out there as a suggestion. You don't need to comment on it, Sherman, at this point, you can if you like, but, again, I want to see us use the space we have as well as we can and, I think, as you know, we already have folks in this building clamoring for more and more space all the time. In that sense, I see what you have here at least the timing works out well with the other things we are looking at, with construction of a jail and other space.

Commissioner Fanello: I guess, would everyone feel comfortable bringing it back to the table next week? How long are we looking to take this under advisement? I would like to give them at least some idea of what we are looking at here.

Commissioner Mourdock: We could talk about it next week if you like, or two weeks.

Commissioner Fanello: I'm going to say next week.

Commissioner Mourdock: Okay.

Trish De Voy: Is there a possibility of the three groups getting together prior to that time to get a feeling for whether or not you?--

Commissioner Mourdock: The three groups meaning the City, the County--

Commissioner Fanello: The City and County Council?

Commissioner Mourdock: --the Red Cross and EMA?

Commissioner Fanello: City and County Council? I don't see--

President Mosby: Council, City Council, County Council and County Commissioners, is that what you are saying? We could try.

Commissioner Fanello: We could try over the next week.

Trish De Voy: We are under a real short time constraint, and our, actually we have been working on this for and talking about it for about a year, and I'm to the drop dead point.

President Mosby: Okay.

Commissioner Fanello: Even if we got together over the next week, we would still have to bring it back to this body next Monday night.

Trish De Voy: I understand. I just wanted to give you a sense of urgency, if I could.

Commissioner Mourdock: You have done so.

President Mosby: No problem. We have a motion and a second. So ordered.

Phil Hoy- SWCD Report

President Mosby: Phil Hoy.

Phil Hoy: Phil Hoy, County Council. Just a comment on the previous speaker, in speaking for the Council, the President is here and we discussed this, we would like to be included since that is a jointly funded department, City-County, as you all know. Sometime ago the Soil and Water Conservation District was asked to come in periodically and make a report on some highlights, had I known we had this kind of agenda I would have asked to wait a week. I will be very brief, unless you have questions. You are looking at the new chair of the Soil and Water Conservation District, I was elected at the last meeting and you have Mr. Wathen's report. We feel

that our department does an excellent job of being fair with the developers and being strict, as well, to be sure that erosion problems are taken care of. He has had six major problems he has dealt with, he is working with 17 other sites, he has worked with two complaints, is in the process of updating 27 files and doing 15 lake evaluations. From that you can see the department has been very busy. The water quality specialist, Erin Breetzke, is our new employee, and her report is also on your desk. We are very pleased that she, in addition to working with Mr. Wathen and trying to learn his job, which she is doing so that when he is gone she is available, and she can also take some of the load off of him, as you can see there are a lot of things that, a lot of building going on. In addition to that, in education, there is a whole list of things. The highlights would be the participation in the Southwest Regional Indiana Envirothon. This is a state wide youth contest, and we think it is a very important event that is held state wide. She also helped coordinate the Greenway exhibit at the museum. If you have been to the museum you can see the section of that Greenway exhibit that the district took part in, and we think it was a good partnership that occurred there. In the meeting section, the board has voted to get some additional training for her, and you can see those special items listed there. She also does a lot of the writing for the newsletter and helped us set up the 60th anniversary meeting. I could go on, but I am not going to unless you have questions. Thank you for the time. I will be back in about six weeks and give you another update.

Commissioner Fanello: Thank you.

President Mosby: Thank you for the report.

Phil Hayes- Renewal of ABC Document for Bosse Field
--

President Mosby: Phil Hayes.

Philip Hayes: Yes, we have a request for renewal of our civic center alcoholic beverage permit, which is required to be renewed on a periodic basis. There are base fees for this renewal along with a Sunday supplemental, and that is to be paid by the new management group for the Evansville Otters/ Bosse Field, the Gold Clang Group, as you know VC School Corporation owns the Bosse Field facilities, that is in turn leased to Vanderburgh County, sub leased to the Otters, and that is for the purpose of the County holding that permit so that baseball fans can drink beer.

Commissioner Mourdock: Not a bad thing.

Philip Hayes: In order to continue that American tradition, you will need to move renewal of the permit and the President will need to sign on behalf.

Commissioner Mourdock: For the benefit of the new commissioners here, I will say that this is a fairly routine thing that has come up each year since the Otters came to Evansville, so I would move approval.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Hayes-Request Permission to Advertise 1st Reading of Ordinances

President Mosby: Phil Hayes again.

Philip Hayes: We ask permission to advertise for first reading of ordinances covering the following subjects; the membership on the central dispatch board and establishing the suburban fire chief as a voting member of that central dispatch board, an ordinance amending the Vanderburgh County code with regard to a repeal of the merit system for corrections officers, they are covered by collective bargaining agreement instead, and a third ordinance amending in part and repealing in part the Vanderburgh County junk vehicle ordinance consistently with state law and having a required abandoned vehicle ordinance, and finally an amendment to the county's ordinance concerning the City-County Human Relations Commission, certain amendments have been made on the city side and will be required to be considered by you. We ask permission to advertise for first reading of those ordinances.

Commissioner Mourdock: The date for first reading would be?

Philip Hayes: I spoke to Charlene Timmons today, we are working on the text, and if we get everything done, she will be able to advertise, I believe she said Friday, if we can get it done and get it over there in time tomorrow. Madelyn, can you help me with what would the date, that being the case how long would it—

Madelyn Grayson: In order to advertise it on April 20th and 27th, for a first reading on April 30th, we would have to have it early tomorrow morning.

Philip Hayes: Early tomorrow, she cautioned, yeah, and we are going to undertake and try to get at least a couple of them on to get them by then, if not then what would be the next date?

President Mosby: May 7th.

Philip Hayes: May 7th?

Madelyn Grayson: May 7th would be the first reading then.

Philip Hayes: Okay, so we know if we think we can do the Sheriff's Merit Commission deleting the corrections officers, we think we can do Central Dispatch Board by tomorrow, but the schedule hasn't permitted us finishing.

Commissioner Mourdock: Without any of those being a matter of great urgency, which I don't think they are, we may as well just do them all on May 7th, and that way it will take any pressure off of you to make sure that they do get in—

Philip Hayes: Understood.

Commissioner Mourdock: —early tomorrow. I will move that we go ahead and advertise for a first reading the referenced ordinances with the intended hearing date of May 7th.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Philip Hayes: Thank you.

Mike Skillman- Introduction of Skillman Corporation
--

President Mosby: Mike Skillman.

Mike Skillman: Let me pass some material out to you and we will talk during, while we are passing out...we are Skillman Construction Managers and we are here to talk to you, very briefly, concerning the proposed jail project. We are based in Indianapolis, we have a great deal of county correction facility experience, but local experience. With me tonight are Jim Boots, Vice President of Skillman, and Larry Koenes, Executive Vice President. Jim, I will turn it over to you.

Jim Boots: Okay, Mike, thank you very much. Good evening. We will give an abbreviated introduction of ourselves as the Skillman Corporation and Construction Management, but up front being cognizant of the time crunch that you all are in, and that is perfectly understandable, but I would like to extend the offer to come back at some agreeable time, to spend some time talking, exchanging ideas and thoughts, and, of course, addressing any questions that you may have. Very quickly I want to cover a couple of high points, and again, should any questions come to mind, please don't hesitate to ask those questions. The Skillman Corporation, as Mike said, has extensive experience in correctional work as well as educational and other governmental and county work. You have before you the books and a lot of that experience is presented in those books, but we want to hit a couple of highlights. The Skillman Corporation is a pure construction management firm, and that's important, because by that we mean simply we don't have any existing nor past relationships with engineering or design firms or any construction company or any other type of firm that has provided or will provide construction delivery services. That keeps us autonomous. It put us in a position to be an advocate of the owner at all times with no conflicts, whatsoever. Promote local and MBE involvement. That's critical to the success of a project such as the jail project that is coming up. It is a local project, it is desirable, obviously, to have as much local involvement at possible. You will see in your books there, and we will touch in a moment some of the local experience that we do bring before you tonight and to the jail project. We will note as well that I have met personally with Mr. Wayne Crowe and we have established a minority involvement process that we are going to implement on a number of projects, and would certainly bring that process forward to the jail, as well as other processes we have in place to promote minority involvement, as well as all local involvement, of course. Added value to the project and the process. A point of local experience is critical to this knowledge, and you will note that we have a number of those ongoing processes currently. We have recently finished the USI Liberal Arts Building, just outside of town on the campus, a \$17 million dollar project. Currently we are working with Ivy Tech State College on an approximately \$29 million program, and it is important to know too, that USI has secured our services for a second project in a row. I believe that speaks highly of our ability to do simply what we say we are going to do. We add value to the project, we bring about tools that protect the owner, and work on their behalf throughout the entire process. We are also working with the Library Board on about a \$34 million project right here in the central Evansville area. The knowledge of the base is exemplified, I believe, by the fact that we had 80 plus bidders on the USI project. We came in well within budget, we got the entire program and some extras that the university had desired to do. You will note in your book, if you would, under the cost comparison tab that there is a couple of sheets that we believe, again, speaks directly to this issue of

value, and how we bring about value to a project. The first sheet is an example of some projects that we bid comparing delivery systems, comparing construction management to general contracting. I am not going to get into a lot of detail, but clearly you will see that the 7% is the savings to an owner, to yourselves, to the county, that derives directly from using construction management versus some of the other delivery systems that may be available. Second page, again, is an example of some other delivery systems comparing these things, giving you some yard sticks, if you will, on how to measure the cost of various delivery services. At the bottom you will note that in addition to the hard dollars as exemplified by that first sheet, these are sample of the types of services that promote value within the project that come along with that construction management service. The third and final sheet indicates a little bit of the bidding process, again the advantage, I will put this back up real quickly, you can see in this chart that construction management brings a part (inaudible) and balance to work in conjunction with the entire team of the owner, the design team. Each of the bidders that participate, each of the local bidders, as well as those that come in from outside, are deemed to be qualified, and, in fact, be over the control and knowledge of what is going on at every level and detail. Those bids are the bids that the owners can select from, not a consolidated large number of bids as indicated, as an example of the general contractor method, so, again, hard dollar savings, we have proven in the past as well as those items that we term as simply additional benefits down below here. I mentioned a moment ago working in conjunction, this is, of course, the entire team, and we take that team work approach very seriously. This is an example of how we view the team work approach, this is not a one pony show, if you will, but it takes many, many players. Three of those important players are, of course, the owner, who is at the top by design because they do have an integral input in control, and should have at every level of detail and knowledge that may decide or have. The design team and, of course, the construction management team are the other two of the three major players. This team must function together, and our experience and success speaks of that, and we do know how to operate as a team member, and fully understand that it does take a full functioning team operating on all cylinders in order to get a project such as this in under budget and on time. Our record of success as a team member, again, I think is highly exemplified by the success at the USI campus. Commitment of an experienced staff, the Skillman Corporation has 107 employees on our staff at this point at four offices around the Midwest in Indiana, Illinois and Michigan. What that means to you is not that we are so big, because we are not so big, we operate very small, on small project teams and independently, but that gives you the ability of that many professionals that are construction management professionals only, they do nothing else as their profession, except this. The benefit of all of those people come to bear on the project, and that, of course, transfers directly to you as owners. Our record of success of on time and on budget project completions. In our 28 years in existence, our record speaks very loudly that on time and on budget is kind of our motto, that we actually make the projects happen. We know that it takes a team to do that, sometimes we lead the team, sometimes we function as a member of that team. I would point your attention to the tab recommendations, excuse me, I skipped one, relevant project experience is an example of some of the projects that are operating successfully. One of them that is very similar to what you have before you tonight, is the jail in Porter County, in Valparaiso area, if you will. This is a jail that you will see by these designs and by the photos on the following pages, about a 450 bed jail, this one includes out reach programs, it includes the Sheriff's Department, it includes full health and medical facilities, things such as video, visitation, all of these things that go into creating this type of jail. We have recently been through that process and are currently in the middle of construction that you see here before you just in the northern part of the state. Next page

indicates the library and Ivy Tech projects as well, and then following those projects is USI and a list of others, and again, I urge you to read these at your leisure, if you will, and again, repeat the offer to come back at some point and have further detailed discussions with you. The final tab in that book, and we will move through that very quickly here, again being aware of your time constraints, is simply a list of people that write information to us and confirm to us that we do what we say we are going to do. We don't make promises we can't keep, we don't keep information from you as owners. That information and all of that detail is yours, in order to make timely informed decisions. Ourselves, the design team and everybody involved, the legal folks, all of those people bring information before the owner, in order to make that design team. I am going to let Larry close real quickly here, and again, we appreciate your time this evening. Thank you very much. We will stand ready for questions, if you want to squeeze a few in. Thank you.

Larry Koenes: They let me ride along just so I could say hello, and could meet you, but we appreciate the opportunity of being here, and I think that if you look at our credentials, we are the top professional in the state that offers these kind of services. One of the things that I would like to point out with Ivy Tech, for example, at the current time this is our ninth project for Ivy Tech throughout the state of Indiana, and they keep hiring us back for additional projects, and the main purpose in that, and I think there is a letter of recommendation in there from USI, but it talks about a couple of different things, the quality, the budget, and the schedule. Those are all three main issues that you folks are going to have to deal with as you get into this project. From a financing standpoint, you are talking about capitalized interest and a whole bunch of things that affect the project, and we have got the experience by doing over 300, okay, of these public projects, be they jails, schools, hospitals, libraries throughout the state of Indiana, and we would be more than happy to become your CM and provide those same services to you, so you can have a successful project. We would offer to come back again when you have more time to get into more detail, and we appreciate the opportunity, and may your meeting proceed accordingly. Thank you.

Commissioner Fanello: Thank you.

President Mosby: Thank you.

Commissioner Mourdock: I have just one very, very quick question.

Jim Boots: Yes.

Commissioner Mourdock: That question is, as a CM, how early do you typically come into this procedure?

Larry Koenes: Great question. We would like to come in at the same time that you hire your other professionals, because we will be a team that will work together, including yourself, your financial advisor, your local legal counsel, and also bond counsel makes up your team to have a successful project. We would like to come in at the same time, because we feel you get more benefit that way because we are part of the initial planning. Thank you.

President Mosby: Thank you. Any other questions?

Larry Koenes: The cost is the same whether you hire us at the beginning or hire us later, because it is a building block process, so we have to go through that

regardless of what stage that we are brought in.

President Mosby: Thank you.

Selection of Jail Design Team

President Mosby: Next on the agenda, Commissioners selection of a jail design team.

Commissioner Fanello: Since we asked the Sheriff to give his recommendations and also the Council to present theirs, Sheriff do you want to go ahead and bring your recommendations forward?

Sheriff Brad Ellsworth: Thanks.

Commissioner Mourdock: Before we get started, let's just, I guess, make sure we all understand the rules here. We are looking to do five, is that right? We are going to short list down to five.

Commissioner Fanello: Short listing down to five to interview.

Commissioner Mourdock: To interview, and the method and timing and place of that interview process is, obviously, yet to be determined?

Commissioner Fanello: Yes.

Sheriff Brad Ellsworth: I am Brad Ellsworth, Sheriff of Vanderburgh County. I can just hand you this envelope and run? Is that how you want to handle it?

President Mosby: We will read it or however you prefer.

Commissioner Fanello: Or you can read it.

Sheriff Brad Ellsworth: Let me address it. I don't mind reading it.

President Mosby: Okay.

Sheriff Brad Ellsworth: I think this was pretty tough. A lot of reading, and a lot of interesting reading. I learned a lot from all of the proposals. What I tried to do was, obviously, pull my staff in, and my jail commander and my Chief Deputy. This was not a scientific, we couldn't find a scientific method to do this, from our office standpoint, so we reviewed carefully all of the materials provided by each firm. We did try to create an internal rating system, which we factored and gave point weight to, and gave some points to local or state presence, in house specialties, jail facilities in Indiana, similar sized jail facilities, experience with design of the podular and direct supervision facilities. With the references that we called and with the ones that we have met over the course of the last several months at trade shows and meeting with the individual architects themselves, and discussion regarding each prospect, the individual preference and the feelings that we got from each individual architect. Based on this process, and based on the instrument that we did create, actually we could not limit it to five, we limited it to six. Number five and number six tied with 214 points. The maximum points was 240, and the last two tied at 214 points. With that, and I may share those points with you later at a different, during the interview stage.

With that our six recommendations, the ones we feel comfortable working with in the future, and there may be other things that become involved, and these are in no particular order, they will be alphabetical;

Hafer and Associates team of Jacobs; Philips Swager Associates; RQAW; Schenkel Shultz, United Consulting and Veazey Parrott Durkin Shoulders with HOK.

Commissioner Fanello: So if we fall within those five, you would be happy?

Sheriff Brad Ellsworth: That was six, but yes.

Commissioner Fanello: I know, but, because I think that we decided on kind of—

Sheriff Brad Ellsworth: That why I said there was nothing detrimental that the others all, let me add, that we did not factor in the proposal from the local firm that wanted to build and then lease to the county. We thought there was a lot of options that came in there that were really out of our realm, and if that is decided that is to be the best way to go, that needs to be factored and decided on differently, so we did not give them our points system. Other than that, that is the...all had a lot of qualifications, all had very many strengths and all had some weaknesses that we saw, and we will work on those, but that's the six that we feel comfortable with what you would move forward with.

Commissioner Fanello: Thank you.

President Mosby: Thank you very much, Sheriff.

Sheriff Brad Ellsworth: Any questions for me on those, before I sit?

Commissioner Fanello: Does the Council?--

President Mosby: County Council, would you like to give your recommendation?

Ed Bassemier: Ed Bassemier, President County Council. We are not ready to give you anything at, we are not sure that we are part of the team yet. We just took a vote on it at our last council meeting to see if you all, if you would let us be on the selection committee, and that is all I am here tonight to, we sent you a letter—

Commissioner Fanello: Yeah.

Ed Bassemier: —and I have heard no response, so—

Commissioner Fanello: Didn't we, I think Councilman Hoy was in the last meeting and what we had decided to do, we didn't really have a selection committee, everybody came back with their recommendations and the board was going to pick five tonight to interview.

Ed Bassemier: Okay, so I am here tonight to tell you that we are not ready to do that yet. I was just going to get your permission to, if we are part of that team to take it back to our six other members and go from there.

Phil Hoy: When I took this to the Council meeting and the Council was of a mind to have two of us represent the Council and meet with you all and the Sheriff and approach it that way, so that is what the communication was about. It was communicated to the Council, but that was the preference and they appointed

President Bassemier and me to be on that committee.

Ed Bassemier: If you could hold your selection until next week, we will have our people in place. First, we had to know if we were part of this team. I wasn't about to ask—

Commissioner Mourdock: The stack of materials that are in there to go through are fairly lengthy, you can certainly have my stack to do that and work through that list.

Ed Bassemier: I would like to work through that with all of the Council members, get their full input if I could, if I could have another week, I could have that ready for you.

Commissioner Fanello: I guess, I am not inclined to do so, because we have had several Council members sit in the meetings and they knew what we were doing and we asked everyone to come back tonight with recommendations, so, and I think I even had told Tammy to let the Council members know that there was a stack in there for them to go through, and I think that Troy had even checked some out to look at, so.

Ed Bassemier: I didn't get around to—

Phil Hoy: To get around to seven Council members was just an impossibility between the time that you all requested that and this Monday night. I think that the Councilmen that were here, and I think Troy Tornatta, I think Troy went through a lot of those, I think I may have been the only other Councilman who has been through the stack, because it does take a lot of time, and we have been passing around one set.

Ed Bassemier: I kind of wish we wouldn't, I know what you all discussed, but I wish we could of had something in writing, what you wanted us to do, I have seen nothing in writing that you wanted us to pick any of these people, and , so, all we are asking, we had to vote on it which was last, that was in our April the 4th meeting, just to ask to get a vote to see if who could be on this committee.

Troy Tornatta: Troy Tornatta, County Council. I would just say that, excuse me, if we have a unanimous decision, then I don't know why the Council would have to have a big input on this, and now this is just speaking for me, and we could surely talk about this, but if we are coming up with the same names on the list, I don't know exactly why we would need input at that point.

Commissioner Fanello: I mean, since I am getting ready to read mine out loud, five of mine fall within the Sheriff's six, so.

Troy Tornatta: I think that we can kind of look at that after some of those have been—

Commissioner Mourdock: Are you saying Troy, in that sense, you are willing to step away from the short listing process, but you want to be involved in selecting from the final five down to the final one, is that what I hear you saying?

Commissioner Fanello: You mean be involved in the —

Troy Tornatta: Maybe that is not—

Ed Bassemier: I am speaking for myself, but I would rather go through all of them,

not just pick from the short list. That is what I am asking here tonight, so I can have the full list for all the Council members and we pick out ours, I would kind of like to do ours in an open meeting and get our picks and bring them back to you.

President Mosby: I am going to say–

Troy Tornatta: –to slow down the process.

President Mosby: --to keep the process going that we would move forward tonight, I mean, this has been publicly talked about for the last two or three weeks. I know there has been several Council members at the last two or three meetings–

Commissioner Fanello: When did we get the RFQ's back? I can't remember the date? Was it March?

Commissioner Mourdock: Three weeks ago?

President Mosby: Three or four weeks ago we got them back, and it was mentioned in a couple of meetings, and I know Royce has been here and Troy has been here and Phil has been here. I mean there has been several Councilman in attendance that know this is going to happen–

Ed Bassemier: It is my argument, with all due respect, that we didn't know that you were going to let us be in on the selection process. I mean you let us voice our opinions, but, I think, that we all need to get together as the County Council and not just one on one, get in an open meeting, and we all discuss it. We just voted on this last, like I said, our last meeting, and all we are going to get to do now is pick off the short list. You all are in charge here, so you gotta do what you gotta do.

President Mosby: Thank you.

Ed Bassemier: Your welcome.

President Mosby: Any other questions or comments?

Phil Hoy: I am well aware that you are going to go ahead tonight, but in defense of the Council, I was here last week and I only had a short time to take that message to Council. Prior to last Monday night, the Council did not know that tonight was going to be the deadline. That is why I am saying that it was impossible for seven members of Council to go through all of those proposals in that short length of time, and that is where we got in the time crunch.

Commissioner Mourdock: Before we end this evening, would either Councilman Bassemier or Councilman Hoy or Troy Tornatta, my copies of the stack are certainly back there and whichever one of you, Ed, you're President, so, I guess, I will give them to you first and you can take them with you and do what you need to do.

Phil Hoy: Councilman Tornatta and I have a copy.

Commissioner Mourdock: Oh, okay.

Phil Hoy: We are the only ones who have them.

Commissioner Mourdock: Okay. By no way, I don't believe, in any way this

discussion is going to try and preclude what Council might still do—

Commissioner Fanello: No, I mean, I would definitely want their recommendations, or input or comments.

Ed Bassemier: Well, if you pick the short list tonight, you are eliminating several other groups that somebody else in the Council might have picked. So you are eliminating—

Commissioner Fanello: Actually—

Ed Bassemier: —so if you are not eliminating anybody, then let's go with all the group and give us another week, but if we're only getting a short list, you are already eliminating the rest of the people, eliminating some of the other Council members choices.

Troy Tornatta: If we have a unanimous decision, then I think could we possibly bring one more to the table if we just have an overriding unanimous decision on any certain provider, I mean, is that acceptable?

Commissioner Mourdock: That would be acceptable to me.

Commissioner Fanello: If you have one.

Commissioner Mourdock: We are playing what if's here.

Troy Tornatta: I mean if—

Commissioner Fanello: Assuming that your recommendations don't fall within our recommendations?

Commissioner Mourdock: Right, that is what he is saying.

President Mosby: Okay.

Ed Bassemier: I can only speak for myself—

Troy Tornatta: I've got a list of five, I personally have got a list of five. I don't know what their list of five is, if it would make any difference—

Ed Bassemier: I am going to report whatever you all decide tonight back to the whole Council. I am going to keep all of ours in an open meeting with all seven members present.

Commissioner Fanello: Okay.

Commissioner Mourdock: Okay.

President Mosby: Okay. Commissioner Mourdock.

Commissioner Mourdock: Okay, much as Sheriff Ellsworth did I put together, and, I think, Catherine, you suggested we do this so that we can all swap sheets here, in fact, here, I will give you mine, I have several at this point, if you would, pass that down. I wasn't quite as sophisticated, perhaps not being a law enforcement

professional, so I didn't assign points, but what I did do was go through the questions that we had put out in the RFQ and then pick out the answers that were provided for those. The ones that I saw as particularly being key were; Is the architect coming forward as a team forming a team or as an independent contractor? The number of members that he would have on that team. The number of past jail projects completed. The years of experience, several provided information regarding what their percentage of past business was, and I always see that as critical. What their communications plan was as carried forth in the RFQ? Especially what the QA, QC plans were in reporting the project back to us, how they documented experience, references, the types of facilities, as the Sheriff mentioned, and then the two that I also saw as very critically important, projects in the last five years and the size of those projects in the last five years, the dollar values. As a lesser point, whether or not they had litigation with government agencies, I always take that as kind of an honesty test because—

Commissioner Fanello: Yeah, that's the way I looked at it.

Commissioner Mourdock: —apparently (inaudible) you have been. With those being my criteria, and I will do as the Sheriff did and read these in alphabetical order, and I have five; the Hafer Jacobs team, the PSA group, RQAW, Schenkel Schultz and VPDS/ HOK. So all five of mine were within the six that the Sheriff had listed.

President Mosby: Okay, Commissioner Fanello.

Commissioner Fanello: Alright. I went through each one of them, twice. It put me to sleep, no, I'm just kidding. I didn't come up with quite as sophisticated a spread sheet or what the Sheriff and his Deputy Chief did, but I did go through and note each person's experience and looked at their accomplishments and who was on their team, and in totality these are the five that I have come up with, and in no particular order of importance.

Commissioner Mourdock: Do them alphabetically, if you would, that would make it simpler.

Commissioner Fanello: But, that takes...alright, the team of Hafer Associates in association with Jacobs Facilities, the team of Schenkel Schultz in association with Fosse and Associates, Biagi, Chance, Cummins, London, Titzer and Clark Dietz. The team of PSA and American Consulting Engineers. The team of United Consulting Engineers and Architects in association with DLZ ,Bernardin Lochmueller, Facility Management, Bennett Associates, Correctional Concepts, and Arnold and O'Sheridan Inc., and the team of Veazey Parrott Durkin and Shoulders in Association with Hellmuth Obata and Kassabaum. I hope I have said those right, in short HOK, so those are my five. Which all fell within the Sheriff's.

President Mosby: I will give you my selection, and I'm not sure if mine is as sophisticated as everybody else, but after reading, and I would say that all of them were very qualified, or most all of them were very qualified, a lot of them seemed to be the same and it is hard to pick at some time, but I came up with; Hafer, PSA, Schenkel Schultz, United Consulting and Veazey Parrott Durkin and Shoulders.

Commissioner Mourdock: Well, it would seem that we have two questions. Number one, are we going to reduce the Sheriff's list from six to five? And then, I guess, we have one difference, right?

Commissioner Fanello: We only have one difference.

Commissioner Mourdock: Because the Sheriff, well, yeah, two, because the Sheriff and I both had RQAW on the list, and neither of you had RQAW on the list.

Commissioner Fanello: Right. How many teams do we have in total. One, two, three, four, five, six, seven, eight—

Commissioner Mourdock: Nine, I believe.

Commissioner Fanello: —nine.

Commissioner Mourdock: Before we leave the subject as well, the thing the Sheriff brought up I do want to discuss in some way, and that was the issue of the other proposal we had, whether or not we are going to slam the door on that proposal, so let's set that aside for the moment—

Commissioner Fanello: Okay, I think that private proposals ought to be looked at separately than these proposals, so I do want to say that. That is not to say that we are excluding private proposals at this point, but in the totality of what we are looking at here that should be considered separately.

Commissioner Mourdock: Okay.

Commissioner Fanello: I am inclined to go with five instead of six and the number that we have and the whole purpose is to narrow it down to a short list, otherwise, we would be interviewing almost everyone, so I'm inclined to narrow it down to five.

Commissioner Mourdock: Okay, in that case let me make the argument why I believe RQAW should be on the list. The reason I chose them over, I guess, the one that you have that I didn't have, which would have been United, was based on the fact that in the past five years they have done three times as many projects, they have done twice as much dollar volume in that same period, and 80% of their customers, or 80% of their business is repeat business. I don't know what that number would be for United Consulting, it wasn't provided. I would also make the point that when it came to the different types of facilities, the types of jail facilities that we asked for they referenced having done two where all the others on my list had referenced having done all three, or, in fact, more types of jails.

Commissioner Fanello: I do look at RQAW, which I feel is going to be very, they are qualified, but they did not have a team together, and I felt in looking at their proposal compared to the other proposals, I did not feel that they measured up to the other five proposals. United has a team that has in total construction amount of \$330 million in jail facilities and RQAW \$100 million. As far as—

Commissioner Mourdock: That \$100 million was just the past five years.

Commissioner Fanello: Yeah, the past five years, I am looking at the past five years.

Commissioner Mourdock: Well, I showed United for—

Commissioner Fanello: You are showing United \$58 million, but I am looking at the total team, the team in totality had \$330 million.

Commissioner Mourdock: Which, by the way, I didn't put it on here, that is what the asterisk is on those numbers, it isn't just on their column, but on the others as well. For instance, Hafer Jacobs where they are showing \$800 million, that does not mean that was all Hafer, but that means—

Commissioner Fanello: No, that means the team had a total construction—

Commissioner Mourdock: —which, again, was what I saw is the strength with RQAW, because they are working independently. They didn't form a team because they do enough of this work that they had all of that expertise in house. To me that was a strength, not a weakness.

Commissioner Fanello: I felt that was, in my viewpoint looking at it, it was a weakness. It was one organization. I did not feel like they had the level of experience on their own to do what we have been doing. United Consulting is doing a similar project right now to what we are looking for and has excellent references, could not find anything wrong with them, and it's similar to what I'm looking at.

Commissioner Mourdock: I'll state this from my point of view before you answer it, when I mentioned before the references, that was not meant to imply that I had picked up the phone and called all of those references, I was simply looking at the list. I presume that is true for you also?

Commissioner Fanello: No, I'm actually talking about talking to people and looking at letters of recommendation.

Commissioner Mourdock: Okay. The other comment I would make then is and this is, I'm sure this is absolutely crunching to some of the folks in the audience here, but this is the way we have to do business. You mentioned PSA, I'm curious how PSA would have ranked above RQAW since they were the only other independent, in other words not a team, and actually in some ways, at least in my ranking, didn't have as much, well—

Commissioner Fanello: Well, actually PSA had numerous direct supervision jails. They rated number six in the country in the Engineer Resource Guide Book for 2000, and I felt like they rated above RQAW. I mean, in fact, if you want to go through HOK rated number three in the country and Jacobs Facilities rated number two in the country, Schenkel Schultz rated number nine and PSA rated number six. I mean, to me that was one of the weighted experiences that I looked at. They had experience with direct supervision of jails.

Commissioner Mourdock: Who had experience with direct?--

Commissioner Fanello: PSA.

Commissioner Mourdock: Okay, yeah, but United had experience with just two of the three types as opposed to all three types.

Commissioner Fanello: Looking at them in combination with their team, I felt like they surpassed RQAW. That's—

Commissioner Mourdock: I understand.

Commissioner Fanello: —my opinion.

Commissioner Mourdock: I understand your opinion, I am just stating from the materials they gave us, they had lesser experience with all three types, they only were showing two.

Commissioner Fanello: Any comments?

President Mosby: I'm just sitting here, everything is being said. Quickly.

Commissioner Mourdock: Given—

President Mosby: Go ahead.

Commissioner Mourdock: —given this is a major project. Given there is, obviously, an honest difference of opinion, here, and I don't want to put anyone through the exercise further if, in fact, there is no hope that they might get this project, but I would add that the Sheriff and I, or the Sheriff's team and I came to the same conclusion on RQAW. Does it make sense to, in fact, have six instead of five to take them through that extra step?

Commissioner Fanello: I don't know that it's—

Commissioner Mourdock: (inaudible) voice to be heard.

Commissioner Fanello: We have a voice.

Sheriff Brad Ellsworth: Brad Ellsworth, and this will make it a little more confusing, if just to add interest to it. RQAW and United are my two that tied, with the same points. With our sophisticated points system that we had.

Commissioner Mourdock: I told you they were close, and I wasn't as sophisticated—

Sheriff Brad Ellsworth: Those were the two that tied for us that made it six instead of five, so if that adds any fun to your job.

Commissioner Fanello: I had a hard time narrowing it down to five myself.

Sheriff Brad Ellsworth: I guarantee it was tough.

Commissioner Mourdock: Well, it sounds like it's a reasonable—

President Mosby: It is a tough job.

Commissioner Mourdock: —thing to go to six then. That is fascinating that without discussion between us that it would come down—

Commissioner Fanello: Basically we all came—

Commissioner Mourdock: —to being that close.

Commissioner Fanello: —up with the same—

Commissioner Mourdock: Which means we are all wrong, right?

Commissioner Fanello: We are either all wrong or all right. Comments?

Commissioner Mourdock: I will make a motion given what the Sheriff just said with it being so close that we go ahead and go to six, with the six as mentioned.

Commissioner Fanello: I don't have a problem with that . I don't, I don't have a problem with it.

Commissioner Mourdock: So was that a second?

President Mosby: That is what I'm asking.

Commissioner Fanello: That's a second.

President Mosby: So ordered.

Commissioner Mourdock: To representatives in the audience from the other companies, the fact that you are not going further with us on this project, we regret, but we do appreciate your efforts in putting this package together. We know it is difficult.

Ed Bassemier: For the record, I was just here tonight hoping that you would let two of our County Council people be on this selection committee. I just wanted to say that, for the record, I do not feel like the County Council had any representation on this selection process you all did here tonight. I wanted to take with your approval tonight, that you will permit two people on this selection committee, I mean, to take back to the County Council. It seems like you have already made your short cut, and I am kind of disappointed. I was hoping we would have a little bit more input into this process.

President Mosby: Thank you.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board.

Roger Lehman: No, I am not here about GIS. Thank goodness, right?

President Mosby: Okay.

Roger Lehman: Roger Lehman, resident of 1220 North Red Bank Road. I am here to present the Commissioners with a petition containing 445 signatures concerning safety problems at the intersection of Red Bank and Upper Mt. Vernon Roads. I am the adjacent resident to that intersection and we have, at least in our unofficial counting, weekly incidents there. The most famous lately being the school bus and wild thing interchange, wild side, excuse me. I would like to present the petition to the Commissioners and ask that they direct the appropriate authorities to look into this, I know it has been looked into before, but it keeps getting side lined as not a high priority. The residents, and again, the majority of these people are either residents or parishioners at our church, West Side Christian Church, which is located at that intersection, and we would just ask that the Commissioners would take some action and instruct the appropriate authorities to look into that intersection. We are asking for either a four way stop, not particularly a stop light traffic signal, but that and the appropriate markings and flashers and so on to indicate that that is a 45 mile an hour intersection, and there have been very many serious accidents there, and

we would ask that the county do something with it.

President Mosby: Okay.

Roger Lehman: May I present these to you? I do have Mr. and Mrs. Etheridge here today who live on Mattingly Court, which is off of Tutman Road right next to the intersection, and they frankly got a majority of the petition, and then our church members are primarily about 64 of the signatures.

President Mosby: We can pass this on to EUTS and have them, or have them look at it and do a study, and see what kind of a recommendation –

Roger Lehman: With the further development of the west side–

President Mosby: -- they come back with.

Roger Lehman: With the further development of the west side, it is going to get worse–

President Mosby: Right.

Roger Lehman: –before it gets better also. Traffic has increased...do you all want to say anything?

President Mosby: We will let you know what their findings are.

Roger Lehman: If you could notify the Etheridges' and myself of the time of the meeting, if this is going to be discussed at a meeting or if–

President Mosby: We will have EUTS do a traffic study on it and look at it and see what their recommendations are and then we will get with the County Engineer.

Roger Lehman: Has a study already been done? Maybe John could shed a little light on that. I believe a study has already been done. Talk fast.

John Stoll: We have been looking into that, we've got some accident data from the Sheriff's Department saying EUTS has done some traffic counts, so we are well on the way to having some recommendations. Like Roger said, it will probably either be a four way stop with an overhead flashing light, or an overhead flashing light that would flash yellow for Upper Mt. Vernon and red for Red Bank. One way or another we will end up with a flashing light, I think, at this point.

President Mosby: Okay. Thank you, John.

Roger Lehman: Thank you very much.

President Mosby: Thank you. Any other group or individual wishing to address the board?

Richard De Voy: Richard De Voy. I will be brief. The Old Courthouse is the issue that I want to talk about just for a minute. There is a group of people on a feasibility committee, and I want to give my personal recommendations. I spent two years researching the Old Courthouse for my college thesis, and the problems that I see the board and the citizens wanting to address are how to increase rented space,

how to make it pay for itself. The problems that I am familiar with and want to bring forward are more of a structural problem, years of neglect, approximately 20. The research and numbers and cold hard facts are right here, and this is pretty much a summation of the neglect and problems, not just the flag but the building in its entirety is in peril and needs assistance and needs it soon.

President Mosby: Okay.

Richard De Voy: Thank you.

President Mosby: Thank you. Any other group or individual wishing to address the board? Seeing none.

County Engineer- John Stoll

President Mosby: Quickly, County Engineer.

Commissioner Mourdock: A nice crowd has gathered.

John Stoll: The first item I've got is a recommendation to award the Peerless and Huckleberry Project, project number VC01-04-02 to CCC of Evansville for the amount of \$10,750.17.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The next item I've got is a letter for the Commissioners signature. This is in regard to a project that INDOT has at the intersection of State Road 57 and Boonville-New Harmony Road. We had a field check out at that intersection back in February, and the east limit of the INDOT project currently stops about 500' short of the west limit of the county's Boonville-New Harmony project that was done back about 12 years ago. In this letter, I have written to request that INDOT change their east limit to coincide with the west limit of the county project so that way the road doesn't narrow down from 11' lanes to 9' lanes and then back out to 12' lanes. Just make it consistent throughout its entire length between 57 and Greenriver.

Commissioner Mourdock: I will move approval of sending the letter.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is also a letter for the Commissioners signature. This is in regard to phase four of the Burkhardt Road Project. Back in January, Commissioner Fanello and the County Attorney and I met with the Water and Sewer Department regarding the Water Department's relocations and, at that time, it was agreed that the Water Department would have their relocations included in our contract and we would then reimburse, they would reimburse us next year. An agreement was written, it was reviewed by the County Attorney, it was reviewed by the Water Department and now it has been revised to suit all parties and we are just

waiting for the final plans from the Water and Sewer Department. In this letter for your signatures, it is just saying here is a copy of the agreement, please sign it, please forward your plans to Bernardin Lochmueller so we can finish out this project and get it out for bid, and we were targeting May 14th for a bid opening date for the Burkhardt Project.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next, I've got a change order on contract VC00-11-01. This was the Seminary Road culvert replacement. This is for an increase of \$1033.28. The changes were under runs in riprap, but over runs in asphalt and striping. It is recommended that this change order be approved.

Commissioner Fanello: I move approval.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a change order that was approved back on April 2nd for the Lynch Road and I-164 interchange. It was sent back from INDOT because it was signed on the wrong line. It needs signatures on the correct line.

Commissioner Mourdock: Who signed it on the wrong line?

President Mosby: Probably me, it was the President.

Commissioner Mourdock: I thought you meant (inaudible).

John Stoll: You sign there, and we need all three signatures here.

President Mosby: That's what it was, because I remember where you posted it.

John Stoll: That is all I have.

Commissioner Fanello: Thanks, John.

President Mosby: Thank you, John.

County Highway- Ralph Kissinger
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President Mosby: County Highway, quickly, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway Department. You have my report, if you have any questions. If not, I have nothing to add, I will make it short and sweet.

President Mosby: Any questions? None. Thank you, Ralph.

County Attorney- Phil Hayes

President Mosby: County Attorney.

Philip Hayes: Yes, the county has a case pending before the Circuit Court on a venue entitled, "Faulkner versus Sheriff", it is an open access case requesting records, and my understanding and it was filed in the year 2000. Faulkner is a plaintiff and he is also an attorney and representing his own petition in that matter. A motion to dismiss the case was submitted by Faulkner to Mr. Ahlers, Mr. Ahlers was assigned to defend the case during the year 2000. I have reviewed the pleadings have been submitted to me by Mr. Ahlers, I've also reviewed the position of the petitioner. In early February the petitioner at my urging, and in a type of informal mediation between telephone calls and a couple of meetings with Mr. Ahlers and also with the Vanderburgh County Sheriff, I requested that their assent be given to dismissing the matter. At this state, it is considered a policy matter by the trial counsel, Jeffrey Ahlers. As far as the Sheriff is concerned he has expressed his own philosophical and legal wishes in the matter that there not be a precedent established one way or the other on it, I think that is an accurate reflection of his position, and even more so that he would not like to give up files like this at any time in the future. The dismissal is one with prejudice, that means that Faulkner as plaintiff could not bring the case back for that particular investigative file. The file contents are not known, even the trial counsel on our side does not know what the contents are speculated to be, and has not discussed that, so it's not part of it. It is definitively political in the nature of the lawsuit, which means to say it is definitively an exercise of the First Amendment, whether we care to like it or not, and it is my recommendation that the matter be ended by it's dismissal. In order to dismiss that, it will require the assent of counsel for the County of Vanderburgh. Since I am County Attorney and since I am recommending this dismissal be assented to on a policy basis, I would like permission to execute the dismissal entry on behalf of the county, have it filed, and have the matter dismissed, each party to bear it's own cost. If I can have that at this time, then I will simply enter my appearance to authorize myself to do that under my authority as County Attorney, and execute it on my own, indicating that Mr. Ahlers need not take responsibility in any manner for the policy determination.

Commissioner Mourdock: Just two quick points, or points of question.

Philip Hayes: Sure.

Commissioner Mourdock: Mr. Ahlers, who normally works as counsel for the County Council by way of history on this, was handling the case because it was a conflict at the time the case was filed, and that Joe Harrison, Jr. was, obviously, former County Chairman and—

Philip Hayes: I think that's—

Commissioner Mourdock: —that was an integral part of—

Philip Hayes: —my understanding. Mr. Harrison made an assignment of that to Mr. Ahlers, as was customary with him, I think, Mr. Ahlers appeared on a variety of cases.

Commissioner Mourdock: Given that—

Philip Hayes: At least two or three.

Commissioner Mourdock: –bit of history, and hearing you say that effectively what we are doing here is terminating Mr. Ahlers from the case, obviously in no way that affects what is happening–

Philip Hayes: No, it's not–

Commissioner Mourdock: –with the County Council.

Philip Hayes: –really a termination, it would be best to say that he need not exercise the power to dismiss the case. I would be doing that.

Commissioner Mourdock: You said something about each side covering it's own fees. If this, is this a frivolous?--

Philip Hayes: Costs, costs of the case. The attorney fees in the matter are not really at issue. They can become of issue anytime there is an allegation that either by statute or by rule of law that attorney fees ought to be paid, that is usually in the way of a counter claim or in the way of a another law suit to do it. At this time those issues have not been presented. This is truly a settlement of the case by way of saying, be gone, everybody go away–

Commissioner Mourdock: Yeah.

Philip Hayes: –and move on–

Commissioner Mourdock: I understand the case–

Philip Hayes: In that respect, yeah.

Commissioner Mourdock: –the difference here is that Mr. Ahlers isn't as eager to say, let it be gone, so–

Philip Hayes: No, he would not be the person in authority to do that, and I've discussed the matter with him. I have no problem whatsoever with that, it is, indeed, a policy matter, and that it would be my recommendation as a matter of policy to dismiss, to allow the dismissal of the case by counter signing the motion for dismissal which has been made by Faulkner.

Commissioner Mourdock: Okay, I –

President Mosby: Do we need a motion?

Philip Hayes: Yeah, I think it would be appropriate in this case.

Commissioner Mourdock: I will make the motion, as I hear it, and again, what we are really doing is taking Jeff off the case, so Phil can do what you just said, which is get in there and settle it, so–

Philip Hayes: Yes, which will be a dismissal, I will assent to the dismissal of the case, each party, each party to bear it's own costs, with prejudice to the plaintiff in that he may not bring this action again as to that particular–

Commissioner Mourdock: Yeah, I am making the motion then that Mr. Ahlers be taken from the case, so that Mr. Hayes can act.

President Mosby: I will second that.

Philip Hayes: That will work.

President Mosby: So ordered.

Philip Hayes: Thank you.

President Mosby: Anything else.

Superintendent of County Buildings- Tammy Mc Kinney
--

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I just want to bring you an update on the Old Courthouse, since it was the county's first day of running it. I just wanted to let you know that we hired Ben Turner on a part time temporary basis, he used to work at the Old Courthouse and he's showing Mark and I the lights and how to lock up and everything.

Commissioner Mourdock: Is there a pink slip tonight to hire him, since we've-

President Mosby: No-

Tammy McKinney: It's not actually hiring him-

President Mosby: We are going to have to do it under contractual services due to the fact that-

Commissioner Mourdock: Okay, so the-

President Mosby: -the County Council doesn't meet for another two weeks or whatever-

Commissioner Fanello: That's my question, I don't exactly know...you talked to Sandie Deig today earlier.

President Mosby: I talked to Sandie Deig today, we have in -

Commissioner Mourdock: We have a line item for contractual services.

Tammy McKinney: Right, right.

President Mosby: -line item, we have contractual services if we wanted to hire part time, we've only got part time for one intern at \$8.00 an hour. In order to amend that we have got to go back to County Council. Ben only wants to work two weeks, they don't meet for two weeks, so-

Commissioner Mourdock: So, that's how we need to do it, under contractual services.

President Mosby: –we are going to have to do it under contractual services to get somebody–

Commissioner Mourdock: We just, we need a contract to do that.

Commissioner Fanello: We need some type of agreement to sign that he is only going to do it for two weeks.

Tammy McKinney: Okay.

President Mosby: I don't know. Sandie said she was going to write up something.

Tammy McKinney: Okay, and I just want to let you know that we used Community Corrections today, we mopped all the floors, we got the grass mowed, we serviced all the restrooms by putting toilet paper, soap, all the toilets were cleaned and sanitized today, and next is the flag.

Sheriff Brad Ellsworth: Don't let Community Corrections change the flag.

Commissioner Fanello: It might not be a pretty sight.

President Mosby: Are there any questions? Seeing no questions.

Burdette Park- Steve Craig

President Mosby: Burdette Park.

Steve Craig: All I have is my weekly work sheets, and I will bring you a recommendation of our food and beverage bids next week.

President Mosby: Thank you.

Steve Craig: Thank you.

Commissioner Mourdock: We already have received the Soil and Water Conservation District report, so I would move approval of all the Department Head Reports.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: For the consent items, we need to add one item which is to add the annual Domestic Violence Grant, which was submitted by the Sheriff fairly late, so I move that we add that to the consent items.¹

Commissioner Fanello: Second.

President Mosby: So ordered.

¹Consent items listed on Page 28.

Commissioner Mourdock: Then I move approval of consent items.

Commissioner Fanello: Second.

President Mosby: So ordered.

Old Business

Commissioner Mourdock: Under Old Business, I included in the packet the letter that we discussed two weeks ago to send to Steve Utley regarding a review of the floor plan, I would move approval of that letter.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Is there a copy that we need to sign?

Commissioner Mourdock: That is the original.

President Mosby: This is the copy? Okay.

Commissioner Mourdock: The original, yeah.

President Mosby: Any other Old Business?

New Business

President Mosby: Any New Business?

Commissioner Mourdock: Motion to adjourn, and if you are in the room for rezonings we will be back and doing that in about ten minutes.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 7:21.

CONSENT ITEMS:

Employment Changes:

Voter Registration Surveyor Burdette Park

Travel Requests:

County Assessor Perry Assessor Area Plan

Health Department:

Sam Elder request to go to Council for transfer request.

Sheriff:

Submit weekly jail information and reports.

Submit annual Domestic Violence Grant for approval.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	Sherman Greer	Trish De Voy
Phil Hoy	Mike Skillman	Jim Boots
Larry Koenes	Brad Ellsworth	Ed Bassemier
Troy Tornatta	Roger Lehman	Richard De Voy
John Stoll	Ralph Kissinger	Steve Craig
Others Unidentified	Members of Media	

APPROVAL:

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson

**Vanderburgh County
Board of Commissioners
April 23, 2001**

The Vanderburgh County Board of Commissioners met in session this 23rd day of April 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: The Board of Commissioners meeting of Vanderburgh County for April 16th, 2001. Introductions, where is Tammy?

Commissioner Fanello: She went to close the Old Courthouse. She will be here in a minute.

President Mosby: Okay. We have with us Phil Hayes, Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Suzanne Crouch, Auditor; Madelyn Grayson, Secretary. I would like to stand and say the Pledge of Allegiance.

Approval of Minutes

President Mosby: Approval of minutes from the April 9th meeting.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: That should be the 16th for the record.

President Mosby: April 9th meeting.

Commissioner Mourdock: It should have been the 16th.

Commissioner Fanello: It should have been the 16th, she’s got the wrong date at the top of the agenda.

President Mosby: Okay. I really need to correct myself on the Board of Commissioners meeting for April 23rd, since we are only a week behind.

Commissioner Fanello: Phil must have got the right, he has the right agenda, or the correct agenda.

President Mosby: Oh well, anyhow, approval of minutes from April 16th. We have a motion, so ordered. John Stoll, opening of bids.

Commissioner Fanello: Phil has them.

President Mosby: Well, I would say that we would skip John and go to Dennis, but I don’t see Dennis here either.

Philip Hayes: John was just–

Unidentified: He was just here a second ago.

President Mosby: Well, we will skip John, we will skip Dennis, let's go to Sherman.

Sherman Greer- EMA

President Mosby: Sherman you are on the hot seat.

Sherman Greer: I am trying to get signed in here.

Commissioner Fanello: Really, I think that it is kind of up to us, unless we have any questions for Sherman, I mean.

Commissioner Mourdock: Picking up from where we were last week, which was Sherman's request, or, I guess, his request jointly with the Red Cross that, perhaps, when the new Red Cross facility is built that EMA be located within that facility. We had the brief discussion last week, I made comment at that time that we certainly have a lot of county office space over in the Old Courthouse and that would be my preference to see that happen, but, again, the timing of that and where you are now with the current lease that you are under, I have no idea what the terms of that lease are. When—

Sherman Greer: That is an annual lease—

Commissioner Mourdock: Okay.

Sherman Greer: —that we have with them on an annual basis. I went over to the Old Courthouse and looked at the, in the basement area and, I guess, that's probably where you would want to locate us over there.

Commissioner Mourdock: I have no predisposition as to where.

Sherman Greer: Okay. I think that it would be wise for us to probably be in the basement area if we were going to be over there. I have looked at a couple of rooms over there, and about 900 square feet is about the largest rooms that we've got in the basement area. Now if we can knock out some walls and everything else in there, I need about 2000 square feet for FEMA regulations for at least 30 people, and we try to run it a little bit larger than that just because for the simple reason that whenever we have emergency operations, we have more than, sometimes more than 30 people within the emergency operations center itself.

Commissioner Mourdock: So you would need more than office space? You need a command and control kind of facility—

Sherman Greer: Yes.

Commissioner Mourdock: —for when those things occur.

Sherman Greer: Yes sir. What we would also need is to have radios, antennas on the facility, an auxiliary generator for the facility. We would need, probably, a good assessment or feasibility done on the building itself, because of the soil content, and, I know the building has been there for hundreds of years and everything, but there is some information that we would need to follow up on to

see if it was going to be what, I would think, would be a safe facility for us to be in in any type of emergency or disaster situation we may have.

Commissioner Mourdock: You mentioned, Sherman, that the lease that you are currently on is an annual lease, do know what the date is? I mean, is it from January 1?

Sherman Greer: In April. April, no from January to January.

Commissioner Mourdock: It is in January?

Sherman Greer: Yes.

Commissioner Mourdock: So we would have until the end of this year, I mean, we are, obviously, contracted until the end of this year, so if we were going to do something—

Sherman Greer: The Red Cross is not going anywhere for at least another couple of years, because, you know, until they break ground and everything as it is right now that is what we were looking at, you know, we are not under any mandate or anything to move out of the facility. In fact, they want us to stay there as long as they are going to be there and everything to work together as we have over the years, but there is a lot of things that would have to be. I have three vehicles, well, three trailers, and I've got three other vehicles that I would have to have access to. I've got trailers that have equipment on it, you know, just like on the way up here I got called because of the fire outage on the west side, north west side of town at the end of the county where there is 27,000 people without electricity. We are going to try and dispense some of the generators that we have for the people, at least, that have medical problems or something like that, which most of them have back up systems, but they like to hear a generator running also. Different things like that that we need to be able to get readily available to us. If those things are not available to us, and security is paramount to us, I mean, out at the Red Cross right now we have a fence up around there and everything and we don't have to worry about anything coming up in the center or damaged equipment or anything like that. Those are some of the things that we would be concerned about. It would—

Commissioner Mourdock: Is it a paramount, and I realize it is convenient to be located at the same place as that equipment is stored, as you mentioned fenced in and all that, but how critical is it that it be there though? If we were to do something at the Old Courthouse could that equipment not be at the fenced in area at the county garage, for example?

Sherman Greer: Well, the county garage I went out there when we had to move our 53' semi trailer, they have no room for us. I went to the Parks and Recreation, they have no room for us. I went out to the city garage, they don't have any room for us, for one vehicle, so, putting a few more out there, I don't know. It is going to create some type of a logistics problem, getting—

Commissioner Mourdock: I don't want to be too glib, but, I think, that if this board acted, to say that there will be room for you at the county garage.

Sherman Greer: Oh, I'm sure that there would be.

Commissioner Mourdock: There would be room for you at the county garage.

Commissioner Fanello: I am sharing the same sentiments as Richard, but I also, even if the Old Courthouse was not a feasible solution, I would probably like to see some other alternatives. What I see right here is kind of an expensive proposal, and, if anything, I would like to see maybe two or three other alternatives that you would explore, whether they be, maybe, other sites around the city or county, because I don't have anything to compare it to, we are looking at just figures from the Red Cross and there is nothing really to compare it to. When you compare it to what you are spending now, it is a huge increase. I guess—

Sherman Greer: So you want me to start looking for other—

Commissioner Fanello: —(inaudible) the Old Courthouse, I would like for you to, the Courthouse would be the number one choice for me, and then if that is not a feasible solution, maybe some other alternatives.

Sherman Greer: Okay.

Commissioner Mourdock: Just my other thought on the Old Courthouse is, it may not be perfect today, and certainly isn't perfect today, but the whole point from my frame of thinking, the whole point of trying to get county departments to use that is so that we can have a complete plan put together so that we can justify what we need to do to make it a far, far better facility than it is. I don't want people to think that they are being sentenced to the Old Courthouse. I am hoping that we can use the presence of people in the Old Courthouse as the driving force to otherwise improve it.

Commissioner Fanello: Exactly, I mean, I don't intend for it to stay in it's current condition.

Sherman Greer: Okay, so my next step is to, I think the Red Cross has, since our last meeting, has already written us off. They are getting ready to do their other plans and everything as it is anyway. So we will have to start looking at how much it is going to cost us to be able to do the things that we would need to do to meet FEMA standards to keep our funding, 50% funding for our salaries and things to keep coming in, because we do have to meet certain standards for that.

President Mosby: Could we get a list of them standards, so we know what we are looking at?

Sherman Greer: Yes, sir.

President Mosby: As far as feasible standards that we have to meet.

Sherman Greer: In fact, I thought I picked it up, but I had our last inspection that we had from the State Emergency Management Agency, and I might give you a copy of that and the standards that the Federal Emergency Management Agency requests of us. Now, all those we don't have to meet, but they like to see us to do the largest percentage of them.

President Mosby: Well, just so we don't lose any funding. I mean, I would like to see definitely what we have to meet here.

Sherman Greer: We are going to meet the minimum to keep that funding.

President Mosby: Let's see what the minimum standards are.

Sherman Greer: So, I guess, you need our department to just go ahead and start looking for, looking at the possibility of us moving into there—

Commissioner Fanello: Into the Old Courthouse, and –

President Mosby: If you could get with Tammy and she's not here right now, but if you could get with Tammy and go over there someday and look around and see what would fit your needs, there's Tammy—

Commissioner Fanello: There she is.

President Mosby: We will get Tammy to get with you and see what would fit your needs, and then as far as the trailers are concerned and what we have to do outside of your needs at the Courthouse and we could explore our options.

Commissioner Mourdock: On that general subject, now that Tammy has joined us here, walked in right in the middle of this, I think, something that we really need to work on too, beyond what EMA needs, but as we look at the Old Courthouse, we need to make sure that we have a dialogue with the city as far as what we might do additionally for parking areas around that, because I know with the current tenants that is often an issue, and if we are looking to use it in other ways for county offices, it is certainly going to continue to be an issue, so we need to start that discussion now and have some plans in the works as far as how the city might work with us on the streets to have angle parking all the way around the square.

Sherman Greer: We have a lot of meetings that we host out there at the Red Cross from different departments and things of that sort because we do have a large enough room to handle a lot of people, so, again, that is, parking is going to be a problem down there.

Tammy McKinney: For your larger vehicles, I don't know, if maybe it could be possible to maybe use the Coliseum parking?

Sherman Greer: That is fine as long as we can put a fence around it.

Commissioner Mourdock: Yeah, I am not so concerned about the larger vehicles, because, I think, we can always find a way to deal with those, and I don't think that any of us envision seeing those, I'll call them box trailers for lack of a better term, sitting out there in public view around the Old Courthouse.

Sherman Greer: One of those box trailers is a 53' semi trailer.

Commissioner Mourdock: That is what I said, I don't see those at that facility, but just for day-to-day business. For what you do and for what the other people that are in that building do, we are going to have to have some angle parking or something all the way around that facility. There is room for it, and we just need to work with the city to make sure that happens.

Sherman Greer: Okay.

President Mosby: Any other questions? Thank you, Sherman. Do we need a motion?

Commissioner Fanello: No.

Commissioner Mourdock: No, I don't think so.

President Mosby: A motion to...okay.

John Stoll-Opening of Bids for VC01-04-01

President Mosby: We will back up, John Stoll, opening of bids.

John Stoll: There is nothing that needs to be done other than just opening them up.

Commissioner Fanello: Just these two?

John Stoll: Right, I was going to say we only had two—

Commissioner Fanello: We need a motion, a motion to direct the County Attorney to open up the bids for repair and repaving.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: We only had two contractors pick up the specs, so that is why we only had two bids.

President Mosby: Okay. Dennis Woehler, I still don't see Dennis.

Phyllis Donahue-Welfare to Work Council

President Mosby: Phyllis Donahue, Welfare to Work.

Phyllis Donahue: I think that you have a copy of the minutes from December in your packets, also, I would like to give you the Gatekeeper Report which is the funding stream.

Commissioner Mourdock: The nuts and bolts of the request that is in our packet, and correct me if I am wrong, Tim or Phyllis, but, the monies that we have allocated through the Riverboat Funds for the Gatekeeper function have traditionally been divided four ways for what we call Safety Net, Child Care, Job Training and Transportation. The suggestion here is that we use those funds for the current year for solely towards the Safety Net and towards Child Care, with the remainder of the funds that we need for those other two items coming out of the monies that we are not otherwise, were not spent in the previous year.

Phyllis Donahue: Yes, that is correct. As it states in the minutes under Child Care, the state is giving us \$1 million less this year for Child Care, and that is one reason that we want to move the amount into Child Care because we think we are going to be needing it. Prior to this, we have been able to move, not had to

use this money because we have had other funding streams, but that is going to be drying up. \$1 million.

Commissioner Fanello: I'm sorry, Richard, did you say that these were the same percentages as?--

Commissioner Mourdock: No, they are different percentages. Previously we took the 100% and broke it up four ways, but instead of using any of this year's funds for Transportation and for Job Training, what they are recommending is that we use funding that was not spent in previous years toward that end, and all the money that does come in that is allocated to this be divided with 60% to the Safety Net and 40% to the Child Care. Saying it differently, it is 60% to the Safety Net and 40% for Child Care for this year's funds received from the Riverboat.

Phyllis Donahue: Right.

Commissioner Mourdock: For the new monies coming in this year.

Phyllis Donahue: The allocation that started in January.

Commissioner Mourdock: Just one other comment, in the years that we have been doing this, the Safety Net initially started out to be one of the smaller parts of the program, but it has turned out to be one of the more successful parts of the program as far as keeping people off the welfare system by taking care of what is described as the one time circumstantial disruption.

President Mosby: Did you say?--

Commissioner Mourdock: Job Training has not been used much at all, nor has Transportation, which originally we were told when we put the group together everyone thought that those were two big needs, but they turned out not to have been real needs.

President Mosby: You said money that has not been used in prior years.

Commissioner Mourdock: Yeah, excess funds, in other words, we took a third of the Riverboat money, and put it into this general coffer, but some of that money remains from prior years, because there were not enough requests to help with transportation.

President Mosby: Okay, was that money encumbered?

Commissioner Mourdock: Yes.

President Mosby: It is my understanding that it wasn't.

Commissioner Fanello: I don't know. I would have to check on that, because that was my question at the beginning of the year--

Suzanne Crouch: In prior years, every year money is encumbered, if there is a contract or a purchase order--

Commissioner Fanello: Okay, so the money in the Welfare to Work is encumbered?

President Mosby: Is that the only one that is encumbered, Welfare to Work?

Suzanne Crouch: I believe there is monies in Riverboat. I think that is information that was shown on that report, remember back in January? I'm sorry.

Commissioner Fanello: That was part of my question, though at the beginning of the year when Royce, Councilman Sutton, and I were talking about encumbering monies and apparently we were told that some of the monies lapsed in the Riverboat Fund.

Suzanne Crouch: If monies was not appropriated, yes, but there is a difference between appropriated and budgeted money and then encumbered money. Encumbered money is budgeted money that has not been spent, and that money was encumbered.

Commissioner Fanello: Yeah, it is encumbered on a P.O.

President Mosby: Right, well when we was at Council a couple of months ago, and we were talking about the Economic Development money, the Infrastructure money, and the Welfare to Work money, we were told we had \$500,000 in each one and everything had went back to the General—

Suzanne Crouch: I think that is unappropriated—

President Mosby: —so if you are going to change your story, that is fine.

Suzanne Crouch: If it is not appropriated.

President Mosby: Well, we asked if it was encumbered from the prior year, so that we knew how much we had, and we were told we had \$500,000 in each one.

Suzanne Crouch: Well, Catherine had a report that was sent up that had, that actually shows the encumbered money along with the budgeted money.

President Mosby: Okay. I would like to defer this until we find out how much money we have, because I don't think anybody is clear.

Phyllis Donahue: Mr. Heck, who is the person who administers for Phillip Lieberman and Associates, he got a notice, because we originally thought that there was going to be a cut of a certain percentage. Off the top of my head I can't remember what it was, but, he got information or a letter that stated that we were again funded at the \$500,000 level, which it has been for the last four years. Before I leave, whether or not you table this or not, one of the reasons I was wanting to speak today is that in the last four years Vanderburgh County has been the only county in the state of Indiana that has had this type of funding, that has helped in a Welfare to Work situation. A lot of programs exist, but they have no funding to help with the programs, so this program has been a God send to a lot of, for our Division of Family and Children, for our clients that are not on the TANF grants. I think, you—

Commissioner Mourdock: In that regard, with the pen in your hand, would you write the name down, Al Stoller, S-t-o-l-l-e-r. He is with Wayne Township in Allen County, he is the Trustee up there, and he asked me a few questions the other

day about the relationship between what we have done historically with our Gatekeeper Program and some of the state's programs, and I told him I would have you give him a call. I don't have his number, but —

Phyllis Donahue: Okay.

Commissioner Mourdock: —again, he is Wayne Township in Allen County, Al Stoller, and just kind of bring him up to date with what we have been doing with this and without (inaudible) and with TANF and all the other stuff.

Phyllis Donahue: Okay.

Phil Hoy: Excuse me, can I speak?

Commissioner Mourdock: Yes.

Phyllis Donahue: Okay?

Commissioner Mourdock: Thank you, Phyllis.

Phyllis Donahue: Thank you.

Commissioner Mourdock: Let me add one other thing, too, traditionally I would call at the end of each year. As Phyllis was saying, Gary Heck has come to us specifically to request the encumbering of those funds, so I do believe they have been encumbered.

President Mosby: If they have been encumbered, that is fine with me, I mean, I—

Commissioner Mourdock: Yeah, let's be sure—

President Mosby: Okay, well she is going to do a finance report, but, I mean, I would just like to know what is encumbered and what is not, because when we were at Council a couple of months ago, it was like nothing was encumbered. If you didn't spend it, it went on back.

Suzanne Crouch: Like it was told, it's the semantics, there is a difference between encumbered and appropriated—

Commissioner Mourdock: Appropriated.

Suzanne Crouch: —but I will get that information—

Phil Hoy: Did we not vote that at budget time, though?

Suzanne Crouch: That is correct, what was not—

Phil Hoy: Yes, we had those three fixed, but, I think, that there is some extra money in that account, is there not?

Suzanne Crouch: Uh huh.

President Mosby: So, there's—

Phil Hoy: A million and a half, there is some extra money that is probably not encumbered.

President Mosby: Well, okay, I mean, Phil, while you are here, out of the \$500,000 from Welfare to Work—

Phil Hoy: I'm sorry, I didn't, Phil Hoy, County Council. I will do it right.

President Mosby: Okay, out of the \$500,000 for Economic Development and Welfare to Work and Infrastructure—

Phil Hoy: Uh-huh.

President Mosby: —is all of that encumbered then if we didn't spend it last year?

Phil Hoy: We committed, yes, we committed also, and I don't know where that project is, we committed Economic Development Funds for the building of the sewer to Daylight.

Suzanne Crouch: Uh-huh.

Phil Hoy: I don't know whether we have paid that—

Suzanne Crouch: I think that is all—

Phil Hoy: —paid off?

Suzanne Crouch: That is correct.

Phil Hoy: That bond is paid off.

Commissioner Fanello: Okay, in Welfare to Work, I am showing right now that we have outstanding encumbrances of \$410,438.60, and then plus our \$500,000, we had an opening appropriation of \$500,000, so right now the unencumbered balance is \$723,475.65.

President Mosby: Okay.

Phil Hoy: Does that help?

President Mosby: That is in Welfare to Work?

Commissioner Fanello: That is in Welfare to Work.

President Mosby: Okay, what is in the other two?

Commissioner Fanello: In Economic Development we have an unencumbered balance of \$568,794.70, Infrastructure \$569,608.00 in unencumbered monies.

President Mosby: Okay.

Commissioner Fanello: So, does that answer your question?

President Mosby: Partially.

Commissioner Mourdock: So, with that last bit of information, do you still want to defer or do you want?--

President Mosby: I want to defer to next week, yeah.

Commissioner Mourdock: Okay, that's fine.

Phil Lawrence-Rejection of Tire and Uniform Bids

President Mosby: Phil Lawrence.

Phil Lawrence: I am just going to be quick.

President Mosby: You have tire and uniform bids first, and then Burdette Park second.

Phil Lawrence: Yes. Phil Lawrence, City-County Purchasing. There was enough inconsistencies in the Bid Specifications when they went out that several vendors had a difficult time sending the bid back properly. So when we looked at that, it made the bid tabulations very, very confusing. So we are now coming before you asking you to reject those bids. I have sent out, requested all of the city and county departments, asking for better numbers on how many tires, how many cars, so that we can get a better handle on the specifications, so that we can write them better, so that they can be bid properly, and we can evaluate on an even plane. I think that has been a problem in the past on both of those bids. So, I am coming before you to ask for you to reject those bids. We will go back out and rebid those.

Commissioner Fanello: Motion to reject.

Commissioner Mourdock: Just before we do that, for the record, is there anyone else here to speak to this, this evening? I just wanted to make sure that we didn't have any vendors here.

President Mosby: What was the, I guess, what was the confusion?

Phil Lawrence: One of the major ones was that no one certified their tires. You can't have police and fire vehicle tires without having some kind of certification. No one certified them. It just makes it a little difficult to do it after the fact. Especially, when you are talking about a bid of \$300,000, it is just difficult to do afterwards.

Commissioner Mourdock: How about the uniforms, what was the problem there?

Phil Lawrence: That was way before my time, but there was some other issues that I am not as familiar with as the tire bids, but there was the same kind of issue, was some information went out that was just not accurate, and we need to make sure that that is more accurate this time.

Commissioner Mourdock: Okay. Clearly, in our bid sheets we have the right at any time to reject any or all, and with the motion to reject, I will go ahead and say, second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Thank you.

Phil Lawrence-Burdette Park, Awarding of Food and Beverage Bids
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President Mosby: Burdette Park.

Phil Lawrence: Yes, I dropped off some bid tabulations and some summaries, and we have, Joyce, I and, I think, Steve have been beat up with them, and we've come up with some winners, and the soft drink is, Coca-Cola is the recommended vendor for soft drinks. The advisory board has also looked at them and made the same recommendation. On the concession food bid summaries, if you will notice, the ones that are shaded in dark gray, we are recommending that those be approved. All bids, with the exception of the ice cream bid, are a low bidder.

Commissioner Mourdock: What is the deal on the ice cream bid, then? You knew I would have to ask that.

Phil Lawrence: Well, yeah, I knew someone would. Schwan's has historically been an outstanding seller, tastes better. That was the reasoning behind the Schwan's Ice Cream bid. It sells better. It sells much better than the other. I believe you guys have got this thing down to a science. They do this better than we do. I think, they must divvy this up somewhere else, and then come back and say, you take this, and I take that. I never said that, but that is the way it looks.

Commissioner Mourdock: For the Burdette Park 2001 Food Bids, I would move that we award to Diamond, Weber, Schwan's, Fisher and Midwest for those items indicated on the sheets that were provided to us.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second on awarding bids for the five companies listed, so ordered. Where are the soft drink bids at on here?

Phil Lawrence: It's on a separate sheet.

Commissioner Mourdock: Right. Madelyn, do you have a copy of this for the record.

Madelyn Grayson: Yes.

Commissioner Mourdock: Okay.

Commissioner Mourdock: For soft drinks, for Burdette for 2001, I would move the award to Coca-Cola as recommended.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: Are you ready?

Phil Lawrence: Is that me?

President Mosby: I guess that's, I am still looking at this. Yeah, that's it, thank you.

Commissioner Mourdock: Thank you, Phil.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Dorie LoBue: I am Dorie LoBue, Metropolitan Evansville Chamber of Commerce, and I had on my calendar that I was supposed to be here tonight.

President Mosby: I had you down for next week.

Dorie LoBue: I can come back if that is a problem, but it works out better with child care if I can address it this week, because I am a single mother and I'm trying to do the best I can.

President Mosby: Go ahead.

Dorie LoBue: What I would like to address tonight is, we are looking for funds to help facilitate the Tri-State Work Force Initiative. It is a work force project that has been going on about the last year and a half. It is a six county regional effort. The project itself costs about \$50,000, which the other expenses with mailings and postage and data entry and facilitating meetings and so forth, is up to around \$75,000 or \$80,000. That's been paid for. The work has been done. The project is completed and we are now taking the recommendations from the Hudson Institute and trying to look at the different ways to go forward with the Initiative. We've gotten recommendations from the Hudson Institute on how to do that. We originally tried to put the recommendations in the hands of an executive panel that was made up of a private sector and a public sector representative from each of the six counties. That panel basically told us that they didn't want it, they didn't have time for it, they didn't have funding for it, and they wanted the Evansville Chamber to continue facilitating it. It is not, I would like to stress, it is not an Evansville Chamber project, but we have facilitated it for the six county region. We've worked with the Workforce Investment Board and have come up with a plan in how we can partner to take this, the recommendations, forward. It is going to cost us, a joint effort is going to cost us \$55,000 a year. That is the budget we have come up with. So what we are doing is that we are going back to the counties and asking them to put money in the hat to fund it for two years, and that will enable the Evansville Chamber to continue facilitating it with the Workforce Investment Board. Then what we have proposed is, at the end of two years, is to evaluate the progress of the Initiative and see what kinds of things that the Workforce Investment Board has accomplished. If they are accomplishing things to the regions satisfaction, then the Evansville Chamber will back out of it completely, and let them handle it and not ask for any more funds. We are looking for a \$5,000 commitment for each year for two years to help us with the Work Force Project that was completed in October.

President Mosby: Questions? How many other counties have you talked to?

Dorie LoBue: I have talked to, actually the City of Evansville is putting money into the project because Mayor Lloyd has been very involved with it from the get go and is committed that the recommendations be carried out. I have talked to Warrick County and they have committed to the amount. I talked to Spencer County this morning, and although they don't know how they are going to come up with the money, the county, the money probably won't come from the county, but they are going to run a campaign to raise the money, so they are committed to it. Posey County, I addressed the Commissioners on May 8th. Gibson County, I haven't been able to arrange a meeting with them, yet. Henderson County the contacts have been out of town for the last couple of weeks, so that is upcoming, too. So far we have gotten a commitment from Warrick and Spencer County and the City of Evansville.

Commissioner Mourdock: The final work product is going to be what?

Dorie LoBue: The final, I'm sorry, what?

Commissioner Mourdock: What is your final product going to be? I presume it is going to be a report of some sort, recommending?--

Dorie LoBue: Well, I've got, if it would be of any assistance, David, you saw this--

President Mosby: Yes.

Dorie LoBue: --would it be okay to hand this out?

President Mosby: Sure.

Dorie LoBue: Would it be helpful at all? On your graph that I am passing down, the recommendations from the Hudson Institute recommended that we focus on five basic areas, and what that left hand column does is that is bullet points from the final report that is actually on our website, the whole report is about a half an inch thick, but I've narrowed it down in the interest of time to five bullet points. In the middle column there, the Action Plans there are how we will carry that out. Now, we will be having a...the right hand column is all the participants that we are recommending be at the table to help carry these Action Items out. We will be part of the Workforce Investment Boards strategic planning session that is coming up in May, and at that strategic planning session we will be having a professional consultant help us with how we are going to do it and what our goals will be. In this process of agreement with the Workforce Investment Board, to partner with them, I have stressed the fact that they have to have measurable results that we can have to measure at a given length of time, and what my preference is, is to look at it at the end of, at least, at the end of each year to see if we are on track with that. A lot of these items are long term, and it is going to be hard to measure anything in a month by month basis. It really wouldn't look very positive if we did it that way, although we could, I could report back to the county at any time that you want me to report back. We have offered that in the past. It is really up to you.

Commissioner Mourdock: Is your budget year January 1?

Dorie LoBue: Well, our budget year started about a year and a half ago when this whole thing started, and, so what the reality of it is probably going to be is our fiscal year, which is October 1. We are doing these recommendations now, we

are already involved in carrying out the recommendations. We can't afford to let this thing die on the vine. What I am asking now is that the counties come forward and help us fund, you know, that we can continue this so that the Chamber can get back to there business at hand. What the blue sheet is, is the recommendations from the Hudson Institute on what it will take for the Hudson Institute, excuse me, for the Metropolitan Evansville Chamber of Commerce and the Workforce Investment Board to partner to carry out the recommendations with the budget on the back sheet. It is an abbreviated form of the budget, but it is not a real complicated budget anyway, basically, it just deals with operating expenses and the administrative staff to help us carry it out.

Commissioner Mourdock: I've gotta ask, on the blue sheet it says, "HR Challenged Companies", what does that mean?

Dorie LoBue: HR Challenged Companies are typically companies with less than, well, 20, I wouldn't say 20, I would say ten or even five companies, and basically those type companies are kind of a mom and pop operation who are, you know, started the business themselves and, for example, it may be a tool and die shop where a guy started the business, he may be an engineer, but he doesn't have a lot of the expertise required in hiring and firing and training people. That is what we are talking about is...there are a lot of small companies in this area, of even less than ten employees.

Commissioner Fanello: I guess, I would just move that we take it under advisement.

Commissioner Mourdock: Yeah, I will second that. I would like to read through this.

Dorie LoBue: Okay, I would also encourage you to call me if you have any questions. This was, although, several of you are very familiar with bits and pieces of a lot of it, it is kind of hard to get a grasp on the overall picture. It has been very in-depth, and like I said, it started in December of '99, so I have been living this for quite a while. Okay, is that all you need then?

President Mosby: We will get back to you.

Dorie LoBue: Alright, thank you.

President Mosby: Any other group or individual wishing to address the board?

Phil Hoy: Good evening, Phil Hoy, County Council. I did try to call you all today, and I had trouble reaching anybody. President Bassemier couldn't be here tonight, and he and I had a conversation this week, and I wanted to follow up on last week. The County Council wanted to have two representatives, you know, on the RFQ committee, and they appointed President Bassemier and me. He asked me to clarify with you all what the process is to be, and we would like to be in on that process, so that's—

Commissioner Mourdock: Just kind of jumping on that, I was going to bring it up under Old Business, I guess, but, it is an appropriate time to speak of it. We did have the discussion last week, and mentioned, of course, that we were going to discuss it again this week with the idea as to how we can define the formal meeting and the presentations that the architects will give to us.

Commissioner Fanello: I know that we talked about setting times for interviews, and what I am looking for in the interviews, and I don't know if you are thinking the same way, I am not looking for formal presentations, because I feel like we have their qualifications in front of us. What I am looking to do is, maybe, ask some questions related to some of the things that they put in their qualifications.

Commissioner Mourdock: Right.

Commissioner Fanello: I think that it should be limited to a very short amount of time, ten to fifteen minutes, no longer, and dedicated to a public hearing—

Commissioner Mourdock: Yeah, yeah. Here is my checklist, kind of the same way. I would suggest we do this in the form of a letter that we get out to them, and we say, first of all, and, again, these are topics for discussion, but I would say each company would be given 15 minutes. That all six companies would show up, they would all be in the room at the start of the meeting, we will draw out of a hat to see who goes first and what the order is. Once that process begins, we would respectfully ask that all of the people who are representing those companies who will be making the presentation will leave the room, and then Company A will come in, have no more than two people speak for a total of 15 minutes, there will be a clock running, at the end of 15 minutes if they are in the middle of a sentence, fine, they are done, that's it, finished. I think, one of the things that we certainly ought to tell them in the letter that they need to be prepared to discuss is, number one, how they see facilitating this process to help give us a better understanding as to what the final needs are going to be. Secondly, what the cost structure would be, how they would see that work, because while they will all tell you at first glance, well, it's a flat percent, when you...a project of this size, they need to get creative, in my opinion. Number three, I think, that one of the questions that is fair to ask is their feelings toward a construction manager, or how they see the actual construction part of this project progressing, what their involvement would be at that point. Fourth would be schedule. I just, from reading all of the RFQ's, certainly, that pattern of questions is still in my mind, and if there are others, we could add to the list. That way, at least, when they come forward they know that we want to hear about those several things—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and, if we have specific questions from the RFQ's, which, I think, we will have, then we are ready to hit them with those too. I agree, 15 minutes, or no more than 20 at the max.

Commissioner Fanello: As far as who is asking the questions, I think that should be limited to the Commissioners and possibly the Sheriff.

Commissioner Mourdock: Yeah, okay. Which means—

Commissioner Fanello: I mean, if that is what you are asking. I mean, if we get a, I mean, because this body right here is the body that is in charge of negotiating with this architect and signing the contract.

Phil Hoy: What I'm here to find out from you all tonight is very simple, and that is, we have a meeting Wednesday, as you know, our Finance and Personnel Committee meeting, and I would like to make a report back to the Council at that

time since Mr. Bassemier can't be here tonight and asked me to do this. He is President of the Council. As to what part you all see us having in this process, we would like to have a part, if we're not going to have a part, just say so. If we are, we need to know and we would like to know—

Commissioner Fanello: With all due respect, and this is not meant to be rude or crude at all, but you have done your part, and your part is a fiscal responsibility. You told us what we could spend on this project.

Phil Hoy: Is that, I'm going to, I don't want to interpret anything you all say. Are you as a body saying yes or no to us, because I've been asked—

Commissioner Fanello: As far as Council members—

Phil Hoy: —I am not trying to make it difficult for you all, I am trying—

Commissioner Fanello: I'm trying to make, I'm trying to make this—

Phil Hoy: —I am wanting straight talk, that is all.

Commissioner Fanello: I am trying to make this process as concise as possible and not muddled by a whole bunch of people, and—

Phil Hoy: We are talking about two, two people.

Commissioner Fanello: Well, I know, but—

Phil Hoy: It's that simple.

Commissioner Fanello: —we have three Commissioners here who have to sit in those meetings and ask questions, and possibly the Sheriff—

Phil Hoy: That will be a public meeting?

Commissioner Fanello: It will be a public hearing. Which means that the public, the citizens will not be allowed to get up and speak, but just us and—

President Mosby: We won't be taking questions.

Commissioner Mourdock: It will be—

President Mosby: No questions.

Commissioner Mourdock: Right.

Commissioner Fanello: It will be, yeah—

President Mosby: There is going to be no questions from the audience.

Commissioner Fanello: Yes.

Phil Hoy: Including the County Council?

President Mosby: Including the County Council.

Commissioner Mourdock: I will jump in on that one for a second, and I understand what you are saying, Catherine, and, yet, I understand too that the Council does have a role. Any questions that you would have, Phil, or Ed would have or anyone else would have, if you want to get them to me in advance in writing as a result of your review of the RFQ's, I would be more than happy to—

Commissioner Fanello: That, I don't have a problem with. I think, that if you all want to submit some collective questions for us to ask, that, I think, is perfectly acceptable.

Phil Hoy: Okay.

President Mosby: I would say if you or Ed or somebody designated wants to sit in on the meeting and give your recommendations to us afterwards, after it is all said and done, and all companies are interviewed, I am more than willing to accept that.

Phil Hoy: To sit in on that meeting?

Commissioner Fanello: Oh yeah, I mean, all Council members are, it is open.

President Mosby: The meeting is going to be a public hearing.

Commissioner Fanello: It is open, I mean, everybody—

President Mosby: It is going to be open to any Council member that want to sit in—

Commissioner Mourdock: And I can—

President Mosby: If the two of you want to present, you know, your recommendations to us afterwards, I am more than willing to accept that.

Phil Hoy: Then you are going to go into Executive Session afterwards, then?

Commissioner Mourdock: No.

President Mosby: We won't be doing it that night.

Commissioner Mourdock: This is not a decision—

Commissioner Fanello: That can be made in—

Commissioner Mourdock: —that is an Executive Session issue anyway. I think that what I am hearing the two of you say, and I certainly agree, is we are going to go through those six interviewees, take the information down, but we, certainly, are not going to be voting that night—

Commissioner Fanello: No, no.

Commissioner Mourdock: —as to who is going to win that contract, but that still preclude us, or the law precludes us from doing an Executive Session and comparing notes. I think, we just have to come forward and be ready to bang foreheads the next week, or whenever we decide to do it, as to who the

contractor will be.

Phil Hoy: You will decide in a Monday night meeting?

Commissioner Fanello: Uh-huh.

Phil Hoy: A regular meeting? And we will be aware of that, and in that meeting, Council members—

Commissioner Fanello: Are more than welcome to come up and say your piece.

President Mosby: Now, the one question I do have, Commissioner Mourdock, do you want to do this in a 6 o'clock meeting, like normal, or do you want to start at 4:30?

Commissioner Mourdock: It doesn't matter to me.

President Mosby: I would say that we start at 4:30, and do it prior to one of the Monday night meetings.

Commissioner Mourdock: Okay.

Commissioner Fanello: Why don't we say—

President Mosby: So that way we don't have a problem—

Commissioner Mourdock: We have six of them, right?

Commissioner Fanello: Why don't we say 4 o'clock.

Commissioner Mourdock: Yeah, we are going to need the extra time.

Commissioner Fanello: Just to be, so we can have a few minutes break between one and the other. If we do it at 4 o'clock, I think, that would work.

President Mosby: So, if I understand, the procedure would be that we are going to send a letter out to the six final teams, we will give each team 15 minutes to make, to answer questions, not make a presentation, but to answer questions, and we will start that meeting at 4 o'clock in the afternoon?

Commissioner Fanello: Yes.

President Mosby: No questions from the public, and questions from the Commissioners—

Phil Hoy: But it will be a public meeting and—

President Mosby: It will be a public meeting and everybody's invited to listen, but we are not going to have, accept questions from the public.

Phil Hoy: The message that I am to carry to Council is, that we may raise questions, but we are not going to be asked—

President Mosby: Just give us your questions—

Commissioner Fanello: Go ahead and submit them to us, and that way we can ask them.

Phil Hoy: But you are not going to ask for any kind of vote from us?

Commissioner Fanello: No

Phil Hoy: Or any kind of—

President Mosby: No.

Phil Hoy: —you understand that I am just trying to get this as crystal clear as I can—

Commissioner Fanello: Uh-huh.

Phil Hoy: —because I've got to go back—

President Mosby: I really hope you do, because I was offended by Mr. Bassemier last week, so I hope you get it right, because he, evidently, didn't get the message—

Phil Hoy: I usually get it right, and that is why I am pushing.

Commissioner Mourdock: Did you get—

President Mosby: Well, I mean, we only discussed it three or four times and he never found out.

Commissioner Mourdock: Did you get the set of documents to review? All of the RFQ's that were received?

Phil Hoy: The, I have read all of the RFQ's. Mr. Bassemier has some of the RFQ's, I will make sure that he gets any of the RFQ's, of the six, that were recommended by you all, and—

Commissioner Mourdock: Tammy, if they come up during the week, mine are all in the office there, so—

Commissioner Fanello: We've got extra copies back there, so, there are plenty of copies.

Phil Hoy: Okay, I will pass that on..

Commissioner Mourdock: Okay. I would say just as unfinished business here, we need to set the date as to when we are going to have those folks come in, and—

Commissioner Fanello: Let's look at the calendar and make sure—

Madelyn Grayson: I will need to request permission to advertise that as well.

Commissioner Mourdock: That's right, for the hearing.

Philip Hayes: Because it is a different time, Madelyn?

Madelyn Grayson: Yes.

Commissioner Mourdock: Because it is a public hearing as opposed to an actual Commission meeting as well.

(Tape Flip)

Commissioner Fanello: Sometime over the next two weeks.

Commissioner Mourdock: Well, um—

Commissioner Fanello: Just as long as it is not a rezoning night, or—

Madelyn Grayson: If it is going to be next week, we will need to advertise, we will need to have that information tomorrow to advertise, if it is going to be next week.

President Mosby: Next week is the 30th.

Commissioner Mourdock: Yeah, I would say the—

Commissioner Fanello: Why don't we do it—

Commissioner Mourdock: —following Monday.

Commissioner Fanello: —two weeks—

President Mosby: Go May the 7th?

Commissioner Fanello: Uh-huh.

President Mosby: That's fine.

Commissioner Mourdock: That means next week we can have a draft of the letter as well, and what we will be requesting, and, again, we will emphasize that that does not preclude separate questions that were generated from the reading of their specific RFQ. I think that this is a fair process, I didn't hear any comments from either of you and I just want to be sure that we are clear, too, as far as stating in the letter that the process is, you can all be here when the meeting kicks off, you will all hear the game plan or the rules one more time, then you all leave.

Commissioner Fanello: Exactly.

President Mosby: That is fine with me.

Commissioner Mourdock: I just—

Commissioner Fanello: I mean, it is only fair to all of the interviewees—

Commissioner Mourdock: We will not take any breaks during the meeting, people will come in, and that's it.

Madelyn Grayson: Counselor Hayes, would it possible to get that information and the wording for the ad by Friday, possibly?

Philip Hayes: Oh, I think so.

Madelyn Grayson: Okay, thank you.

Commissioner Mourdock: Okay, so I will move the advertisement of a public hearing for the purpose of reviewing the architects proposals on May 7th at 4:00 p.m. in this room.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Then next week we will review the letter that is drafted and then get it out immediately following that.

President Mosby: That's fine. Any other group or individual wishing to address the board? Seeing none.

John Stoll- County Engineer

President Mosby: County Engineer, Department Head Reports.

John Stoll: The first item I've got is an agreement for two cellular phones for my office that needs approval. It is for \$39.99 per month per phone, the money has been budgeted.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: If they use more than their 400 free minutes and the bill is more than \$39, we will be looking for an explanation.

John Stoll: I certainly hope it's not (inaudible). The next item I've got is a request for a street plan approval for Section Two of Cambridge Subdivision.

Commissioner Mourdock: Cambridge is the one...oh that's way out there.

John Stoll: This is the golf course subdivision that is located off of Volkman Road. After you have reviewed the plans, I would recommend that they be approved, subject to one thing. The developer has requested that the pipe specifications be left open so that he can get bids on either plastic or concrete pipe. I would just recommend that the approval be granted subject to that they have to provide us a list of the pipe materials for each run of the pipe prior to construction, so that way we know what they are planning on putting in.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next, I just wanted to let you know that I received a copy of an agreement from Warrick County in regard to the redesign of Lynch Road, east of I-164. Warrick County has signed an agreement with Bernardin Lochmueller and they have issued a notice to proceed with Bernardin Lochmueller, so that notice to proceed is going to be taking place in the near future. That's all I have.

President Mosby: Any other questions or comments?

Commissioner Mourdock: Just under John's general issue, are we ready to report back the two bids of this evening?

John Stoll: Yes.

Philip Hayes: Reporting back the two bids on project VC01-04-01, repair and repaving of various county roads. The first proposal was submitted by, or the first in order, submitted by, excuse me, E&B Paving Inc. by it's area manager, Ronald L. Miller, and I can read the total bids on the three itemized proposals for the record, if you wish?

Commissioner Mourdock: That would be appropriate.

Philip Hayes: Itemized proposal number one for Oak Hill Road, repair and repaving, total bid \$218,070.35. Itemized proposal number two for Browning Road, \$112,963.95. Itemized proposal number three, Rode Road, Memory Lane intersection, total bid \$16,569. The bid documents appear to, on first inspection appear to all be substantially submitted and properly executed. The second bidder, JH Rudolph and Company, Inc. Itemized proposal number one for Oak Hill Road, \$208,116.35. Itemized proposal number two, Browning Road, \$109,713. Itemized proposal number three for Rode Road, Memory Lane intersection, \$18,046. Again, the bid documents appear to be properly executed and submitted in appropriate order.

Commissioner Mourdock: I will move then that we take the bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Thank you, John.

Ralph Kissinger- County Highway
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President Mosby: County Highway.

Ralph Kissinger: Ralph Kissinger of the County Highway Department. I think that you have the reports, my weekly reports, there is, uh, the original report, I think, that you have a page that looks like this, I think, that maybe you got the corrected one, I don't know. The first one was actually wrong. It said that we had 95% of our paving done and 5% left to do, but it is just the opposite.

Commissioner Mourdock: Did you catch that?

Ralph Kissinger: I caught that this morning, but it was too late, so I don't know if you got a corrected page on that, but Volkman is completed, Old Princeton, if the rain holds off, should be completed this week. St. Joe, the outer, St. Joseph Avenue should be completed. They all have been, they have had binder put down and they are now going over the surface, so we are getting pretty far along on the west side of the county right now, if the weather holds out. Other than that, unless you have questions, that is all I really have this evening.

President Mosby: I don't have any questions. Questions? Thank you, Ralph.

Ralph Kissinger: Thank you.

Phil Hayes- County Attorney

President Mosby: County Attorney, Phil, did you have anything?

Philip Hayes: Just briefly, very briefly, we have had another quick flare up on the ASAP Transportation matter, and simply report that we have been in touch with both Mr. Dillon of ASAP, apparently, there has been some discontinuation of service and we are trying to clarify that with him. We know that a statement has arrived for payment on that, and we would ask that you review very closely the contract request for payment, and we will try to submit a report to you within the next couple of days on what the party's intentions are. In summation, once again, we are not having persons being picked up according to schedule and then, even more, we have some indication that they are possibly, both parties are considering abandoning that contract.

Commissioner Fanello: Okay.

President Mosby: Okay.

Commissioner Mourdock: Okay, on a—

President Mosby: Questions?

Commissioner Mourdock: —I just have a semi-related issue. I have a letter that came out of the circulation file that I just received this afternoon. I know Catherine has seen this already. This thing for the International Association of Fire Chiefs, did you get a copy of this?

Philip Hayes: I did, and I over the weekend I wrote a note to AMR, and I believe that is Mr. Key?

Commissioner Mourdock: Yes, Barry Key.

Philip Hayes: Mr. Key, and I requested that he comment as soon as possible on the issues. From the looks of it, it had to do with the assertion of certain security interests in an overall company, it looked like a reorganization matter, so, I frankly couldn't make a lot out of it, and I just simply asked for his explanation, if it affected our contract, in his opinion.

Commissioner Mourdock: I know their stock has taken a major tumble, and their big acquisition of a few years ago that the company referenced Laidlaw

(company) and has already filed bankruptcy—

Philip Hayes: Oh, right.

Commissioner Mourdock: —and I don't know—

Philip Hayes: Uh-huh, the Laidlaw relationship was—

Commissioner Mourdock: —what all is there, but—

Philip Hayes: —pretty tough looking there.

Commissioner Mourdock: Okay.

Philip Hayes: Okay. We will, I think we discussed before you would want us to follow up with METS Transportation, and we had done that, but we haven't pressed that issue, and I will try to press with METS whether there is any potential for assistance, or expansion of route.

Commissioner Mourdock: Okay. On another separate contractual issue, did we get squared away with the person that we are using on contract over at the Old Courthouse?

Commissioner Fanello: Yeah, we are getting—

Philip Hayes: Oh, uh-huh.

Commissioner Fanello: —Tammy is going to be bringing that up.

Philip Hayes: Finally, I'm a little obtuse on that, but, my concern about those kind of things are the minimum wage act and the application of the labor laws, and I want to be sure that we don't have a problem...but I think that we got it squared away today, I sort of misunderstood what the duties were, I don't think there is much, opening the door, not much direction there. I was more concerned about the other services. That is all I have.

Tammy Mc Kinney- Superintendent of County Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have one late travel request from Health, the Health Department, and then concerning the contract for that temporary help at the Courthouse, I had that contract in the signature file for you to sign.

Commissioner Mourdock: Oh, okay.

Tammy McKinney: It has been approved by Phil. He ends his duties this Friday.

Commissioner Mourdock: Oh, he will be finished?

Tammy McKinney: Right. He agreed—

Commissioner Mourdock: We will get him signed up—

Tammy McKinney: –to do, to open for two weeks. I tried to talk him into it this morning for another week, and he said, no.

Commissioner Mourdock: How are your other manpower needs coming together over there?

Commissioner Fanello: What manpower needs?

Tammy McKinney: Well, I will be opening and closing starting next Monday, instead of just closing, but Mark is still getting the Community Corrections to mop the floor and do the brass–

Commissioner Mourdock: Is that mopping up after the pipes break? I see that there were two of those.

Tammy McKinney: We had two pipes break, but there wasn't a whole lot of overflow, but we caught them in time, but Mark was over there and he caught them in time, and so we got those fixed instead of, the way I understand, things were just getting patched and not really fixed.

Commissioner Mourdock: I am sure that is true.

Tammy McKinney: So now we are fixing them.

President Mosby: I don't know, did you see a copy of this, it was a memorandum that we sent to the County Council?

Commissioner Fanello: Well, we haven't sent it yet until we get it approved here.

President Mosby: Did you have a copy?

Commissioner Fanello: No, I don't have–

President Mosby: Oh, I thought Sandie had said she had given a copy...it's a memorandum that I have had sent to the County Council saying, on behalf of the County Commissioners I am requesting the following salary ordinance amendments be placed before the County Council on the May the 2nd agenda. County Commission part time staff at the rate of \$8.00 per hour, part time maintenance workers for the Old Courthouse pay at the rate of \$8.00 per hour, Superintendent of County Buildings, part time office staff, pay at the rate of \$8.00 per hour, part time maintenance worker \$8.00 per hour. I believe, Suzanne can fill you in as much or more. The problem we have right now is that Tammy cannot hire anybody part time–

Commissioner Mourdock: Right.

President Mosby: –due to the fact that we don't have anything less than a maintenance worker, so trying to hire Benny part time was a problem, and we had to go contractual. If we are going to get somebody to help her open and close and have a part time, we've got to run this through.

Commissioner Mourdock: That's correct, we do have to run that through. I don't know the answer to this, I just pose the question, do you need additional language on there defining part time as being specifically exempt from any county

benefits or any of those kind of things?

President Mosby: I don't know.

Commissioner Fanello: I don't know. That would be a question for Suzanne.

Suzanne Crouch: You probably have line items. Do you have line items? I'm sorry.

President Mosby: We have a part time salary ordinance—

Suzanne Crouch: Line items sited in your memorandum?

Commissioner Mourdock: Now that I say that, I think our county personnel policy may define part time employees as specifically exempt—

Suzanne Crouch: Right, and I presume that these job titles are associated with line items?

Commissioner Fanello: Yes.

Suzanne Crouch: Okay, then I don't think you will have any problem.

President Mosby: Sandie wrote this and said I just needed to initial it.

Commissioner Fanello: Because she thought it would, you know—

Suzanne Crouch: Yes.

Commissioner Fanello: —move along a little faster, a little better.

Suzanne Crouch: For the future, yeah.

President Mosby: So this is something, I mean, we don't have to do anything with it?

Commissioner Mourdock: But we need to formally make a motion to send it over to the County Council.

President Mosby: Right.

Commissioner Mourdock: Because just you acted on your own, obviously, you can't do that, so, let me see it so that I can reference it here for the record.

President Mosby: Sure.

Commissioner Mourdock: I will move that the letter dated April 18th from President Mosby to Mr. Bassemier regarding the creation of some specific part time positions be approved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Tammy, that will go to the Council May the 2nd. We will at least get part time help.

Steve Craig- Burdette Park

President Mosby: Burdette Park. Did you have anything else?

Commissioner Mourdock: No. Yeah, we need a copy of the letter for the record, then too.

Commissioner Fanello: Just before Tammy does that, on the committee meetings, she's got another meeting Thursday with all of the task force members.

President Mosby: I, was that on?...Yeah, that was on the Old Courthouse, I received a letter from the County Council, Curt Wortman's—

Commissioner Mourdock: Yeah.

President Mosby: – and I believe you received it.

Commissioner Fanello: Uh-huh.

President Mosby: I will probably try to attend that meeting Wednesday, so that we can fill him in on where we are at.

Commissioner Mourdock: Yeah, and I think the situation as we discussed earlier with EMA, that is the kind of stuff that needs to be brought up to that group's attention. Specifically, so that they can start to look at the floor plan issues and what space can and should be used.

President Mosby: Steve.

Steve Craig: Steve Craig, Manager of Burdette. Outside the Food and Beverage, all I have really is my worksheets, but I did want to comment that we did do some extensive food tasting on the...and that's where the decision was made at.

President Mosby: Not a problem

Commissioner Mourdock: Was that the advisory board or just the staff?

Steve Craig: No, just staff.

Commissioner Mourdock: Oh.

President Mosby: Any questions or comments on how the ice cream tasted? No, on Steve's report? Thank you, Steve.

Commissioner Mourdock: We do have in our packets the Soil and Water Conservation District and the Ozone Officer's Reports, so I would move that all of those reports be submitted for the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Under consent items, Tammy, you mentioned one that

is added to the packet from the Health Department?

Tammy McKinney: Yes.

Commissioner Mourdock: I see a travel request here from Dr. Alexandrovich as well, and I don't think that—

Commissioner Fanello: No, I didn't see that one.

Commissioner Mourdock: I move that we add both of those things to the consent agenda.

Commissioner Fanello: Second.

Commissioner Mourdock: Then I would move approval of the consent file.

Commissioner Fanello: Second.

President Mosby: Motion and a second to amend consent items. Motion and a second to approve. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings?

Commissioner Fanello: We need to have an Executive Session next Monday.

Commissioner Mourdock: Next Monday?

Commissioner Fanello: Uh-huh, at 5 o'clock.

Commissioner Mourdock: I would move the scheduling of an Executive Session for 5 o'clock next Monday.

Commissioner Fanello: Second.

President Mosby: I have a motion for an Executive Session, April 30th at 5 o'clock. Motion and a second. So ordered. Old Business.

Commissioner Mourdock: Wait a minute.

President Mosby: Oh.

Commissioner Mourdock: I have one other, not necessarily scheduled meeting, but something to be aware of at least as a courtesy. Tomorrow the Building Authority meets at 1:15 and I am just going to stop by there at that meeting to talk about the letter that we sent last week to make sure we get some input from them on the possible use of floor space.

President Mosby: Okay. Any other meetings?

¹Consent items listed on page 34.

Old Business

President Mosby: Old Business.

New Business

President Mosby: Any New Business.

Commissioner Fanello: I have a couple of things under New Business. Sue Hartig from Legal Aid wanted us to go ahead and appoint our second person, and I know, Richard, you appointed J.D. Strouth, and they need some more information, they need another phone number besides a home number, because they can't seem to get in touch with him.

Commissioner Mourdock: Okay, I will check—

Commissioner Fanello: Okay, so if you could get that, then also I would move that we appoint Alan Jones.

Commissioner Mourdock: Second.

Commissioner Fanello: And...

Commissioner Mourdock: That is to that same board?

President Mosby: Legal Aid.

Commissioner Mourdock: Yeah.

Commissioner Fanello: To Legal Aid, I'm sorry.

President Mosby: I have a motion and a second to appoint Alan Jones to Legal Aid. So ordered.

Commissioner Fanello: Then a few weeks ago, I think, a couple of weeks ago, I think I moved, well, I know I moved to appoint Mark Owen to the Visitors and Convention Bureau, but that was in error, because we have to one hotelier on there, and our hotelier resigned and I didn't think about that when I appointed Mark, so we are going to have to look for another appointment for the Visitors Board, but, I would like to move tonight to appoint Mark Owen to the Redevelopment Commission, because we have one opening on there because Dan Durbin resigned. He moved out of town.

Commissioner Mourdock: Okay, so—

Commissioner Fanello: Did you get all of that?

Commissioner Mourdock: We need to rescind your prior motion to appoint Mark Owen to the Visitors and Convention Bureau?

Commissioner Fanello: Yes, second. If that was a motion?

Commissioner Mourdock: Okay, that was a motion and there is your second.

President Mosby: So ordered.

Commissioner Mourdock: Then I understand that we still have that position open, we need to find a hotelier—

President Mosby: Right.

Commissioner Mourdock: —for it, since Mr. Vezzoso went to work elsewhere. Is that what the cause was?

President Mosby: No, Lisa Bandy.

Commissioner Fanello: Lisa Bandy.

President Mosby: Lisa Bandy left.

Commissioner Mourdock: Okay, alright.

Commissioner Fanello: So, at this time I would like to move to appoint Mark Owen to the Redevelopment Commission.

Commissioner Mourdock: Okay.

President Mosby: I have a motion and a second. So ordered. Any other New Business?

Commissioner Mourdock: There is one item of New Business, and I know Catherine reviewed, and I know Mr. Hoy reviewed as well last, when was it, last Thursday or Wednesday, the possible new voting systems. The County Clerk has set up a presentation, and it's a lot of money that is going to be involved in this, but just for the record, from the several systems that we saw, of the four systems, the ones that most impressed me were those with the optical scan processing.

Commissioner Fanello: That is the only one of them that I would even consider, and that was the very first one that we saw. Is that the one your are talking about? The optical scanner?

Commissioner Mourdock: Yeah.

Commissioner Fanello: That would be the only one I would possibly consider, other than that, I didn't like any of the others.

Commissioner Mourdock: Okay.

Commissioner Fanello: I thought that there were too many, too much room for security issues in most of those.

Commissioner Mourdock: I don't know if, I guess, it would be appropriate for us to either send a quick copy of these minutes regarding our feelings on that, or send a separate letter, it would be just as simple to send the minutes, but, yeah, I will move then that we send a copy of these minutes to the County Clerk stating that

from the County Commissioners point of view, at least from Commissioner Fanello and Mourdock, that the optical scan was the preferred choice.

Commissioner Fanello: Do you have any thoughts on that?

President Mosby: Are you going to say preferred choice?

Commissioner Mourdock: I think that it is preferred choice, because at this point they still have to bid the system and I am not going to refer to a specific vendor, but there are several technologies that are out there, and I think that the technology that looked to be the best was that technology.

Commissioner Fanello: That is the only choice, that is the only choice that I felt comfortable with, because there was, well, for several reason, like I said, I felt the others held too many security issues.

Commissioner Mourdock: I do not want to suggest a vendor name, simply from the point of view that this still has to be a bid at work, and there could be other companies beyond the two that were there with optical scan technologies.

Commissioner Fanello: But optical scanner would be the only one that I would be interested in.

President Mosby: I have a motion and a second. So ordered. Any other New Business? Seeing none.

Philip Hayes: Would it be appropriate to just to revisit the Sheriff's section, the weekly jail information reports? I had an e-mail from Eric Williams today that that would be deferred or delayed for a period of about a week. He is out of town and I've also spoken to Kenneth Falk today by telephone and informed him that that was going to be late and notified him of it. There is no problem with that, so, I would like to make a record on that issue. If I may ask a question with regard to the Executive Session that is scheduled then for the 30th, will there be time for any legal matters to be presented at that time?

Commissioner Mourdock: I presume that is what it was for.

Commissioner Fanello: Well, we have, I am aware of a personnel issue that needs to come to the table.

Philip Hayes: Okay.

Commissioner Fanello: I guess, if after, if we—

Philip Hayes: I had suggested that, you'll see that, possibly, on the 7th, but since the 7th is going to be a little bit crowded, unless you want to start with lunch, why I will condense some items and submit those in Executive Session.

Commissioner Mourdock: I would surely think that the stipulation that you apparently stuck in our boxes today would be something that we would want to talk about too.

Philip Hayes: Right. Exactly, and we might as well move that up to that time. That would be fine. Thank you.

President Mosby: Any other business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: A motion and a second. So ordered.

The meeting was adjourned at 7:13 p.m.

CONSENT ITEMS:

Employment Changes:

Circuit Court	Health Department	County Clerk
Superior Court	Pigeon Assessor	Prosecutor
Sheriff Department	Burdette Park	

Travel Requests:

Public Defender	Health Department	SWCD
Commissioner		

Treasurer:

Submit monthly report.

Sheriff:

Submit weekly jail information.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	Sherman Greer	John Stoll
Ralph Kissinger	Steve Craig	Phyllis Donahue
Phil Hoy	Phil Lawrence	Dorie LoBue

APPROVAL:

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
April 30, 2001**

The Vanderburgh County Board of Commissioners met in session this 30th day of April 2001 at 6:16 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for April 30, 2001. We have present tonight Tammy Mc Kinney, Superintendent of Buildings; Counselor, Phil Hayes; Commissioner Fanello; myself, Commissioner Mosby; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. I understand that it is the County Engineer's birthday tonight, so if he would stand and lead us in the Pledge of Allegiance. I could have asked this group to sing to you.

Approval of Minutes

President Mosby: Do I have a motion to approve the minutes?

Commissioner Mourdock: I will make a motion.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Dennis Woehler- ONB Insurance Group

President Mosby: Dennis Woehler. I see that you are with us tonight (inaudible).

Dennis Woehler: Commissioners, thank you for giving me the opportunity to speak. Just, last week I was supposed to have been here, I would like to apologize. I called and left a message, unfortunately from my car phone (inaudible) the office and I left a message for Tammy at ten minutes till six, but that is not a good time to leave it. Actually, I was kind of disappointed that Commissioner Mosby's cell phone wasn't listed in the directory. For the record, (inaudible).

President Mosby: I was going to say, you are the only one (inaudible).

Dennis Woehler: I just wanted to recap real quick here, since the first of the year when ONB became agents, if my calculations are correct, I believe (inaudible) been doing business now at the Civic Center for (inaudible). For the biggest part it was administrative issues, met with your capable Auditor, Ms. Crouch, a couple of times and we have ironed out a lot of administrative things, which, hopefully, have made things run a lot smoother. I can't say enough about what Madelyn and her new counterpart Charlene have done. Any of you who get a chance to stop by and thank them, they are the biggest reason why things run as smoothly as they do. With that, I will get down to the couple of items that I wanted to mention here this evening. First of all, we negotiated a renewal with American United Life on your life insurance, and I gave you all a copy in advance so that, basically, they have agreed to a two year rate guarantee with no increase in premium. Normally, you know, as your groups census changes and ages, they like to increase those premiums, but your experience has been pretty good. They are going to hold their rates for another two

years. Then the other item on the agenda was the Anthem Refund Agreement, and assuming that, I'm assuming you all are familiar with that, last year you received a refund in the neighborhood of \$25,000. Now, this year you are going to double that, the refund. I was hoping to have a check by this evening to present you, it should be here any day, the refund amount available was \$51,574.00. Now, just to update you, the reason for that refund agreement is that your experience compared to the premiums you pay has been reasonable. They always retain about a third of what is your money in a contingency plan, and they pay you interest on it, but that is for claims that may have been incurred but not yet paid. Now, should you ever discontinue the plan, whatever is left in that fund after that specified period of time they save it for, will be yours. They don't keep it, you don't have to surrender it if you change companies. I'm certain it is always nice for the county to get money back. I know that you all, I have also met with Teri Lukeman, and we are beginning to work on the preliminary numbers for the 2002 budget, and my understanding is that they need to be here by the 16th, and they will be. We will make every effort to provide you the most cost effective plans possible, without sacrificing the quality of care for the county's employees. I know that you all have a tremendous workload trying to run the county, and we know it is not always easy, so we will do our part and do our best to at least help keep health coverage from being one of your problems. That's all I have for this evening, thank you.

Commissioner Fanello: Thank you, Dennis.

President Mosby: Thank you very much.

Dennis Woehler: I should mention that I also used some of Mr. Hayes' time in this transition.

Philip Hayes: That's why I was asking, did it do us any good?

Dennis Woehler: Yes, I think everything is under control.

President Mosby: Okay, good.

Commissioner Mourdock: Do we need to formally take action as to whether or not we look to that \$51,000 as a refund, or that we roll it over in some other way? Just kind of reading the footnote here.

Suzanne Crouch: Historically it's been deposited into the General Fund.

Commissioner Mourdock: Okay. Since there were several options given on the piece of paper that you provided us then, I would move that we go ahead and plan on receiving that check and roll it into the General Fund as recommended by the Auditor.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Is there any other questions for Dennis? You can come back next week if you've got more money.

Dennis Woehler: Alright.

President Mosby: We take checks at every meeting.

Marvaline Prince- Indiana Legal Services

President Mosby: Marvaline Prince.

Marvaline Prince: Here from the Indiana Legal Services on behalf of Mr. James Blincoe, Jr., poor relief hearing. Is Mr. Mosby going to be here?

Philip Hayes: The relief hearing won't be conducted here. The law as I understand it, Marvaline, requires that the County Attorney set up and conduct a hearing—

Marvaline Prince: You can appoint a hearing officer.

Philip Hayes: Yes, and that ordinarily, the County Attorney has been doing that job.

Marvaline Prince: Okay, so when are we going to do that?

Commissioner Mourdock: Let me do it formally—

Philip Hayes: I will defer to the board—

Commissioner Mourdock: —I will move that we assign the County Attorney as the hearing officer in this case.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: I would move that the County Attorney schedule a convenient date with the petitioner and report back to this board next week.

Commissioner Fanello: Second.

Commissioner Mourdock: So with that—

Marvaline Prince: So, when do we want to do that, Mr. Hayes?

Philip Hayes: I will contact the Trustee in question here, the Perry Township Trustees Office, and get times from him. Would you want to give me any times?

Marvaline Prince: Tuesday or Thursday is okay.

Philip Hayes: Okay.

President Mosby: Tuesday being tomorrow, that might be a little (inaudible).

Commissioner Fanello: That is a little soon.

Philip Hayes: Tuesdays or Thursdays is what you—

Marvaline Prince: I think that you do have a certain amount of time to do this if you appoint a hearing officer.

Philip Hayes: I will want to dispose of this as quickly as we can.

Marvaline Prince: I think so.

Philip Hayes: You and I have already spoken on it, and we have made some mediation efforts to try and get it clarified, for example, we got the medical...because it does relate to medical information and that kind of thing, then I would prefer to.. I think, that it would be more appropriate to speak to you privately on that—

Marvaline Prince: I think so too.

Philip Hayes: —rather than here on the record. I think that is an exception that we can follow.

Marvaline Prince: Okay.

Philip Hayes: I will contact the Trustee tomorrow to get a schedule on that and then get back with you.

Marvaline Prince: Okay, do you know where the hearing, the meeting is going to be held?

Philip Hayes: We can hold it at a time and place convenient to you. Do you have facilities at your office?

Marvaline Prince: Yes.

Philip Hayes: Is that convenient for your client?

Marvaline Prince: We could do it in the law library.

Philip Hayes: We can do it there then, and I will contact the Trustee and clarify his schedule and we will get with you.

Marvaline Prince: Okay, thanks.

Philip Hayes: You bet.

Marvaline Prince: Thank you folks.

Philip Hayes: Thank you.

Philip Lawrence- City/County Computer Upgrade
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President Mosby: Phil Lawrence.

Phil Lawrence: Good evening. Before I do the award for the County computer upgrade, I would like to indulge this board. I got a call from Ralph Kissinger on Friday to put together specifications for a step in van for the County Highway. We have put together the specs, and would like, with your permission, to advertise for this vehicle.

President Mosby: Yeah, I was going to say—

Ralph Kissinger: I'm Ralph Kissinger, County Highway. This is for the Cumulative Bridge, and there is a line item already set for a step van to be purchased this year, and we just put together the specs for it to be purchased. I gave them to Phil and asked him if he wouldn't mind putting that bid package together for us.

Commissioner Mourdock: What are you defining as a step van?

Ralph Kissinger: That is a utility, sort of like the Waterworks is using. The utility vans which are a large van body with roll up doors in the back.

Commissioner Mourdock: Okay, that explains it.

Phil Lawrence: We propose to advertise May 3rd and 10th, open the bids on the 21st.

Commissioner Fanello: I will move approval for advertisement.

Commissioner Mourdock: Another question, do we have one of those now?

Ralph Kissinger: Inaudible.

Commissioner Mourdock: Have we ever had one of those?

Ralph Kissinger: No, the bridge crew is kind of unique in that they have to carry so many different tools to work—

Commissioner Mourdock: You need to come to the mike.

Ralph Kissinger: I'm sorry. It is a unique situation with the bridge crew, and what they carry so many tools to work on the bridges and different things that they can store most of it in the vans and have it there instead of driving three or four trucks out, they can get out in one truck, and then have their dump truck, and their tractor or backhoe or whatever they are using for the day, they don't have as many, they can carry their generator, their welder, all of this stuff can be carried in one unit that way.

Commissioner Fanello: You did say that it was in the budget for this year?

Ralph Kissinger: Yes, there is a line item in the budget that calls for a step van.

Commissioner Mourdock: This is the first time that I have heard of it, obviously. Catherine, you made the motion, I am going to sit here on this one, so, David, it is up to you.

Commissioner Fanello: Well, if it is in the budget, I don't have a problem with it, so I will move approval for permission to advertise.

Ralph Kissinger: It is in the Cumulative Bridge budget for the year—

President Mosby: For the year 2001?

Ralph Kissinger: Yes.

President Mosby: If it's in the budget, I don't, second. You made the motion?

Commissioner Fanello: Yes.

President Mosby: Second. I have a motion and a second. So ordered.

Phil Lawrence: Mr. Clifford Thomas is here to address the computer upgrade.

Clifford Thomas: My name is Clifford Thomas, I work for the Computer Services Department, and I am currently assigned as Project Manager for Project 42-00, the Public Safety Application and Hardware Upgrade/Replacement Project. In 1997, the existing Public Safety Application vendor notified the city and county that the existing Public Safety product family line would cease, and customers would need to migrate to the vendors other product line. The vendor has since changed their market strategy and is in the process of moving their product to a compatible client server environment. The National Crime Information Center (NCIC) informed the law enforcement community that their services would be moving to a client server environment. The Indiana Data and Communications Services (IDACS) is currently moving to a client server solution at this time. The necessity of communicating with these federal and state agencies requires Evansville and Vanderburgh to assess their systems and word processes, which in the near future will be a client server format. On Monday, February 28, 2000, the first organizational meeting for the Public Safety Project was convened. At that meeting, 36 individuals volunteered their time to participate in this project. These members represent the Police Department, the joint Dispatch Center, the Fire Department, Suburban Fire, Emergency Management Agency, the County Assessor's Office, the County Clerk of Court, the County Prosecutor's Office, the County Sheriff's Office and Computer Services. The project team developed a scope of work and project objectives. An extensive search by the team resulted in 35 vendors who indicated that they were seriously interested in addressing the city and county's Public Safety Information Technology needs. Over 12 months of work have resulted in a Request for Information, extensive research on the volumes of information received and a Request for Proposal. The RFP was recently posted on the Internet and advertised in the local newspaper for a hardware and software solution. On Monday, April 9, 2001, 13 responses from RFP CE-2001-05 were opened and read into the minutes of the Board of Public Works. Those documents were turned over to the Project Executive Committee for evaluation. The Project Executive Committee has completed their evaluation and has requested that I present their findings. The following are those results. D.M. Data and CDW Government, Inc. presented letters declining to submit a proposal. In the evaluation of the RFP, there are 381 technical questions worth 1143 points. There are 70 questions that are required to be compliant. Matrix Integration, Inc., that vendor submitted a proposal of two thousand two, excuse me, \$292,055 for hardware only. No other vendors submitted a hardware only proposal. Interact, vendor did not follow instructions as detailed in section one, paragraph five, item four, and answered the technical questions with responses other than those indicated in the RFP. Recommend declining for improper response. Maximus Justice Solutions, vendor submitted a proposal, but did not offer a solution on a Computer Aided Dispatch Module. Computer Aided Dispatch is the 911 program and is key to this project. They have no Public Safety baseline product and offered to write programs for the remaining modules. Recommend declining due to lack of an established product. Vision Air, Inc., scored 1049 out of 1143 and met 67 out of 70 compliance questions. Recommend declining as non responsive. Product is unable to capture and hold calls until resources are available to dispatch. This is a key factor in the operation of CAD. PSSI scored 1066 out of 1143 and met 66 out of 70 compliance questions. Recommend declining as non responsive. The vendor takes exception to running SQL. SQL is a data base engine known as Simple Query Language, the committee has set that as a standard for this project. Indico scored 1087 out of 1143 and met

68 out of 70 compliance questions. Recommend declining as non responsive. Vendor takes exception to section four, paragraph N, items five and six. Emgeritech scored 1094 out of 1143 and met 68 out of 70 compliance questions. Recommend declining as non responsive. Vendor unable to cross reference multiple CAD events. Global Dispatch scored 1099 out of 1143 and met 70 out of 70 compliance questions. Recommend declining. Vendor has a Citrix solution for Mobile Field Reporting which does not meet with the current radio plan. Vendor requires monthly fees based on how many log ins to the Records module and the Pawnshop module. Tiburon, which is the current IT vendor, scored 1108 out of 1143 and met 70 out of 70 compliance questions. Recommend declining. Product is incomplete. It is currently in Beta test mode. That has been confirmed by the sales representative and one of their top Beta test clients. Pamet Systems scored 1128 out of 1143 and met 67 out of 70 compliance questions. Recommend declining as non responsive. The vendor has less than ten persons working their help desk, and their CAD product does not meet the January 1998 live date requirement. OSSI scored 1128 out of 1143 and met 70 out of 70 compliance questions. The Project Executive Committee seeks approval to negotiate terms of the RFP. The Committee requests to seek terms for the software portion and part of the hardware portion of the RFP with OSSI, Open Software Solutions Incorporated, of Greensboro, North Carolina. The Committee also requests to seek terms for the remaining hardware portion of the RFP with Matrix Integration of Jasper, Indiana.

Commissioner Fanello: Okay, a couple questions here. First of all, is this project funded on the city and county side?

Clifford Thomas: I don't have any information on the total funding amount—

Commissioner Fanello: Is (inaudible) here?

President Mosby: Yeah.

Commissioner Mourdock: Is it in SCT's budget?

Clifford Thomas: No, sir.

Commissioner Mourdock: I would presume—

Clifford Thomas: No sir, it's not.

Commissioner Mourdock: —it's not.

Eric Williams: Eric Williams, Sheriff's Office, also a participating member of the Executive Review Board.

Commissioner Fanello: Is it funded on the city and county side?

Eric Williams: There is some partial funding from the city, it is my understanding that there is no funding from the county at this point.

Commissioner Fanello: Okay. So, I would assume that somebody will be going to ask for some funding.

Eric Williams: Exactly. That is the information that the Sheriff's Office submitted to this board and the Council at several different occasions, pretty much detailing the

process we are going to take, and the inability to ask Council for funding without knowledge of what the funding requirements would be.

Commissioner Mourdock: So are you looking to set this up as a budget item for the coming year then?

Eric Williams: It is going to be a timing issue, in negotiations and your actions, obviously, and it is going to be a cooperative effort, obviously, with the city and their funding ability. It's a must do project. When that happens, that is yet to be seen.

Commissioner Fanello: A couple more questions. On the city side and county side, have the County Attorney's reviewed all of the bids?

Eric Williams: I can't speak for—

Philip Hayes: The answer is no. There has been no bid reviews from the county side. On the city side, and Clifford, I think, that you communicated to me, Mr. Winterheimer's been handling this with you on the city attorney staff.

Clifford Thomas: At this point the Executive Committee has reviewed the proposals that were sent in.

Philip Hayes: What about Kevin Winterheimer, the attorney?

Clifford Thomas: We have not come to a conclusion other than that the only vendor which is so far qualified is OSSI. We are requesting from this board to step in to negotiations to get a firm bid, to bring back to the legal departments for review. Once again, we have to know exactly how much, exactly what it is, at that point we can then bring it to the legal department for their review.

Philip Hayes: Okay, maybe I'm not being clear. We had discussed the bifurcation of the hardware and software piece, and so having discussed that and learned that this was not a software only request, I consulted with Mr. Winterheimer. Have you consulted with him? As of last week, I had asked you to give him a call.

Clifford Thomas: I spoke with him at 4:30 on Friday.

Philip Hayes: Okay.

Clifford Thomas: He gave me—

Philip Hayes: That is what your e-mail meant?

Clifford Thomas: Yes, it is.

Philip Hayes: Okay.

Clifford Thomas: I spoke with him on Friday, he advised me in this brief that I have here today, and made some suggestions and pointed out some requirements that I need to put into this document for presentation today.

Philip Hayes: Okay. That is what I was looking for, and I thought your e-mail meant that I was going to see an opinion from him, but, basically, he's worked on this presentation you've made tonight and that is distributed here—

Clifford Thomas: Yes, sir, that is correct.

Philip Hayes: –with you, is that right? Okay. Does he recommend, as far as the legal departments then, this conclusion that you made that this be brought back for review, and how did you phrase it exactly?

Clifford Thomas: We are seeking approval to negotiate terms of the RFP, to bring it down to the exact dollars and cents, the exact pieces and parts that are needed, so that it is a firm proposal that fits the city and county's needs, and is agreed to by the vendor.

Philip Hayes: As far as the commitment that this body would be making if they adopt your request tonight, in couching it in the manner of trying to negotiate to get to firm, this body will not be obligated in any fashion with this respondent?

Clifford Thomas: This body will not be obligated in any fashion, sir. That would not–

Philip Hayes: Consequently the county will not be?

Clifford Thomas: That is correct, sir.

Philip Hayes: That is the intent that we had, I think, Mr. Winterheimer and I in talking about being able to go through this, because of the separation and the two parts of the proposal, software and hardware.

Clifford Thomas: That is correct, sir. There will be no obligation.

Philip Hayes: Okay.

Commissioner Mourdock: Words have meaning, and I am confused by some of the meanings here.

Philip Hayes: Yeah,

Commissioner Mourdock: In the document you've provided us ,Cliff, you used that phrase where you say the bid was non responsive or, let me find one specifically here, recommended declining, is non responsive, non responsive. Normally, that is the kind of language that is used with the bid, but, in fact, really what you have presented to us sounds like, don't be offended by this, sounds like a, almost a glorified budget estimate. Now that you have gone through a bunch of vendors, you've got some sort of range to work from, and now you are looking to be able to put the full RFP together based on the information that you've already gained. Is that correct? You just said putting a proposal together.

Philip Hayes: Well–

Commissioner Fanello: That is the only thing that is confusing me is the different language here. I am confused because you are saying bids, then you are saying RFP.

Clifford Thomas: We have submitted a request for proposal.

Commissioner Fanello: Uh-huh.

Clifford Thomas: We have received those proposals.

Commissioner Fanello: So, these are RFP's?

Clifford Thomas: I was advised to go back and remove the word bid from the document—

Commissioner Mourdock: Absolutely.

Clifford Thomas: —I attempted to do that, and if I misspoke, then my apologies.

Philip Hayes: The document being this document that we have—

Clifford Thomas: Correct.

Commissioner Fanello: I just want to make sure so there's—

Philip Hayes: We will clarify this to make sure that we are on point here.

Commissioner Fanello: —no confusion.

Clifford Thomas: I would love to be on the same page with everyone.

Philip Hayes: Okay.

Commissioner Fanello: If you can get there, you would be the first. Do you have any other questions?

Commissioner Mourdock: I would just make the comment that given the size of the money that is involved here, I know that there is a lot of work that has gone into this, it looks to me like the type of thing that needs to be established as a line item in the budget for next year. I don't know how the two vendors you've cited, how forward thinking they are in putting out these numbers that far in advance, or what other negotiations may be needed, but I don't know that, at this point, given where we are budget wise, that we can do much more than that.

Commissioner Fanello: I guess, all that you are looking for tonight ,though, is just to seek negotiations , right?

Clifford Thomas: Correct.

Eric Williams: I think that the Executive Committee has pretty much determined that of all of the responses that we received, the OSSI response met the needs that this county and city needed. We would like to pursue working with them to fine tune the price so that we have some number to take to the financial bodies. So this is what we need.

Commissioner Mourdock: But that is somewhat in reverse of what we normally do, and what, I think, that legally we have to do, which is before we bid a project that we have to have the money—

Eric Williams: Right, and that's why we didn't use the language bid, it was a proposal—

Commissioner Mourdock: Right, okay.

Eric Williams: –that the problem... and this was the issue that we faced with this project from the beginning to end, is that we have tried to communicate with everybody and to keep people abreast of what was going on through Data Board meetings and through letters, that this is where we are at, but there was no way to go to the financial body and say could you–

Commissioner Mourdock: Right.

Eric Williams: –give us a million dollars just to set aside because we might need that. Nobody wanted to hear that. They wanted to know what are you going to be asking us for.

Suzanne Crouch: Do you all legally now have to go out for bid once you get a ball park figure?

Eric Williams: That is debatable. I think that will be left, that answer will be left to the attorneys. There are several opinions that say no, because this is a very specialized piece of software. It is not something that anybody could sell us.

Commissioner Fanello: There is a provision in the statute for that, so–

Eric Williams: Exactly.

Commissioner Fanello: –normally, I think, what is it over–

Commissioner Mourdock: \$75,000.

Commissioner Fanello: –\$75,000? In special situations–

Eric Williams: Those are questions that the legal counsel will have to answer, we just want to get to the point where we can sit down at a table with this vendor now and say, now here's what we really need, here's how we want it to work, you know, maybe we need a little less of that and a little more of this.

Commissioner Mourdock: I guess I'm okay with going forward with those discussions with the vendor, providing that there is absolute clarity so that the vendor knows this is not a funded project at this point, and they realize that this may lead to nothing down the road. I wouldn't want to have them show up later and say, oh, well, you had firm numbers and therefore there was some intent here that is beyond what we are thinking.

Eric Williams: If any of the vendors thought that this was a funded project, then they were misinformed and weren't paying attention. It has been made clear to everybody that at this point and time, this project has not been funded, other than that the city has put aside some money in reserve for this project. Specific amounts, I don't know, and how they have put that in their line items, I don't know that either. So, there are no specific dollars for this from them.

Commissioner Fanello: So are they aware that there are potential, that it might go out for bid, though, that–

Philip Hayes: Or–

Eric Williams: I think that they have been a part of this all along, and every vendor has been very clear on what we were doing and how we were going about this, because of the nature of the project.

Philip Hayes: For the record, you've consulted on the city side with Mr. Winterheimer. I know, on the county side you have consulted with me and we've spent time in conference about this, and at the time that we did that, I think, that it was pretty clear that we weren't, that is to say that the Public Safety Sector and SCT wasn't sure what kind of money we were even talking about. We didn't know where it was going to go. This is \$2 million, basically, so that is the top end of the range that you thought. From the legal standpoint, I think, unless you feel that we are in absolute need of moving in the next week or so, that, I think, that it would be appropriate to meet again with Winterheimer and be able to bring back to both the city side and the county side a firm position with regard to whether or not we are obligated, if we begin these negotiations. So, from that stand point, I think, that it would be appropriate if we held back for, I know that we've got a busy schedule next week, but, Eric, what...and you want to be able to make for the budget, for being able to get to the budget this year, so, what kind of time are we looking at that we can spend going over that issue and then getting a determination here?

Eric Williams: Obviously, we feel that it is very, very important--

Philip Hayes: I know you have.

Eric Williams: --that you have a comfort level with this project--

Philip Hayes: Yeah.

Eric Williams: --because it is a very costly project in the scope of things. It comes at a time when there are a lot of large projects on the burner, obviously, but this is one that is critical to us and Public Safety, you know, we will make do with what you tell us. If the direction that we are going to get is that this is going to need to be a 2002 budget request, you know, we are in the process of working our 2002 budget requests right now. We would need some direction, and, I assume, that the process of doing firm negotiations with OSSl to derive a firm price of what we are looking for will be a considerable undertaking.

Commissioner Mourdock: I think that what I hear Phil saying is that if there were a document presented to this board, something that you had, basically, as a letter of agreement between this board and, I guess, inherently, the city and the several vendors here that you are choosing, that we just have some memorandum of understanding stating we are going to have these discussions to lead us to this point to help define the numbers, and you, the vendors, understand that there is no solid commitment for funding at this time.

Eric Williams: If that is something that legal counsel could prepare for us, I don't think that anybody would have a problem with that.

Commissioner Fanello: I don't have a problem, I mean, I am for the project, there is no question about that, but I don't have any problem with, you know, maybe a --

Philip Hayes: Based on the gross numbers, I mean, the memorialization is that the city side of this is about a million one, the county side is about eight eighty, and so we are going to have to do it in conjunction with them. In speaking to Mr.

Winterheimer last week, at some length, and then, I think, the week prior to that time...Clifford, do you know if he has conferred with the Board of Works at any length while this was in preparation?

Clifford Thomas: I don't know if he has consulted with them at any length?

Philip Hayes: Okay.

Clifford Thomas: This morning they seemed to be in concurrence, but that was just a perception on my part.

Philip Hayes: What did they do to tickle that perception? How did they get that in the record?

Clifford Thomas: They said we did a very—

Philip Hayes: Hell of a job.

Clifford Thomas: —good job with the amount of work—

Philip Hayes: Nice job.

Clifford Thomas: —that was here. They made the motion to task it.

Philip Hayes: Okay, so by motion this morning that was done? Okay. Well, I can report back to the body before agenda time, and I will have a conference with him and see where we are.

Commissioner Mourdock: I will formally move that we—

Philip Hayes: If we can do that?

Commissioner Mourdock: —direct the County Attorney, then, to work on a discussion draft that will allow us to know clearly what our objectives are, and to have the vendors clearly state their understanding as to our budget limitations.

Commissioner Fanello: I will second.

Philip Hayes: Is that the kind of thing that you had from the Board of Works?

Clifford Thomas: We had no indication of that from the Board of Works, no.

Philip Hayes: Okay.

Commissioner Mourdock: It can be a bipartisan thing instead of a tripartisan thing, if necessary, if the city has already signed off on it, but that's okay.

Clifford Thomas: I think that it would be in the best interest of everybody if everybody understands that—

Commissioner Mourdock: Absolutely.

Clifford Thomas: —and agrees to that.

Commissioner Fanello: I mean, really, in all actuality, we did that a couple of times on the city side in the Controller's Office, I mean, we drew up some types of things for the legal department to look at, as far as understanding them.

Eric Williams: I would add that this has been a very trying project as far as this process, in trying to get answers from all of the concerned entities on what direction to go, what process to follow, or what procedures need to be adhered to. I can speak on behalf of the group that we have done our best to keep people informed, and done our best to try and follow the rules and keep things going in an orderly fashion, but sometimes you just have to do what you gotta do to get to this point, and here we've ended up.

President Mosby: I have a motion and a second. So ordered. Any other questions? Seeing none. Thank you.

Phyllis Donahue- Welfare to Work

President Mosby: Phyllis Donahue.

Phyllis Donahue: I am Phyllis Donahue, Welfare to Work Committee.

President Mosby: I believe you are back here, I know what you...

Commissioner Fanello: Okay. I know that we are back here to vote on the allocation for this year, and I still have a couple of questions on this memo that you gave us. Or maybe one big question. When you say that you have money left from each of these years, is that just county money that you are talking about?

Phyllis Donahue: Yes, this is totally funded through the—

Commissioner Fanello: Okay, everything's done—

Phyllis Donahue: —Riverboat—

Commissioner Fanello: —I just wanted to make sure on that, since I wasn't real..then I have a problem with the numbers, because they don't match up to anything that I have looked at, so, I don't know if we can defer this another week until I set up a meeting with you, and we go over these numbers, but they don't—

Commissioner Mourdock: Are we back to the difference between the unencumbered?—

Commissioner Fanello: No, we are not back to that at all. I went back, and I actually wanted to bring this up under New Business, but I went back and tracked the Riverboat Funding since 1997, and I've got some big questions and a real problem with this years budget. So, I don't know if we want to take it up now, or if we want to wait until New Business but—

Commissioner Mourdock: But is it issues that go beyond the Welfare to Work?—

Commissioner Fanello: Yes.

Commissioner Mourdock: —Infrastructure and?—

Commissioner Fanello: Economic Development, yes.

Commissioner Mourdock: It doesn't matter to me. I mean, we could do it now—

Commissioner Fanello: Because, I can't agree to this until I know exactly where these numbers are coming from, because they don't match anything that I have looked at.

President Mosby: I would say that we make a motion—

Commissioner Fanello: How much money that—

President Mosby: —to hold this until—

Commissioner Fanello: —as far as how much money you say you have left.

Suzanne Crouch: This might be helpful, or it might not. This is a sheet on monies that are currently available to spend out of those line items, either encumbered money—

Commissioner Fanello: Yeah.

Suzanne Crouch: —or budgeted money.

Commissioner Fanello: That's fine, but I've got something a little bit more detailed than that, that I have a problem with this years budget. So, based on past history.

Suzanne Crouch: Specifically?

Commissioner Fanello: I mean, do we want to bring this up now?

Commissioner Mourdock: Sure, let's go ahead.

Commissioner Fanello: Okay, let's just take...I hate to make you stand up for this, Phyllis, did you want to go ahead—

President Mosby: Yeah.

Commissioner Fanello: —and sit down? This is a little more detailed than just Welfare to Work. Okay, let's start with Economic Development, and I want to go through and kind of explain what I have done here. The column you see is all the figures that I think the balance should be when we get down to the 2001 adjusted budget. If we look at the 1997 actual budget, we have \$635,256 appropriated for that budget. 1997 expenditures were \$193,279, which left us with a balance of \$441,977, then we go to the next years budget, 1998, and we have \$500,000, which is what were agreed upon in each account, but our actual budget becomes \$941,977, which is actually the balance left over plus the current years budget. Now, when I asked that question before, I was told that the monies didn't roll over unless there was a P.O.

Suzanne Crouch: Or a letter.

Commissioner Fanello: Or a letter.

Suzanne Crouch: A contract.

Commissioner Fanello: Okay, so, are you telling me that each year that this money rolled over that there was a letter or some type of project—

Suzanne Crouch: That is correct.

Commissioner Fanello: —going on?

Suzanne Crouch: We encumber money based upon a contract, a letter, or a P.O., and that has to be submitted by the department that is requesting the encumbrance in order for us to hold that money.

Commissioner Fanello: Okay, then I want to see the P.O.'s and the letters for each of those years, because, quite frankly, when I asked someone else today I was told that this is the first year that the money hasn't rolled over.

Suzanne Crouch: I guess, that's what I don't understand, when you say rolled over.

Commissioner Fanello: Well, when you take the end of the year balance—

Suzanne Crouch: Uh-huh.

Commissioner Fanello: —let's just take, for example, on the city side, the Riverboat money rolls over every year, it does not lapse.

Commissioner Mourdock: What do you mean by rolls over? Do you mean—

Suzanne Crouch: Because—

Commissioner Mourdock: —encumbered?

Commissioner Fanello: The unencumbered balance at the end of prior year rolling over—

Suzanne Crouch: But, I believe that on the city, I might be mistaken, but that is a separate fund.

Commissioner Fanello: Yeah, they are a separate fund, but what I am—

Suzanne Crouch: With us, it is not.

Commissioner Fanello: —what I am talking about here is each year we see that the money was carried forward, and are you telling me that there were P.O.'s each year for these amounts?

Commissioner Mourdock: Or letters.

Commissioner Fanello: Or letters.

Suzanne Crouch: Or contracts.

Commissioner Fanello: Okay, then I'm going to have to see them, because I don't know...that doesn't make any sense to me, to be honest with you.

President Mosby: What happened at the end of the year 2001? Are you saying–

Suzanne Crouch: At the end of this year?

Commissioner Fanello: Or the end of 2000?

President Mosby: Alright, the end of 2000, are you saying that nobody sent you a letter and nobody asked–

Suzanne Crouch: Commissioners send letters–

President Mosby: Did, I'm asking about–

Suzanne Crouch: –to encumber Riverboat.

President Mosby: –what happened, did that not happen?

Suzanne Crouch: Yes, we encumbered money in those accounts.

President Mosby: Okay, then how come the \$831,000 is gone? Your report, if you get to end of this, according to her figures, says that we have \$721,000, exactly the amount that was left at the end of 12/31/2000 is gone.

Suzanne Crouch: There are P.O.'s , a lot of times, that are released, throughout the year.

Commissioner Fanello: So you're telling me...let's just go through this, because I am going to have to go to your financial report too, because I don't even know where you get the cash balance for the Riverboat. That doesn't add up to anything I can tie my figures to, but you can explain it. So, you are telling me that at the end of 1997, when there was \$441,997 left, that you had P.O.'s or letters for that \$441,000 to carry over to the next year?

Suzanne Crouch: I don't have my numbers in front of me, but if that was encumbered money, then, yes–

Commissioner Fanello: Okay, I looked at the 199...I went over to Sandie Deig's office today, and looked at the 1999 year ending ledger, and there were no encumbrances at the end of 1999, yet all of that money rolled over.

Suzanne Crouch: I don't know what report you were looking at, but there are encumbrances–

Commissioner Fanello: The expenditure ledger.

Suzanne Crouch: –to roll that money over.

Commissioner Fanello: The expenditure ledger, I mean, we looked at it, Sandie and I looked at it, I mean, I'm not approaching this like I know what I am talking about, I am just asking–

Suzanne Crouch: Right, but expenditures wouldn't necessarily show encumbrances, because expenditures is money that is spent–

Commissioner Fanello: –I'm not talking about expenditures, I am talking about, when I went to the 12/31/1999 ledger, there was, let me look, you actually showed \$548,452 in the Economic Development account at the end of 1999, okay, when I go to look at the 1/1/2000 budget, there are not encumbrances for that amount, but the amount rolls over. If there were encumbrances for it, it is going to have to be in the encumbrance column.

Suzanne Crouch: Uh-huh. Do you know what, why don't we get together tomorrow? Because, I don't know specifically what report you are looking at–

Commissioner Fanello: The monthly expenditure report. I mean, that's my question, is when I go through the Economic Development, the Welfare to Work, and the Infrastructure and Drainage, each year, the prior years balance rolls over, but there is not P.O.'s to go with it, so that tells me that somehow the amount is rolled over–

Suzanne Crouch: If the P.O. hadn't been released from a prior year.

Commissioner Fanello: Okay, but, are you telling me that each of these years we had that many million dollars worth of project outstanding in Riverboat?

Suzanne Crouch: We have had a lot of road projects–

Commissioner Fanello: So at the end of '97, we had \$441,977 in P.O.'s. At the end of '98, we had \$370,801. At the end of '99 we had \$552,594, and at the end of 2000, obviously, this is the first year it happened, so the money didn't roll over. So, you are telling me that each of those years we had P.O.'s for all–

Suzanne Crouch: We had P.O.'s and contracts. Yes, in fact, in the General Fund, I don't know how the city does, if they even encumber much money, but in the General Fund we–

Commissioner Fanello: I would need to know what projects they relate to, because I sure as heck haven't seen any of them going on.

Commissioner Mourdock: Burkhardt Road, primarily.

Commissioner Fanello: Under the Infrastructure?

Suzanne Crouch: Why don't I get that information–

Commissioner Fanello: Okay, and then I will need to know, exactly, when you say cash balance at the beginning of the year in the Riverboat was \$2.1 million dollars, exactly, where–

Suzanne Crouch: What County Council did, and I would have to pull the minutes, I believe it was in 1996, that the legislation required that Riverboat money be General Fund money–

Commissioner Fanello: Uh-huh.

Suzanne Crouch: –and it could not be separated out. That is state statue, so what the Council did at their meeting, is they decided that they never wanted to over spend what they anticipated their revenues to be–

Commissioner Fanello: Uh-huh.

Suzanne Crouch: –so, the first year, there was no money set in for the budget. Then each year on the financial statement, that \$2.1 million were actually 2000 revenues from last year. That is the actual revenue, so they budgeted \$1.5 million–

Commissioner Fanello: Uh-huh.

Suzanne Crouch: –and then they have the monies that is left over to spend. That way it is a very conservative approach, but that way they never spend more than what they want the revenues to come in–

Commissioner Fanello: So you're really not, you're not deducting any of the encumbrances out–

Suzanne Crouch: No, because the General Fund–

Commissioner Fanello: –of the Riverboat, you are deducting them out of the General Fund.

Suzanne Crouch: –encompasses...correct.

Commissioner Fanello: That's fine, but that still doesn't explain all my questions on what all these P.O.'s could possibly be.

Suzanne Crouch: Well, why don't I get a detail to you on all of those P.O.'s.

Commissioner Fanello: Okay, that would be good.

Suzanne Crouch: We could sit down, then if you have any more questions, we can get more information.

Commissioner Fanello: Okay. So, in answer to the Welfare to Work, I am going to have to sit down with you and go over your figures, because–

Phyllis Donahue: Inaudible.

Commissioner Fanello: Okay.

Phyllis Donahue: Inaudible.

Commissioner Mourdock: Just–

Commissioner Fanello: Let me just say this, so at the end of December 31, 2000, there were no projects to encumber this \$831,000 to?

Suzanne Crouch: The Commissioners–

Commissioner Fanello: Richard?

Suzanne Crouch: –submit the letters, so if they submitted a letter for those particular projects, then that is what we encumbered for.

Commissioner Fanello: So we just–

Suzanne Crouch: I don't encumber the money.

Commissioner Fanello: I am asking, I mean, were there no projects to encumber \$831,587.96 to? Under Economic Development?

President Mosby: I mean, it is obvious that we weren't here, so.

Commissioner Mourdock: Pardon me?

President Mosby: It's obvious that we weren't here.

Commissioner Fanello: Under Infrastructure and Drainage, I mean, there were no projects to encumber \$777,318.26 to? I mean, it just seems funny to me that every year before that there were projects to encumber over, I don't know how many millions of dollars, and all of a sudden at the end of 2000, there is no projects to encumber it to.

President Mosby: I guess that is my problem, because it is the first year out of, since 1997—

Commissioner Fanello: That all of the monies weren't encumbered.

President Mosby: —you can go down through here and look at that, and then all of a sudden in the year 2001, everything is gone. You know, we are talking, we are not talking a half a million dollars, we are talking—

Commissioner Fanello: About \$1.8 million.

President Mosby: Yeah, \$1.8 million that just fell by the wayside.

(Tape Flip)

President Mosby: If you tell me that in 1997, 1998, 1999 and 2000, that Bettye Lou Jerrel sent you a letter and asked you to roll that over, but she didn't in 2001, I will believe it.

Suzanne Crouch: I'm sorry, and your point?

President Mosby: Politics.

Commissioner Fanello: The point is, is that this is political.

President Mosby: It is political.

Commissioner Fanello: At the end of every year you had projects to encumber to, and all of a sudden at the end of December 31, 2000, we lost \$1.8 million.

President Mosby: Yeah, so I would just like to see the letters—

Suzanne Crouch: You didn't lose the money—

President Mosby: Well, no, we didn't lose it. I'm sure the County Council still has—

Commissioner Fanello: I mean, according to your unappropriated—

President Mosby: –you are telling me that all of the money that is not encumbered, or asked to be saved, goes back to the General Fund. So, that money, that \$1.8 million should show up in the County Council budget, somewhere in the General Fund.

Suzanne Crouch: Unappropriated monies.

Commissioner Fanello: So, that is probably the money you used to set aside for the jail project, and under the Riverboat we only have \$610,000 unappropriated left.

Suzanne Crouch: That is what it is every year.

Commissioner Fanello: Not according to this, Suzanne, I can't agree with it, I mean, I am going to have to see all the P.O.'s and the letters that you are talking about. I just can't believe that at the end of December 31, 2000, we all of a sudden didn't have \$1.8 million worth of projects to encumber anything to, but every year before that we had projects and P.O.'s or projects to encumber this money to. I mean, that doesn't make any sense. I mean, logically,

President Mosby: If there was any money that wasn't encumbered or didn't get rebudgeted, I would like to see that too, I would like to see how much it was. Just through '97 through 2000, how much money actually didn't roll over.

Commissioner Fanello: I mean, I have a real problem with this.

Commissioner Mourdock: Money that did roll over?

President Mosby: Didn't roll over.

Commissioner Mourdock: Say that again, didn't?

President Mosby: Did not.

Commissioner Mourdock: Okay.

President Mosby: If there is money that did not roll over, and it actually went back into the General Fund to the County Council–

Suzanne Crouch: Unappropriated money?

President Mosby: –unappropriated money.

Commissioner Fanello: That's why I went to Sandie Deig's office to see if she had any of the prior years end of year monthly, or year-to-date ledge reports, and that's when I got my question answered that, no there were not P.O.'s outstanding at the end of '99, and yet that money was still rolled over, and you talk about a letter of encumbrance, do those letters come from the Commissioners?

Suzanne Crouch: Yes, the Commissioners encumber the–

Commissioner Fanello: Okay, but they don't have to relate to any certain projects?

Suzanne Crouch: Oh, yes they do. They have to relate to specific projects, and specific line items. That is correct.

Commissioner Fanello: That is why I would like to see every years P.O.'s, letters of encumbrances, and anything that showed that that money was encumbered and why all of a sudden at the end of December 31, 2000, we did not have \$1.8 million worth of projects to encumber any money to.

President Mosby: I mean, I was told by the County Council that it always rolled over, or that it was encumbered.

Suzanne Crouch: If it's encumbered.

President Mosby: If it's encumbered, then it rolls over?

Commissioner Mourdock: That would just mean that it wasn't encumbered—

Commissioner Fanello: Exactly, it wasn't encumbered, that is obvious, but—

President Mosby: I was told by County Council that the Riverboat money, the \$500,000 each year was always taken into the next year.

Suzanne Crouch: If it's encumbered—

President Mosby: Not by a P.O. or an encumbrance, you know, then we go to the Council and ask about that in January or the first of February and they say, oh, no, it don't work that way. Well, prior history, seems like it works that way, up till the year 2000.

Commissioner Fanello: I just want to know, I may be totally—

President Mosby: 2001, it didn't work that way.

Commissioner Fanello: —wrong here, but I just want to know what is going on, because that does not match anything that has happened before. I can't believe that we didn't have any projects under Economic Development at the end of last year to encumber money to. That totally floors me.

President Mosby: You made a motion to hold—

Commissioner Fanello: Motion to hold for one week until I set up a meeting with Gary Heck.

President Mosby: A motion and a second. So ordered.

Commissioner Fanello: I just want to make sure that they have the right, that we have the money to fund their project.

Phyllis Donahue: Inaudible. Do you want me to call him?

Commissioner Fanello: Do you have his number, real quick?

Phyllis Donahue: 428-(inaudible)

Commissioner Fanello: I will give him a call tomorrow morning. I will be out of town on Wednesday, but—

Phyllis Donahue: I'm not sure (inaudible).

Unidentified: Extension 12.

Commissioner Fanello: –okay.

Commissioner Mourdock: You realize, the requests they are making is, basically, just the percentages–

Commissioner Fanello: The percentage allocation for this year, yes, I realize that, but, I just want to make sure that the prior years numbers are correct. Not from their...basically, that we have the right numbers on our side.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Jill Marcrum: I will jump on that one. I'm back.

President Mosby: Okay.

Jill Marcrum: Jill Marcrum, President of the Evansville Bar Association. When we were here last, Commissioner Mourdock had some questions, and I've been trying to (inaudible). Basically, as I recall, there were two issues that we needed to fill in some gaps on, and what we have tried to do is create an addendum that, hopefully, gives you the information that you are looking for. The first issue was night court, and we had two primary sources of information that we utilized for our addendum here this evening.

Commissioner Fanello: Boy, that's a big addendum.

Jill Marcrum: It is bigger than the actual report, yes. We worked hard on it. The first is a survey that was done by telephone, in person type of thing, conducted by individuals, and that is included in there. The second is that we obtained information from the National Center for State Courts, and that is basically a national repository for information regarding state courts. Basically, what we learned, with respect to night court, is that there is only one court, that we are aware of, in the country that runs a true night court, or second shift. They actually run 24 hours, and that is in New York City, and that is only for criminal arraignments. So, they have 24 hours a day, they have judges available for criminal arraignments. There are studies...appendices one, two and three are...consist of information that we received from the National Center for State Courts, and they give you some information as to what other courts have done, studies that have been done, and based on that information, as well as our survey, basically, New York City was the only court that we found that did hold a night court. We did find many courts that do what we do, which is extended hours courts. Primarily those areas were traffic court, arraignments, well, I should say mostly traffic court, a little small claims, and, basically, similar to what we do. There were some jurisdictions that tried jury trials, Indianapolis, Marion County, in particular, tried it, decided against it. There are several other jurisdictions throughout the country that have tried it, done studies, and those studies were not implemented because they felt that they were not cost effective. There were various reasons why they didn't. One of the reasons that Marion County's failed was a major security risk. The, basically, that is the gist of

the study. The first three pages is our summary, followed up by the studies from the other jurisdictions. The other thing that was brought up, and, hopefully, we have covered it better this time. Basically, I guess, the study of the night court also brought...some of the studies included, in the appendices, brought to issue that the ideal, at least based on a national level, court room to judges is one to one. We studied within our state various counties that were affected, and what we tried to do was focus on a couple of different things. We looked at the counties that were comparable in size, and, basically, we looked...the counties that are ranked third through eleventh, which would include Vanderburgh County, and then we also included Posey County, Warrick County, and Gibson County, because they are the surrounding counties that are contingent to Vanderburgh County. We also included Vigo County, or Terre Haute, because that is the closest large city, so we tried to include something that is comparable. Basically, what that study shows is no matter what size county that you are looking at, be it something that is a little bit bigger, something that is close to our size of a county, or something that is substantially smaller, we are significantly lower percentage wise in court room per judicial officer. I would be happy to answer any questions you might have. I know that you just received this information. I did want to share it with you. I also want to say that the Bar Association is happy to come back and answer any questions that you might have on this or the previous report that we submitted to you, and if there is any way that we can help you in the future, we would be glad to do that.

Commissioner Mourdock: Jill, a couple of things.

Jill Marcum: Sure.

Commissioner Mourdock: First of all, you referred to the several questions that I asked, going back to my notes of that night—

Jill Marcum: Was there one I missed again?

Commissioner Mourdock: Well, I had several, I had what are the proper ratios of judiciary personnel to courtrooms? I think that you dealt with that one a little bit.

Jill Marcum: The studies show one to one.

Commissioner Mourdock: I asked to report on the ratio of judicial officers to courtrooms. The use of night court, and general recommendations for processes to improve the systems.

Jill Marcum: Processes, well, and maybe I don't understand what you mean by processes to improve the system.

Commissioner Mourdock: It means whatever it takes to make it work better.

Jill Marcum: More courtrooms. You know, you brought up the rotation of the Judges, and I can tell you that if we stopped rotating, you would see how drastically we need the additional courtrooms.

Commissioner Mourdock: Why is it...I hear you say that, I know you say it in good faith, but there are only two counties, I think, in all of Indiana that don't rotate—

Jill Marcum: Let me give you an example—

Commissioner Mourdock: –or that do rotate.

Jill Marcum: Correct.

Commissioner Mourdock: When PMSI was here, their expert was telling us that was one of the things that they thought was causing the problem.

Jill Marcum: Okay.

Commissioner Mourdock: Are 90 counties right and two are wrong?

Jill Marcum: If you look at, and I think that it is Appendix two, what looks like this, okay? There are 20 footnotes, because each...some...Monroe County is a perfect example, they have one Circuit Court and seven Circuit Court Judges, they have no Superior Court Judges. Each county has a little twist, a little turn, a little tweak that they do, so it is difficult to say that they are right, we are wrong, or we are right, they are wrong. I agree, I only know of one other county that rotates like we do, but the way our system is set up, it enables us to juggle the courtrooms in the most efficient manner. If we did not rotate, okay, then Judge Pigman, Judge Bowers, Judge Knight, Judge Trockman, Judge Tornatta and Judge Lloyd would each say, I need a courtroom so that I can schedule my matters.

Commissioner Mourdock: They seem to be saying that now, though, you just said that the ratio is one to one.

Jill Marcum: Right.

Commissioner Mourdock: The ideal ratio.

Jill Marcum: That is correct, but the purpose behind rotating the Judges is not for courtroom use, the purpose...there is a lot of reasons why the Judges rotate, okay, and if you want to look at whether or not we have too many Judges, the way the case load study says is that we are just right in the number of Judges. If you don't like the way the judges–

Commissioner Mourdock: I'm sorry, say that again. The case load shows that we are just right in the number of Judges, is that what you said?

Jill Marcum: The weighted case load study, the Supreme Court did what they called a weighted case load study, and from that study they said, you, you over here, this county, you have too many judges, you need to take some of this county's work and, I will be frank with you, a lot of the counties were concerned about all of this juggling, I am going to have to come over and do your work, you are going to have to...Vanderburgh County, they left alone because we have the right number of judicial officers for the number of cases that we are handling. The Supreme Court of Indiana, based on their study says, that we have the right number of judicial officers. Now, the question is, where are we going to hear these cases? If you want to talk about...rotation and courtroom space are two separate issues, okay–

Commissioner Mourdock: No, I don't believe they are separate issues, and–

Jill Marcum: Well, they are because–

Commissioner Mourdock: –pardon my layman's opinion, here, but that is what I

mean by processes.

Jill Marcum: Okay.

Commissioner Mourdock: We are looking...the three of us who are novices to the court system, look at this whole problem as a space problem, not in the courtrooms, but over here in the jails. Whatever we can do to change things there—

Jill Marcum: But, see—

Commissioner Mourdock: —to get more space in the jail, is part of the process.

Jill Marcum: I agree, but what you have to understand, is that part of the problem is civil cases. The problem with the court system just doesn't relate to criminal cases, it also relates to civil cases.

Commissioner Mourdock: Agreed.

Jill Marcum: You can look at the jail, and, I think, that the Judges have made a lot of changes in the way they handle things to try to remedy that situation. They have two Judges doing criminal...well, I know that they have two Judges, two Superior Court Judges scheduling trials everyday, and they are scheduling trials, at least 60, so that on any given day... they are doing the best they can to move it. Now, are you saying we need more criminal divisions? That might be, that might be something that they need to look at, but if you are talking about... and what I hear you saying, if we stopped the rotation, wouldn't it solve our problem?

Commissioner Mourdock: That wasn't my suggestion, by the way, that was PMSI's, who—

Jill Marcum: Well—

Commissioner Mourdock: —we hired—

Jill Marcum: —but that is what I hear you asking here today. I am telling you that if we stopped rotation this week, you would have mass disaster, because the ability to juggle courtrooms would die.

Commissioner Mourdock: The inference was that because we rotate Judges, that attorneys, basically, shop their Judges a bit. They wait to see who is coming up in the cycle as far as when they—

Jill Marcum: I can tell you—

Commissioner Mourdock: —do the filing, and that has to slow the process.

Jill Marcum: No, because I can tell you who the Judge is in every division next year.

Commissioner Mourdock: Yeah, I know.

Jill Marcum: So, nobody waits—

Commissioner Mourdock: So could every attorney.

Jill Marcum: –nobody looks. You can look, I can tell you today what cases I will be hearing each month this year, and everybody who is smart enough to go look at the calendar, can tell you that exact same thing. They are not waiting for anything. Now, they may wait to plea a case, plead a case out, and that may be what I hear you saying, but...and if you are asking the Bar Association to do a separate study, then that's really what you are talking about, because we did not...our concern was, there are certain problems within the courthouse, we don't have enough courtrooms. I may have free time, but I can't schedule something because we have 53% courtrooms, okay, compared to everybody...the closest county is 75%.

Commissioner Mourdock: Let me break off the subject here for a little bit, just as Catherine had her thing to bring at the end or do at the middle, I am going to jump on up to the middle.

Jill Marcum: Sure, go ahead.

Commissioner Mourdock: Last, whatever day it was, Tuesday, I think, I did sit in on the Building Authority's meeting. We had requested that they do the space review, and they are going to do that, and get back to us by June 1st. One of the things that we specifically asked for in that letter was to come up with, either three or five, I think–

Commissioner Fanello: Five.

Commissioner Mourdock: –five new additional courtrooms. What I think is going to happen, and I'm waiting to hear the screaming start, is that as soon as we get some preliminary report back from them, is to see how we can take the space that we presently have, not waiting for a judicial center, which is who knows when that will happen, but make some offices smaller, take space that is over there presently, take people, such as yourself, who are in a very small–

Jill Marcum: I was going to say, if you make my office smaller, I am in trouble.

Commissioner Mourdock: No, no, no, no, no. Your case was the one I cited as the need to do something with, to improve the situation. I thought that you were going to say, if you make my office larger, I won't be back.

Jill Marcum: No. I was just trying to figure out where you were going to cut it out of my office.

Commissioner Mourdock: No, no, no. That was one of the examples. Your office where you have four people working, is clearly unacceptable. We have started that process to see how we can find better office space over there, and also find more courtrooms over there. Please don't come back here when that floor plan, whatever it ends up being, starts to be implemented, and come back and complain and say, gee, the courtrooms are too small, because we are trying to deal with this. We will read through this...I also read The Summation, is that the Bar Association's newsletter?

Jill Marcum: Uh-huh, newsletter.

Commissioner Mourdock: I wish I had it with me, because I would argue many of the points you made in that letter item by item.

Jill Marcum: Regarding night court?

Commissioner Mourdock: I don't have it hear in front of me or I would. Pardon?

Jill Marcum: Which article? I write a monthly column, so.

Commissioner Mourdock: It was probably a month ago that I saw it regarding your presentation here, and you basically said, we don't get it, is the way I read that article. I wasn't particularly pleased with much of what I read.

Jill Marcum: Well—

Commissioner Mourdock: Be that as it may, we still continued down this process, and we are trying to find the space.

Jill Marcum: I appreciate that. First of all with respect to The Summation, I feel like it is my duty as President to relate to them my concerns. I had concerns.

Commissioner Mourdock: I believe in the First Amendment, okay.

Jill Marcum: With respect to the process, again, we are talking about apples and oranges here, because what the Bar Association set out to do...now, you may want something else, and we will be happy to stop and take a look at that, but what the Bar Association set out to do, our goal was to look at the courthouse space, okay? If you look at the addendum, I would have to dig for copy of my report..yes, sir. The front of it says, the Report of the Evansville Bar Association Courthouse Action Committee, March 2001, Space Requirements for the Vanderburgh County Courts and Court Related Programs and Services. Okay, space requirements, that is what we focused on. We are talking about the physical building over there. Now, if you would like some input from the Bar Association about how our legal system in Vanderburgh County works, we would be happy to do that, and we would form a separate committee to do that.

Commissioner Mourdock: I don't know that that needs a committee, that may need simply someone sitting down with me, which I will be more than happy to do, to have that explained. I have this question for you, though.

Jill Marcum: Sure.

Commissioner Mourdock: What would the Bar Association be willing, where would you be willing to sacrifice to get more courtroom space, and more office space right now, within the current confines of what we have in that building? Who is willing to sacrifice?

Jill Marcum: Sacrifice what?

Commissioner Mourdock: Whatever it takes. The process.

Jill Marcum: I will give up... I will share an office with two other magistrates for five more years, if we can get some more court—

Commissioner Mourdock: Well, you share with three now.

Jill Marcum: —No, I only share with two. There is a court reporter that's...we have

four people within 360 square feet. The Circuit Court magistrate has 220 square feet to himself. Now, we don't complain. I would live like that for five more years for more courtrooms. If that is what you are talking about sacrificing, absolutely—

Commissioner Mourdock: Okay.

Jill Marcrum: —I am willing to do it. I don't need a big, luxurious office. I don't...Terry and I bump chairs on a daily basis. We laugh about it. The Judges joke about, okay, I'm sneaking into the courtroom, you hesitated. We try to make do with what we have. What we have is slowing down our justice system, what we have prevents us from moving these people out of the jail. What we want to do as a Bar Association, who represents the public, not the Judges, not the attorneys, we represent the public, we want their cases to get through in a more efficient manner.

Commissioner Mourdock: Please don't take this personally, again, I cited your specific example as why we need to do something, okay?

Jill Marcrum: And I—

Commissioner Mourdock: Let me turn it the other way, at the thought, the very thought that the law library be moved out of that building, we hear nothing but complaints, so reasons why we can't do that. That is the kind of sacrifice that I am talking about.

Jill Marcrum: The law library is under the jurisdiction of Circuit Court, Judge Heldt.

Commissioner Mourdock: No. I—

Jill Marcrum: That is my information.

Commissioner Mourdock: —well—

Jill Marcrum: That was my information—

Commissioner Mourdock: The County Commissioners, under the Indiana Constitution, are required, or have the obligation to provide courtroom space, I think, Phil, if I said that incorrectly, please correct me.

Jill Marcrum: I think that is not what the statute said.

Commissioner Mourdock: Yeah, it is our obligation to do that. That is county property over there, and if we need to utilize that particular room as courtroom space, or office space, or whatever, I think, that is our jurisdiction. If it is under someone else's jurisdiction, let's argue that for a minute, if it is under their jurisdiction, and they're claiming they need more space, then it would seem to me that might be a sacrifice that they could make.

Jill Marcrum: That is something that you would have to talk with Judge Heldt about. I think, that one of the reasons why you have met with resistance with respect to the law library, is that that is something that the general public comes in and uses on a daily basis.

Commissioner Mourdock: It is not the general public coming in here saying give us more courtroom space.

Jill Marcum: No, because the general public, until it is their son, their daughter, their case that is being delayed, they really don't care.

Commissioner Mourdock: That's true.

Jill Marcum: That is why the Bar Association has stepped up. I don't take this personally, but, I think, that it is really important, Commissioner Mourdock, that you understand that the issue of rotation, and whether or not the Judges should rotate, is a process. If we need to study the legal process of our judicial system, then maybe, if that's the case, we will be happy to help you do that. What we set out to do when we formed this committee in June of last year, was to study the space needs. We feel like we've done that. Now, if there is something else that you want me to do, to take back to the Bar and say, oops, we left this out, they've realized that we didn't cover this, we would be more than happy to do that, because we are committed to this project. We have had almost 50 people working on this, and I apologize for not getting this to you sooner, but I just got the copies today, and I wanted to get them to you as soon as possible, because, you know, we can always come back and answer more questions.

Commissioner Mourdock: Speaking as one Commissioner here, but, I think, for the other two, when the date that we gave Steve Utley to get back to us with his initial summation of the floor plan was June 1st, he told me on Tuesday that he would be able to meet that date. If he gets that back to us, we can get creative and start drawing some temporary walls or lines or whatever we need to do, and I suspect that is going to get us at least some more courtrooms.

Jill Marcum: And that—

Commissioner Fanello: He is not just looking over there, he is looking at this building too.

Jill Marcum: That is my understanding.

Commissioner Mourdock: That's right, because, that's right, for instance if the law library comes out of that building and it comes over here, you know, if you move one thing, all other things start to move.

Jill Marcum: Right, and to the—

Commissioner Mourdock: So, we've been down that road—

Jill Marcum: —extent that the Bar Association can assist Steve Utley, or you, or anybody else in that regard, we would be more than happy to do it.

Commissioner Fanello: When is the Health Department leaving?

Commissioner Mourdock: Two years.

Commissioner Fanello: Two years! Inaudible.

Commissioner Mourdock: It will be closer to two years.

Jill Marcum: Any other questions? Thank you.

President Mosby: Thank you.

Jill Marcrum: I'm sorry, did you have something else?

Commissioner Mourdock: Last comment, I was going to say, your one thing here, which I don't see at the minute, you talked about the only jurisdiction that has that night court is New York City, "Obviously this type of night court is not necessary in Vanderburgh County".

Jill Marcrum: That is because it is for criminal arra-- I'm sorry?

Commissioner Mourdock: My thought is, that we could be second.

Jill Marcrum: Well--

Commissioner Mourdock: Just because it's only done in one place, doesn't mean that it's the wrong thing to do.

Commissioner Fanello: Was that for--

Jill Marcrum: Criminal arraignments only. In other words your get charged, you get arrested tonight, you get charged with possession--

Commissioner Fanello: They aren't holding any trials?--

Jill Marcrum: --of marijuana, a felony--

Commissioner Fanello: at night court?

Jill Marcrum: --they are going to bring...no, they do not do any trials... they bring you in, I advise you of your charges, I advise you of your rights, and I set a bond for you. That is all that happens 24 hours a day in that courtroom.

Commissioner Mourdock: Your earlier point about civil cases being what really tends to clog the system.

Jill Marcrum: It is civil and...what I am saying is that it is civil and criminal--

Commissioner Mourdock: Okay.

Jill Marcrum: --and it's the trials.

Commissioner Mourdock: Right.

Jill Marcrum: A lot of the preliminary matters, especially in civil cases, are done within the courts chambers, or they are done in a conference room. You don't need...the Judges have finagled that so they don't need the courtroom for those things. Thank you.

President Mosby: Thank you. Any other group of individual wishing to address the board? Seeing none.

County Engineer-John Stoll

President Mosby: County Engineer.

John Stoll: First I've got a recommendation to award contract number VC01-04-01, repair and repaving of various roads to JH Rudolph for the amount of \$335,875.35. That's for the repaving of Oak Hill Road, Browning Road, and the intersection of Memory and Rode.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next, I've got a request for street plan approval for section four of Clear Creek Subdivision. This section of the subdivision is in the northwest part of that subdivision, this is located off of Mt. Pleasant Road. This was the section of the subdivision that was originally planned to tie into Old State Road, but you can see on that plan there that the connection out to Old State Road is crossed out. The developer is going to do a replatt of the subdivision to eliminate that connection. The reason that connection is being eliminated is because they were required to build a left turn lane on Old State Road into the subdivision, and once the right-of-way was researched out there, they found that there was insufficient right-of-way, to actually build that left turn lane, so that is why that road is being deleted. It is recommended that these plans be approved, subject to one condition and that is that on Big Hill Drive there, there is a substantial hill that they are cutting through... right now, mainly, and it slopes back, if they can get on to the adjacent properties, but if not, they are going to build retaining walls. In previous sections of this subdivision where they had retaining walls, the Homeowners Association was responsible for the long term maintenance of those. If they do build the retaining walls, it is recommended that the homeowners association be responsible for the retaining wall in this section as well.

Commissioner Mourdock: Was the failure to build the left hand turn lane off, what did you say, Mt. Pleasant?

John Stoll: Off of Old State.

Commissioner Mourdock: Old State, was that for lack of right-of-way adjacent to their property?

John Stoll: It was the existing right-of-way on Old State—

Commissioner Mourdock: The county's existing right-of-way?

John Stoll: Right.

Commissioner Mourdock: Is it adjacent to their property? Might they have granted us that right-of-way and solved the problem?

John Stoll: They only have access to this little strip here, they had a 60' lot is all they had. The problem lies on the lot immediately north of them, they only have a

documented right-of-way of 24', so that is what put an end to that.

Commissioner Mourdock: I will move approval as recommended by the County Engineer.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The next subdivision street plan approval I'm requesting is for Section One of Windham Hills Subdivision. This is located on Greenriver Road about a quarter to a half mile south of Kansas Road. This is on the west side of Greenriver. The area you see outlined in orange is Section One. The plans have been reviewed, it is recommended that they be approved. One thing that I wanted to point out was that the only improvements that will be done on Greenriver Road is a part of this space and subdivision is just a southbound, right turn, decell lane. They won't be doing all of the other left turn lanes, and all of the other striping changes, and widening of Greenriver Road. That will come back at a later date, with another section of the subdivision.

Commissioner Mourdock: When they work on the east side of Greenriver?

John Stoll: Correct. Actually, the first phase of their subdivision on the east side doesn't tie into Greenriver as well, so it will be, I believe, phase two of the east side before we see those plans come into play.

Commissioner Mourdock: Move to approve.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Sign here?

John Stoll: No, this one down here. That's all I have, unless you've got any questions. Thanks.

President Mosby: Thank you, John.

Philip Hayes: Oh, John. I was going to ask...we're merging here, just reporting, basically, we are getting the right-of-way described on the Grumpy Pal, Old State Road, the Kiwanis project for Darmstadt. I had spoken to... Commissioner Willner had called about it, and I had spoken to Jerry Atkinson and that but, I think, that we were waiting for their Surveyor to finish up his platt of survey on our right-of-way?

John Stoll: Right, from what they had supplied us with originally, they just referenced the existing right-of-way for Old State, and the existing right-of-way for Campbell. From what we could find, several years ago, there was no defined existing right-of-way, so they needed to specifically define it through their document, the way I looked at it.

Philip Hayes: Okay, I think, toward the middle of last week is when that inquiry was made, but, I think, that we have clarified that they are going to be describing that for us, and once they do, you can check it, and we can go ahead and make the conveyance by quit claim, correct?

John Stoll: I would think so.

Philip Hayes: Alright, very good. Thanks.

County Highway-Ralph Kissinger

President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. Mr. Mourdock, I didn't mean to spring that on you earlier. Eric Bentle, apparently, had a line item put in the budget for the Cumulative, I have trouble with that word, Cumulative Bridge to buy that step van. I did check with Carol Gorman, the bookkeeper, and there is a line in their for a utility step van in the budget.

Commissioner Mourdock: I didn't mean to infer that that wasn't in there, I am just saying that I wasn't aware of it, hadn't heard of it, and whenever we are doing something differently, and I am not aware of it, I would like to know why.

Ralph Kissinger: I understand, and in the future I will try to do that ahead of time with you. You have my reports, basically, today we finished the outer portion of St. Joe between Adler and Frontage, it's completed now, on the paving. The paving crew is going to either move to the closer to town section between Mohr and Orchard on St. Joe, or go ahead and start on Boonville-New Harmony. We are milling the bridges today and tomorrow, if the mill work gets finished, we will go ahead and start on Boonville-New Harmony with the base or the binder out there, and try and go ahead and get it taken care of since it is a heavily traveled route, and it is in bad shape. Other than that, I really don't have much this week, unless you have any more questions.

President Mosby: I don't have any questions. Thanks a lot.

Ralph Kissinger: Thank you.

County Attorney-Phil Hayes

President Mosby: County Attorney, do we have anything?

Philip Hayes: No report.

President Mosby: Okay.

Superintendent of County Buildings- Tammy Mc Kinney

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have two late pink slips, and two late travel requests, and that is all I have.

Commissioner Mourdock: Are those the ones that were on our desks?

Tammy McKinney: Yes. Uh-huh.

President Mosby: Okay.

Tammy McKinney: The two late travel requests are from Health, and the two late pink slips, one is County Commission and one is County Council.

Commissioner Fanello: Do we need to make a motion to accept those? Motion to accept the late consent items.

Commissioner Mourdock: Motion to accept them and add them to the consent items—

Commissioner Fanello: Add them to—

Commissioner Mourdock: —let me add to that motion then, I got them out of order here a little bit, I also have two things that were not initially entered in the consent file that need to be, one of them is for the Center Township Assessor, one of their employees had a vehicle stolen and we had a reimbursement for mileage for a log, so I would move that that be entered. Also, what is the other thing? I guess, that was it. So, I will move that we enter that into the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to enter documents into the consent. So ordered.

Commissioner Mourdock: I would move approval of the acceptance of the Burdette Park, Soil and Water Conservation, and Ozone Officers reports into the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Move approval of the consent items.

Commissioner Fanello: Second.

President Mosby: Motion to accept consent and second. So ordered.¹

Commissioner Mourdock: We do not have the form tonight, but I would move that we also, I guess, have prepared so we can enter them next week, a summary of our Executive Session minutes. That Executive Session began at 5:00 p.m. tonight, I almost said 5:00 a.m., it hasn't been quite that long, it ended at 6:00 p.m., and concerned outstanding legal matters against the county and a personnel issue.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Old Business

¹Consent items listed on Page 40.

President Mosby: Any Old Business?

Commissioner Mourdock: Go ahead.

Commissioner Fanello: I was going to...architect interview letters–

Commissioner Mourdock: Yes.

Commissioner Fanello: –I have a draft here of the letter, so , I guess, we just need to move to approve that. To send to all of the companies telling them what we talked about last week.

Commissioner Mourdock: Per our discussion last week, so I would, Catherine gave me her draft, and I reviewed it, and I presume that you have seen my comments–

Commissioner Fanello: Yeah, which they–

Commissioner Mourdock: I would move–

Commissioner Fanello: –were a couple of different comments.

Commissioner Mourdock: –approval on signature of the architect's letter so that we could send it out then by fax in the morning to all of the six finalists.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Any other Old Business?

Commissioner Fanello: Yes, I've got one thing. On April 9th when you and I voted on the incentive package for the Executive Inn, I understand, that you are going to the Council meeting on Wednesday, so it was suggested that we have a letter to give to the Council, just kind of letting them know that you and I had voted on that, and kind of an encouragement letter for them to vote as well, so, I have that, and I will move approval for that letter, if that's okay with you?

President Mosby: Second. Motion and a second. So ordered.

Commissioner Fanello: Oh, I do have one other thing. Oh, that's not Old Business, that's New Business, never mind.

President Mosby: I don't know, under Old Business do we need to discuss anything else. I went to the meeting last week.

Commissioner Mourdock: Pardon?

President Mosby: I said, I went to the Council meeting last week too. We will save all that.

New Business

President Mosby: Any New Business?

Commissioner Fanello: Yes. I met with Steve Owens from the Public Defender Office this afternoon, and, I don't know if this is where I'm supposed to bring this up at, but he has a voucher that he has been trying to get paid for reimbursement for a seminar that attorney Mike Cox attended in Albuquerque, New Mexico. Since this is related to the death penalty, the state will reimburse these costs at 50%, but he was having a problem getting it through because of the per diem rates per day, and which on one date they did actually go over, and he is going to, he kind of let this one slip through the cracks, but he told me that he is going to enforce the per diem rates per day, but he asked if we could get this one reimbursed. It is on the Public Defenders credit card, and I don't really have a problem with it, you guys can look at it if you want, but the state is reimbursing 50% of all those costs, so actually it is less than the per diem rate that we allow our employees per day.

Commissioner Mourdock: On the form that we typically use, and I've thought of this a dozen times and never mentioned it at the meeting, we have the per diem blank, but we also have the hotel, food and those issues listed separately, do we not?

Commissioner Fanello: Uh-huh, I think so.

Commissioner Mourdock: Then why do we have per diem? I mean, it is not truly a per diem—

Commissioner Fanello: I don't know, you tell me. I mean, the other thing that I was going to bring up was...that I know we had this discussion in the office, I did not realize that county employees only got reimbursed 28 cents per mile, which I think is probably the most ridiculous thing I have ever heard.

Suzanne Crouch: That is all by Council ordinance, the per diem.

Commissioner Fanello: Then how come, that was going to be my question, then how come the Commissioners do an ordinance? I have a copy of an ordinance done by the Commissioners on per diem rates and travel. If the Council set that, how come we do an ordinance?

Commissioner Mourdock: That's a good question. Is that specific to our budget?

Commissioner Fanello: I don't know, I guess that was going to be my question, because I don't understand why we are not at least, and, I guess, we can take this to the Council, but why we don't even follow the state's policy? I mean, they reimburse at the federal rate. I mean, I'm not going to drive, I guess, I'm going to ask do we have county vehicles available? I'm not driving my new vehicle at 28 cents a mile.

President Mosby: You got, what did you say, a '72 Crown Vic down there?

Commissioner Fanello: Do you have that Jeep I can use? Do you have a Jeep I can use?

Commissioner Mourdock: The '72 Crown Vic, you won't drive that when gas is \$1.55, you want to drive it—

President Mosby: Give us something that you are going to surplus out—

Commissioner Fanello: I like that Jeep you drive, so I will take that, but anyway,

Steve Owens was asking me if we could get this through, I don't have a problem with it, I don't see anything excessive on here, he is going to reinforce the \$26 a day for meals, so I am going to move approval for this.

President Mosby: Yeah, I guess, my question is if we signed off on this when he left, I mean, did we not obligate ourselves to pay it? I'm like you, we sign off on these things and they mark food, you know, gas, motels and we say, go.

Commissioner Mourdock: That's right.

President Mosby: I mean, it's like we've obligated to pay it already.

Commissioner Fanello: Maybe we need to have on that form what the rates are, so that everybody—

President Mosby: That's what I'm thinking.

Commissioner Mourdock: Yeah, and it's almost simpler to have a just flat per diem rate and do, as a true per diem. It is something that we need to talk about, maybe, as we think towards the budgeting season.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Because the way we do it now, we have those separate lines that seem not to really define what they intend to fund.

Commissioner Fanello: Uh-huh. I guess, that was my question, if we do the ordinance, I wasn't sure what the Council did. I mean, we had an ordinance signed by the Commissioners, so, I wasn't sure what we could do to change that.

President Mosby: I'm just thinking that we ought to have something that says mileage, hotel and per diem \$26 a day, and be done with it.

Commissioner Mourdock: It can be that simple as long as it is simply clarified so, that is, someone goes to a meeting, leaves here at 7:00, has a luncheon meeting as we did the other day, that is actually part of the meeting, and then they come back home and sleep in their own bed that night, are they getting \$26? Those are the kind of things—

Commissioner Fanello: I thought he said...well, this one, don't they get less than \$26 if they are gone less than half the or—

Commissioner Mourdock: I don't know, I would have to review it. Regarding to the specific one, I think that you are right, I think we have obligated ourselves, so, did you make a motion?

Commissioner Fanello: Yes, motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. Give that to Madelyn and, I guess, she can add that with the rest of them, and we can sign it.

Commissioner Fanello: Then I have another thing under New Business, we have an

opening on the Visitors and Convention Bureau Board, so I move to appoint Joe Vezzoso to that board.

Commissioner Mourdock: Where is Mr. Vezosso working now?

Commissioner Fanello: He is the manager of the Executive Inn. The new Executive Inn.

Commissioner Mourdock: The new Executive Inn.

Commissioner Fanello: Yes.

Commissioner Mourdock: I'm going to pass, because I see a bit of a conflict there.

President Mosby: Second. I have a motion and a second. So ordered. Any other New Business? How come I can only second and you pass? There is something wrong here.

Commissioner Mourdock: You don't have to.

President Mosby: Do I have a motion to adjourn?

Commissioner Fanello: Motion to adjourn.

President Mosby: Second, no, I'm just kidding. Do you want to second.

Commissioner Mourdock: Second.

President Mosby: So ordered.

The meeting was adjourned at 7:42 p.m.

CONSENT ITEMS:

Employment Changes:

County Commission	County Council	Public Defender
Pigeon Assessor	Sheriff Dept.	Burdette Park
Prosecutor	Health Dept.	

Travel Requests:

Health Dept.	SWCD
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Center Assessor:

Approval of reconstructed mileage claim, due to theft of employee's vehicle.

Sheriff:

Disposal of Broken Equipment.
Submit weekly Jail Information and Reports.

Superior Court:

Disposal of Broken Equipment.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	John Stoll	Ralph Kissinger
Dennis Woehler	Marvaline Prince	Phil Lawrence
Clifford Thomas	Eric Williams	Phyllis Donahue
Jill Marcum	Others Unidentified	Members of Media

APPROVAL:

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson

**Vanderburgh County
Board of Commissioners
May 7, 2001**

The Vanderburgh County Board of Commissioners met in session this 7th day of May 2001 at 4:00p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Pledge of Allegiance

President Mosby: I call to order the Board of Commissioners meeting for May 7, 2001. Let's stand and do the Pledge. Thank you. If I could, I will accept a motion to suspend normal business so that we can do jail hearings.

Commissioner Fanello: Motion to suspend.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. At this time we will start with the jail hearings, and then we will recess this meeting, if time allows, and reconvene at 6:00 for our normal meeting. I think that everybody received a letter in the mail. The letter should have had four questions on it, so what we are going to do is that we are going to give each firm, or a representative of each firm, 15 minutes to answer the questions or make whatever presentation you would like. If time allows, and you answer the four questions, I believe, there are some questions that possibly could be asked by one of the three Commissioners. If you want to try and cut it as short as possible, that is to your benefit. If there is time allowed, we will ask you questions. What we are going to have is a representative from each firm come up, we've got six numbers, we are going to ask you to draw a number. Number one will go first on down the line. We would ask that the other five at that time go over to the conference room, we have plenty of seating available over there, and when we get done with number one, we will call for number two, and so on and so on, and so on. If there is no questions at this point, or if there is any questions, fine, and if there is not--

Commissioner Fanello: Let them pick a number.

President Mosby: --I will let a representative from each firm come up and draw a number.

Commissioner Mourdock: Before everybody rushes forward, this is public meeting, but not necessarily a public hearing, so, I realize most of you are here from the various firms, but if there is anyone here from the public, we will not be taking comments from the public in this meeting, this will be solely for the purpose of the presentations. The Commissioners may be asking questions, but the public will not be asking questions at this particular meeting.

President Mosby: Any other comments?

Commissioner Fanello: Just that, please, make sure that everyone who is with a firm to go to the other room, just to respect the others presentations.

Commissioner Mourdock: As we are working through the 15 minutes, we will give you a five minute warning, and at 15 minutes the first gun shot will be six inches over the forehead.

Sheriff Brad Ellsworth: That's usually where I aim anyway.

Commissioner Mourdock: We are going to do it intentionally, Sheriff.

President Mosby: Are there any other questions or comments? Seeing none, I will let a representative from each firm draw a number.

Commissioner Mourdock: As you draw them, state your firms name and the number, please.

Unidentified: Number one, Schenkel Shultz.

President Mosby: Schenkel Shultz, okay.

Unidentified: RQAW has drawn number two.

Commissioner Fanello: I better mix these up.

Unidentified: Number five, United Consulting Engineers and Architects.

Unidentified: VPDS, number four.

Unidentified: Ed Hafer, number six.

Unidentified: PSA, number three.

Commissioner Fanello: Okay, if the rest of you would follow me.

President Mosby: Okay, so we will have Schenkel Shultz, RQAW, PSA, Veazey Parrott, United and Hafer. You're last. Yeah, that's what it is. Do you feel bad yet? Sure.

Commissioner Mourdock: Okay, and, again, David, I had Schenkel Shultz, RQAW, PSA, VPS, United, Hafer.

President Mosby: Right.

Commissioner Mourdock: That's what you've got?

President Mosby: That's what I have.

Commissioner Fanello: What's the order?

President Mosby: Schenkel Shultz...(inaudible)

Schenkel Shultz Jail Design Presentation

President Mosby: It is 4:05 according to the clock, so you've got until 4:20.

Dave Sholl: Until 4:20, okay. Is the process that you are going to ask me the questions, or do we just address?--

President Mosby: You can address the four questions that you were sent, and then if time allows, we might have one or two questions that we might want to ask.

Dave Sholl: Okay. Good afternoon, it is a pleasure to be here. My name is Dave Sholl, I am with Schenkel Shultz. I am an architect and Vice President and head of the Corrections Division. I have with me Jay Smith of Fosse Associates, Mike Feltz from Clark Dietz and Bill Hausman from BCCLT which is our MEP. The first question deals with the process. Let me start out by saying that this is very much a team process. We have the design team here, and the owners and all of the users are all part of that team process. We are going to go through a very definitive process, and we pride ourselves on having a very interactive process. We work as a team, we work with the users and the owners to clearly define what the problem is, and come up with the best solution. We are going to go through a very predetermined, with you, set of criteria that we go through so that it is an orderly process to arrive at a solution. If you look here at the bottom board on the right, we talk about the program, schematic, design development, and so on, which are normal steps. What we are going to establish with you is the core group of decision makers. We are going to establish the user group; the Sheriff and his staff, the judges and whoever else is on that, and a design team. We are going to meet on a regular basis to help facilitate, again, the process to find out which is the best solution for Vanderburgh County. We are going to, again, have a very interactive approach. We are going to have several workshops. You can see under the middle board where it says, Work Plan Predesign, we will have a workshop where we sit down and all of us collectively establish what the goals are, what are the...what's the budget? What are the schedules? What are the lines of communication amongst the entire group? Exactly where are we all headed? So that we are all on the same page, or in the same route to make sure that we, again, get a program and a design that fits your needs precisely. So that is the process, and, again, it is very hands on, very interactive. At the end of every phase we are going to have a set of deliverables that we will give you. It will be graphics and a set of words talking about what the program is, what the building looks like, what are the costs at that point and time, how does the plan lay out. Every phase, every SD Design Development CD will give you a more developed set of documents, again, so that you...we can all make sure that we are headed in that same direction. We will do things such as set up an extra net site, or a web site whereby any body that wants to or has... we designate has access to that site, can keep a tab on the project. In other words, you can pull up the web site and see where we are design wise. We can distribute meeting minutes by that web site. There are several things that we can do so that, again, we are all working on the same format, same page, we can keep you up to speed on a minute by minute basis if you so desire to do that on the web site. Second question talks about Construction Managers. You can see the map here on the left, that is just of Indiana, part of Illinois and Kentucky. All of the colored counties are counties where we have, us or Fosse Associates, have designed a county jail. Our expertise in jails in this area is very good. It is excellent, in fact. The counties that are in yellow, which there is about eight of them, there is another one out in Dodge City, Kansas, which we are doing, are all being designed with a Construction Manager on board. Generally, the experience that we have had with Construction Managers has been very good. They definitely bring a value to the project, and to the process. It is just a matter of how you want to pay, or if you want to pay for that value that they add to that process. To get the most out of this, again, you want to hire them in concurrently with the architect, or very close to it so that you can get the most benefit from their knowledge of costs, the local labor market, bidding climate. They will help us by looking over our shoulders to look at construct ability, materials and so on. Overall, Construction Managers are, I think, a good investment on your part. In all of these cases, almost every jail that we have done, we have had, or the county has had somebody on the job site full time. You really want to have somebody as your representative there full site, or full time, as an eyes and ears for you, so that we know and you know that you are getting the project that we designed and that you are paying for. A job as complex as a jail you really want

to have that full time person there, and the Construction Manager is one good way to go about doing that. The third question dealt with scheduling, and, again, once again, it's very much a team approach. Generally, we as a design team can move as quickly as you, the owners, can make decisions. We realize there is a lot of, many entities here, many decision makers....the goal is, obviously, to be on the same page, have the same goals, and set a schedule that is realistic. We can optimally design this, as an example, we can program it and confirm what you have done so far in a couple of months. The schematic design will take a couple of months. Design development, which is the fourth phase there, will take a couple of months. The construction document fees is about four months. You allow a month for bidding, and then construction can take anywhere from 18 to 24 months. Again, that's where we would get the CM on board to help input into that schedule. So, you are looking at anywhere from 28 to 36 months. Can you do it in less time than that? Yeah, we could condense the schedule, it is possible to do that, but you want to make sure you don't condense it too much where you are rushing decisions, and rushing our design process. It can be extended too, it just depends on how quickly, as a team, we can come to decisions to get that, get those decisions made. We better make sure we meet the legal deadlines, if there are any of those. We've got to look at the optimum bidding climate, is it best to bid it in December or January or February? We've got to look at the optimum time to start construction, which is usually, generally, in the Spring after Winter. So you get a full season of construction going. Groundbreaking, is that an important date? Is the move in date important? All these are collective decisions that we would make as a team, to find out what are the key points that we have to hit. What is the critical path that we have got to go to make this thing a success? A little bit about fees, and how we would structure our fees. If in fact, and we made a chart here which talks about three items; cost, quantity and quality. If in fact \$35 million is the top, that's the upper budget, and making some assumptions, assuming that includes our fees, the Construction Manager's fees, other soft costs such as bonding, legal counsel, testing during construction, surveys, all of the soft costs, as a rule of thumb, it could be anywhere from 15% to 25% of the total. That varies from project to project. That is a rule of thumb. If it's about 25%, that leaves you about \$28 million for construction costs. From a fee standpoint, we actually prefer to have a fixed fee. If we all know that we are going to spend \$28 million on bricks and mortars, we would just as soon fix that fee at that point. To use that as an example, \$28 million, I think that our fees ought to be from \$1.7 to \$2 million for design services on that kind of a scope of work. Next question is can you, again, looking at the program that has been developed to date, can you build all or most of what you are talking about for that \$28 million? You can, but it would be a challenge. There is a lot of stuff going in to this project, if you are talking 500 to 700 beds for a jail, 24 beds for a juvenile center, 250 beds for community corrections, if that is about the program, it is going to be a challenge to do that, but you've got to always consider the three factors, number one is the budget, if it's \$28 million, then we've got to live with that number. Then, you've got to wrestle between the quality and the quantity. If we set the quantity, then the quality has got to be what fluctuates to get that quantity. If you say we want a very good, solid jail that going to last for 30 years, construction wise, material wise, then we may have to cut back on the beds to hit that \$28 million. So, those are the decisions that we would collectively make as a group. Again, it is a team process, a team effort, and we are here to facilitate that whole process. A jail is going to be anywhere from \$160 to \$180 a square foot. That's a good solid range. Again, can you do it for less than that? Yeah, but you are going to start sacrificing your quality. Can it cost more? Sure, if you really embellish materials, or, obviously, increase the scope of the project, those kind of square footage numbers can go above that. Cost containment is obviously a concern in any county that we work with, and we are committed to the budget that everyone ends up agreeing upon. Cost containment, we've got a very successful track record with cost containment. We do a three prong

approach; number one, we've done enough jails, as you can see, we've got the historical data to know about what a jail should cost per square foot. So, we use that historical number to come up with a number that, we think, is very reasonable for your project. Secondly, we will hire a professional cost estimator. That would either be somebody that we would hire, or if you would choose to hire a Construction Manager, that entity would perform the cost estimating scenario for that. The third one is that we work with a contractor. There is a contractor in our area that has done five or six jails in the last five years, and they have a very good handle on jail costs. So, between the three of those different sources, we have been very successful at coming up either at or below the budgets of all of the counties that we have worked at, so, you know, we are very good at cost containment. With that, I will open it up to any questions.

President Mosby: We have exactly five minutes left.

Commissioner Mourdock: Exactly five minutes left.

Commissioner Fanello: Who, exactly, from your team would be on site here, you know, that we could go to and ask questions?

Dave Sholl: During design or through the whole process?

Commissioner Fanello: Through the process.

Dave Sholl: What you see is what you get. Again, I am an architect with Schenkel Shultz. I've got a right hand man named Charlie Goodman, who is in charge of most of our projects. Charlie is defending our company, or country in Germany right now. He is on two weeks of guard duty over in Germany, so he is not here. Jay Smith with Fosse, again, is a local architectural firm, they have done a few jails. They are going to be here on a daily basis, or as we need it, as we set up the agenda schedule to meet. Mike is going to be here from a Civil Structural stand point throughout the process. Bill from an MEP, mechanical, electrical and plumbing standpoint is going to be here. So, this whole team is going to be here. As you can see here under Design Team Responsibilities, all four of our team members are here from the beginning of the project until the end. We are not out of town, going to design it and disappear. Nor are any of these guys not going to be involved. We are here for the entire process. This is the team that you are going to see. We are going to be here guiding the process.

Commissioner Mourdock: As far as the actual number of jails, and don't, I want to give you full credit, but I would like to know which of your team members have worked on separate jails? In other words, you've said 20 jails have been worked on by your team, has Schenkel Shultz done six of them, and someone else done seven, and someone else done seven, or how does that break out between the teams?

Dave Sholl: All of the jails that are listed in the RFP that we responded to were designed by Schenkel Shultz, except for four that were designed by Fosse Associates.

Unidentified: Three.

Dave Sholl: Three, I'm sorry. They did three just right down in the southern—

Unidentified: Henderson, Breckinridge County, and we did a segregated housing in (inaudible).

Commissioner Mourdock: Okay, so—

Dave Sholl: All the other jails we have designed. You can see the ones in this area are all highlighted on that page. Porter being one that is under construction right now. Valparaiso, about \$25 and one half million, about 500 beds. We were the lead architect on every one of them.

Commissioner Mourdock: Okay, I just want to clarify though, the 20 jails you have listed, 20 are Schenkel Shultz's and three of them are Fosse's, is that right? Okay. I said Fossey, Fosse.

President Mosby: Has this team here actually worked on a project together?

Dave Sholl: In various ways. We have worked with BCCLT from an MEP stand point on several jobs. The Allan County jail ,originally, they worked on the office building that we are in, we have done some hospital projects together, so we are used to...I have been working with Bill for 20 years, with another firm and with Schenkel Shultz right now. We have had a very good working relationship.

President Mosby: But you all have worked on a jail project together?

Dave Sholl: Yes, we have.

President Mosby: Okay.

Commissioner Mourdock: Going back to the first question on the process, the intent of the question was to make you aware of how many different groups we have within the county who have a great interest in this project. Do you have any other comments to say regarding how you would bring the Sheriff's Department, the Commissioners, the County Council, the City Police, the Juvenile Corrections, all of these people together to get input?

Dave Sholl: It is a matter of communication. That is the key to success of any project is communication. Lack of communication, you are doomed to failure. Communication is going to make for a successful project. Again, if everybody that is a part of this, or has a stake in this project, if we all sit together, set the goals, set the parameters, and come to a consensus on what is the best direction to head for Vanderburgh County, that is the key to success. We have had to do that on several projects, so this is...we are not experimenting on this one.

Commissioner Fanello: I have a question. I don't even know if this is a valid question, but is there an average life for jails? If we were to spend \$28 million on a jail, I am not willing to sacrifice quality really, because I think that it is a waste of taxpayer dollars when you sacrifice quality. So, the best jail that we can get for \$28, is there an average life that goes with jails?

Dave Sholl: Well, the key is maintenance. Not only if you pick good materials that are maintainable, that is the first step. Secondly, if you have a good maintenance program, you really should hire on this size of a facility, a couple of maintenance guys, full time. From, actually, probably half way through construction, those guys, or ladies should get there during construction to see how it is going up, what the materials are, the valves where they are and so on. You know, to answer the question, yeah it could last 50 to 100 years, it just depends on how well it is maintained. It needs to be designed so that it is easily expandable. (Inaudible). Every component should be expandable, nothing land locked, so that you can grow and not interrupt significantly the flow of the existing jail. If it's maintained, it is going

to last a long time. The question is will the standards change? Yeah, they are going to change, but, I think, they are pretty much...they have held steady for quite a long time. I think that they will stay about where they are now with some fine tuning, obviously.

President Mosby: Thank you very much.

Commissioner Mourdock: Time is up.

President Mosby: That was exactly 15 minutes.

Commissioner Mourdock: Yep. Thank you.

President Mosby: We appreciate it.

Commissioner Fanello: Okay. Now we do RQAW.

President Mosby: Thanks a lot.

Commissioner Fanello: Well, I mean, there is an industry standard for everything, as far as how long something lasts. I was just...three and one half years to one, is that what you said?

Unidentified: Is that in dog years?

Philip Hayes: (Inaudible) schematics, two minutes, land development, two minutes...well, we've got minutes going—

Commissioner Fanello: Did Madelyn tell you that she is doing shorter tapes for this deal? Every half hour.

RQAW- Jail Design Presentation

President Mosby: Anytime.

Joseph Mrak: Alright, first of all.

Commissioner Mourdock: You can carry the mike with you, if you like. Just for the record, state your name.

Joseph Mrak: My name is Joseph Mrak, Vice President of RQAW Corporation. With me today is Bret Dodd, Chief Architectural Designer at RQAW Corporation. First of all, we would like to state our thanks for the opportunity to be here. We appreciate the opportunity and will use our time wisely, I hope. The first question you had was, how will you facilitate the process to meet the many needs facing the community? That is page one of your book. The first thing that we wanted to address is that we wanted to explain why we put our team together. What our process is behind putting our team together, because the very first thing that we have to do is assemble the most appropriate team. What RQAW did is we started with RQAW as a core, and that core is a complete core. Meaning that we have full service; architecture, all engineering disciplines, and we specialize in justice facilities. It's not like a firm that say does just architecture, or just engineering, or does justice consulting. We start as a complete unit. Then, our strength that, we believe, is that we will add people to our team that best tailors our team to what your needs are. Even though we have been attending meetings for many months, we don't have yet a full understanding

of all of the issues as well as you do. By doing it this way, we don't have any forced marriages there, put together with teams that maybe have personalities that don't work right, or talent that doesn't quite work right. So the advantages are we start with our complete capability. Our core. Then we tailor our team to meet your needs. Then we will add both local talent and national talent to suit the needs of the project. Then we will work with you to develop that team. The advantage is, I think, in this fashion, we can put together the most responsive team. Then, I also believe, that you will know who is working on your project. For instance, the experience that RQAW lists on our projects, I worked on every single one of those projects. Brett has worked in some capacity on most of those projects as well. The larger firms that have hundreds of projects to their credit, you must ask the question, the people they are sending here to work on your project, how many of those projects did they work on? I think by selecting RQAW, you know what that answer is. Also we have Indiana experience and more of the fee. We can be more competitive, because we are not going to team with a firm that is going to take a majority of the fee out of the state. We can select a firm, a consultant that will work with us, work with you in the way that we want them to, to keep more of the fee in Indiana. This particular chart here indicates that. You know, just the other teams, five other teams that are being considered, that if we are fortunate enough that RQAW is selected for this project, then there are a whole host of other people out there that you may like through a series of interviews, or whatever, that might make a good match with RQAW, to tailor it to this team. So, getting back to the question of how will we meet the needs of the community? The first one is, community awareness. We still think that there is a lot of consensus to be built. We have to determine what those needs are. It may be through public hearings, it may be through other types of meetings, but we can build a picture of what the needs of the community are. Then second is budget validation. We understand that there is a very ambitious project here, with a cap on it from a financial standpoint. We develop a cost estimate at the program phase, we develop a cost estimate at the conceptual design phase, and then each design phase there after. We have to validate all of the decisions that we make through the process. Being responsive to the design. You know, cost is very simple. You take quality times quantity and time, that is the cost. Any change to any of those variables, changes the cost. Communicating cost, communicating these decisions in a timely fashion is important. Creativity is important. When we need to solve a big problem with multiple components within a budget, you have to be creative in order to do that. So, next, I will turn this over to Bret.

Bret Dodd: I am going to be brief. I will handle the next two questions for you. I would like to make sure that we have plenty of time to hear what you have to say, instead of talking at you the whole time through. This next question is about our experience with Construction Managers. As you can see from this chart, we have in red the Construction Manager projects that we have worked on. Then in the teal color we have Project Managers. Combined of those two is about 40%, or about 46% of our construction projects we deal with Construction Managers or Project Managers, or some other entity that helps fill out or round out the whole team experience. We have worked with people like Hagerman-Geupel De Mars, Shireman, Skillman, Envoy, Verkler, I mean, several different Construction Managers, and we have had very successful relationships. We have found the way, through all of those relationships, to build value to the project. Which is the goal of everyone in this room, is to give value, or add value to the project. The next one that I would like to discuss a little bit about is scheduling of the project. There are several factors that influence the scheduling, and, I think, that one of the first things that we will try to do, and this is something that will evolve as the project evolves, is that we want to understand what is the best delivery process for this project? That is a key part of the strategy of being able to address your budget, being able to address the quality of the product, the timeliness, and everything of that nature. So, we will talk

about bidding periods, we will talk about bidding structure. Who do we bid to, multiple primes, or single general contractor? Then marketplace factors, available resources. If, for instance, all three of these projects go at one time, it is going to certainly tax the resources if there are other projects going on at the same time, so we want to analyze the market, find out who is available, what is available, and then come up with a delivery process that meets the objectives that you have for this project. Financing methodologies. You know, there is a couple of different ways to go. If it's a bond issue, we have a different duration than if it's available funds. If you have a combination of the two, then we see how that works together. For instance, you might notice that we have got a note in there about, under Financing Strategy, staggering the project to reduce capitalized interest. We did that successfully on Cass County where we did a general obligation bond, I believe, initially, for them to buy the property, pay for the fees, and then we did, we bonded the project. So, what that did was, we didn't bond the whole project at one time so we reduced the amount of money that we had, or the amount of time that we had the money in the bank, the amount of capitalized interest that we had to pay, and then we could put that back in the project. So, financing is a very creative tool, as well, to achieve your overall objectives design wise. There are ways of structuring money so that we actually have more in the project. As far as scheduling factors, these are just general ideas, again, as we know more about the project we will round these out, but based on our experience in the past, design wise we are about six to eight months on the jail, 18 to 20 months construction depending on what it is, and so forth. If we run this as simultaneous projects, we believe, that as we put together our team, customize our team, based on what you need most out of this project, I think, again, we can accomplish the same design duration for the most extensive project with doing all three of them at the same time. Then the construction duration...you know, a lot of the variables are, what is the financing methodology, what is the delivery methodology, what is the best way for you to accomplish the goals of the project? Joe, can you handle number four?

Joseph Mrak: I hope so. The last question asked, is discussing fee structure, and the fact that the Council set a \$35 million cap, inclusive of all costs, for what hopes to be the entire project. First of all, as far as our fee is concerned, we will propose a lump sum, fixed fee. It will be in the range of 6% to 8% of the construction costs. What we propose to do is go through probably one or two phases before we fix that fee. For instance, we will go through a conceptual design, a program validation, and a conceptual design phase, to really figure out how big is this bread box? What does it look like? How much does it cost, and define if we can get all of those components within that budget? At that point in time where we have defined exactly what we are going to do, we will fix our fee. At that point, and those first two phases, program validation and conceptual design, we will give you a fixed fee to do those phases. They are not tied to any particular construction cost. It is tied to how much work that we think it will take to do that job. Certainly, as far as delivering the project, we have an estimate as far as budget assumptions. We have about 30% of your project budget, your \$35 million, is soft costs. That is architects fees, land costs, testing and such, and that leaves about 70%, or, in our estimation, about \$24.5 million for hard dollar construction. A lot of things go into that. Brett touched on one thing, that we can actually put more money into the construction phase by creatively financing this, by staging the financing, borrowing money for a less period of time. Defining also the time frame, the schedule. Can we expedite the construction itself, using, let's say, modular components, or fast track design and construction methodology to reduce that time? The other thing as far as incentives, you asked the question about incentives, one thing that we did on the Champaign County Juvenile Center, was that they were looking for a 32 bed Juvenile Center with an expansion to 40 beds, and they had a budget set. We told them that we believed that we could deliver all 40 beds for the budget they had for 32 beds. So,

they set up an incentive program with us that if we delivered, if we finalized the project, they bid it, they constructed it, and all the change orders were under the budget, and we could deliver the 40 beds for the price of 32, as we said, we were paid a bonus or an incentive at the end of that project. Thank you. That is one way that, you know, not only construction incentives, but design incentives to get more bang for your buck. So, with that I will open it up to any questions that you may have for us to address.

Commissioner Fanello: You said that it left about \$24.5 million as far as construction. Do you think that is a reasonable amount for the three facilities that we are asking for? Are we compromising any quality?

Joseph Mrak: As far as a reasonable amount, I believe, that all three projects can be delivered for that dollar. I think that there is a couple of things that you have to do. One is to place your priorities. What is most important as far as square footage, or program, or quality of construction. The other thing that is going to impact that a lot is site. I believe that we can deliver all three facilities for that dollar a lot easier at a site other than building something down, right next door here, because there are other issues as far as staging, and parking and things like that. The site will have a big impact. It will take a lot of work to deliver this project for that dollar, but I believe it can be done.

Commissioner Mourdock: Going to the incentive part that you mentioned, again, in Illinois, where again, Champaign?

Joseph Mrak: Champaign County.

Commissioner Mourdock: Do you see...do you have any thoughts specifically applicable to this project? How you might see incentives or productivity coming into it?

Joseph Mrak: I think that...a typical budget, the jail...the 24...for a 500 to 700 bed jail, a \$22 to \$24 million number is pretty typical for a jail of that size. To look at creative ways of getting that size facility, and still providing the other one, I think, establishing incentives like performance incentives, like, if we can fit this project in there might be one incentive. If we can fit all three projects in, there might be another incentive. It must be fee based, because it has to be structured very carefully to look like the architect isn't necessarily benefitting from giving you something less, you know, by the way of quality. So it has to be done very carefully. I think, that it has to be carefully monitored, and all of the issues put in place before hand.

Bret Dodd: We don't typically work on—

Commissioner Mourdock: You are going to have to come to the microphone—

President Mosby: Yeah, I'm going to have to ask you to come to the mike because of the tape.

Bret Dodd: Sorry, we don't typically work on an incentive basis. We addressed it in both design and construction just to fulfill your question. We typically see it as, when we are hired, we are performing in your best interest at all times. That is one of the reasons that we try to fix the fee as early as possible. Working in your best interest is really the only way that we get more work. It gets a little awkward for us to talk about incentives for something that we are going to try to do anyway.

Commissioner Mourdock: In Champaign County was it derived from something that

you put forward, or were you responding to the owner?

Joseph Mrak: It was something that was actually put together by the Construction Manager. It was kind of a challenge of sorts, and the owner agreed to it, and then approached us.

Commissioner Mourdock: That's the only project in working with a CM or PM where that kind of structure, that kind of incentive?--

Joseph Mrak: In recent memory, yes.

President Mosby: I know you don't have a team, right, but in a lot of your other projects do you have a design team, or do you do most of them on your own?

Joseph Mrak: We do most of the conceptual design ourselves, but it depends on the situation. We actually serve as consultants to other firms outside the state of Indiana too. One of the things that is kind of unique to us, and we have a little bit of advantage over you, is that we know almost all of these people. You have quite a bit of talent sitting out in that conference room over there. Most of those people we have worked with at one time or another. We know them, we know their talents and weaknesses, and strengths very well. Unfortunately, you need to do your best to learn that in a very short period of time. I have a comment on supervision. I know that the Sheriff had a comment on supervision concepts. Linear versus podular versus direct and indirect. I have a couple of projects that I want to show you. This is the Lake County jail. We just put a \$33 million addition on to the Lake County jail. This is the old jail, it was a linear configuration. You notice the control room here in red, you can't really see anything, and you have to make rounds, and it is very laborious to make rounds to be able to see things. Things happen while you are not looking. This is a partial plan of the Howard County jail in Kokomo. This is the key plan, the entire facility, and this is a cutaway of this quarter. This is the only direct supervision jail in the state of Indiana. The Sheriff's Department and the Commissioners were very committed to direct supervision in 1991 when we started designing this. Now, ten years later, the Sheriff isn't there anymore, and none of the Commissioners are there, and there is less of a commitment to that. If you are going to go direct supervision, everybody must be committed. What it takes here, is you have two day rooms, you have two people. There are 48 cells with two day rooms, you have to have two people in here all of the time to supervise this pod. As compared to what we did at Cass County, they asked us, Joe, how many beds can we fit around one control room? The answer was in here 196 beds around one control room, plus indoor and outdoor recreation. We have one person in the control room, and one rover. So, with two people and indirect supervision, we have where we are watching 196 people. In Howard County with the same number of staff, two people, we have 96 beds, if all 48 cells are double bunked. The question is, are you going to have the right kind of staff to walk, two people to walk around with 96 inmates? Are you going to have the right kind of inmates to do that? It is a conscious decision that you have to make, and it is impossible to under staff a direct supervision jail.

Commissioner Mourdock: Did I understand you at the start of the comments to say that that is the only direct supervision jail, or was it?--

Joseph Mrak: The only direct supervision jail in Indiana.

Commissioner Mourdock: Today?

Joseph Mrak: To my knowledge, yes. Marion County jail, too, that we also did has

a modified version of that, but it's not really direct.

Commissioner Mourdock: Thanks.

Joseph Mrak: Thank you very much. We appreciate your consideration.

Madelyn Grayson: Excuse me. We are going to need to change tapes.

President Mosby: Okay.

(Tape Change)

PSA Jail Design Presentation

Commissioner Mourdock: PSA. You got one of these, right?

President Mosby: As soon as you are ready, we will have a start time, and I will warn you when there is about five minutes left.

Ron Budzinski: Very good.

Commissioner Mourdock: Anyone who speaks needs to come to the microphone and speak. As you do so, please state your name.

President Mosby: You can start anytime.

Ron Budzinski: Okay, good. I will start right now then.

President Mosby: 4:43.

Ron Budzinski: Thank you very much. I am Ron Budzinski. I am the Director of Justice Architecture for Phillips Swager Associates. With me also today is Jim Matarelli with PSA, and with Ace is Kent Moore and Jim Guidroz. The way we are going to handle our precious 15 minutes here, is to really speak for about half of that and, hopefully, leave about half for your questions and, hopefully, our answers to those questions. I would ask you that, if I could, have a warning shot that gives me a minute at the end to make some summary remarks, I would appreciate that. What we have done is to try to, as everybody has tried to do, is pound a lot of information into some very succinct remarks. I will try to be just as succinct as I can to the four questions that you asked. I would start by reminding you just a little bit of our presentation sometime ago, to remind you of the number of jails and the projects like this that we have, as PSA, done across the country. We have been involved in well over 22 states, and represent some 50 different jail projects. What is more important than those numbers, is the fact that it truly does represent projects like yours, it represents projects that are not like yours. There is a whole vast variety of experience. High rise, mid rise, low rise, split facilities, and there is probably several good examples of each. What we really do bring, I think, is a very wealth of over 30 years of experience of doing this kind of work, and personally, as well, as doing that. The first graphic that you see speaks to your first question, and the question had to do with process. When we think of process, we think of one thing, the process has to build consensus. Consensus on a jail project is not easy. Consensus on a jail project is building consensus on what is a very emotional project. Typically speaking, those projects have three very fundamental issues that they have to build consensus on; size, location and cost. Now what I have done is graphically shown here a curve that represents how the decisions over time have less and less impact

on that cost. Quite frankly, the first few months of this process that we talked about is where we are going to be able to affect the cost of the job the most. Some of the techniques that Phillips Swager and Associates...that's not my phone...some of the techniques that Phillips Swager and Associates uses in that process I have outlined here, and there are six of them. I will go through them very quickly. The first, and one of the very most important, first step is setting the expectations. We know that there is a big commitment to direct supervision. We applaud you for that commitment. We think that is the way to go. We've got a lot of experience in that, but a commitment to direct supervision also sets up other expectations, and we would like to be real clear and illustrate those expectations at the very beginning of the process. The other thing that we think is very important is to take facility tours. Tours not only of our projects, but of other projects. The National Institute of Corrections is very helpful in promoting tours of projects, and will fund the county in visiting those facilities. The other thing is communicating to the public through two means; one, through the media that we are looking at here and making sure that the media is aware of what is happening and what is going on in the process, and also we've had a good deal of success with town meetings, and bringing information as the plans are being developed to public forums and presenting that kind of information. The other thing is that we bring well over 300 people in terms of resources to this project. Of those people, there are some very, very talented designers. What we do is we bring those designers together and we call it a design charrette. All that is, is a meeting that takes place, typically in a room like this, on site, and we have a brain storming session, if you will, about different design ideas. Again, a very important step at the beginning. Last but not least, is the system interface. The jail is just one piece of the system. Whether you refer to it as restorative justice or continuum of care, or however you would like to characterize the entire system, we have experience with community corrections, with juvenile, with the courts, with all aspects. I think bringing in other aspects to the system is a very important part of the process. So, as I say, in response to your first question, it deals with site, location and cost. It deals with issues that are very important to that. The second question, and you can see the clock and I can't so—

President Mosby: You're doing great.

Ron Budzinski: Okay, I will keep it on the 78 rpm. In terms of the CM interface, we could talk at great length about the CM interface that we have, but we focus, particularly and appropriately, on the Indiana experience. What the graphic shows you there is, that in the center, is a relationship between the owners representative, the architecture representative, the Construction Manager, that team effort. I think, that team is the key word there. That Construction Management effort, that management of construction happens as a team affair between the architect, the county, the builder, because it goes beyond that then to look at aspects of activating that facility. Activating not only the operations of the facility, but activating some of the technical systems of the facility. To quantify for you some of the CM experience that we have had, we have had CM experience in building either jail or prison beds in the state of Indiana of over 7,000 beds. We have over \$400 million in construction, and you can see what, I think, is kind of the who's who list of Construction Managers there that we have worked with in the state of Indiana. Again, this wouldn't be our first or second or third or fifth project in the state of Indiana, we have done a number of projects, and we have done a number of projects over the last 16 years. The thing that I would add in terms of a CM is the question that had to do with experience. We have got lots of experience, as the numbers would show, but I would say also that it is all about, again, process, and it's about communication. It's about advising you through the process, particularly, before you get well under way with the CM process. I think, there are other things that you might want to look at, there are other delivery mechanisms, particularly, how strong maybe

the general contracting industry is here locally. How you can bottom line create the best team and get the most definitive bidding prices. The third question had to do with schedule. On my third sheet there, again, there is an awful lot of information, and I have tried to condense down for you, but in simple terms, the design schedule from where we are at, hopefully, today to the point where we take bids is about 12 months. That could be reduced, but, then again, I think, it's back to looking at the chart and the process of planning that we don't want to short change that at all. The thread that goes through the whole process, whether it's the design process, or the construction process, is cost, and cost control. The techniques that we use for that, I will elaborate in the next page here, but we've broken it down, as you can see, into the various components, we know that there is a program done. We don't see rewriting that program. We think that it is good information there relative to the size of the facility, but there is other issues particularly relative to orientation, or to operation that we want to deal with specifically. It goes to preliminary design and then to the bidding documents, and as you can see, about 12 months there is related to the process of designing the facility. Cost, as I mentioned, comes into play, not only on construction costs, but on the operating costs. In both cases, both operating and construction costs, we have a good data base of information that is available from doing so many of these projects, to give you some very good advice as to what the cost of the facility initially should look to be, and how we can control that cost through the project. Last, but, hopefully, not least is the fees, and the fee structure. Your question asked us about fees and how we would handle that. The question was really a three part question relative to structure, relative to containment, and relative to incentives. As it relates to structure, industry standards would tell us, our experience would tell us that this is in the neighborhood of a 6% to 6.5% fee for basic services. The way that we approach that is, we work off of a model on a percentage. At the end of design development phase, or, if you will, at the end of preliminary design, we would get to a point where we really have to define the scope, have to define the schedule, have to define the budget that will be fixed to a lump sum fee. Again, we are looking at industry standards and other examples here. I think, percentages get to be very problematic to sometimes put out there, because it is a question of what is included in that? I think, that goes way beyond the scope of my time here, but just to say that looking at what are the required additional services, what's in that, what's not in that, what is in there in terms of the clarity of reimburseables? Those are issues that have to be interpreted very carefully when you are looking at that percentage of fee. Containment, again, it gets back to cost. We do periodic cost estimating throughout the project. We do "true" value engineering. It's not to make the project cheaper, not cheapen the project, but look at different value systems. If you recall, from the last presentation, one of the strengths that we have as a firm, is we have our in house security people that do all of their technology work for the project. Looking at systems there and maintaining the value, but also maintaining it at the least possible cost. Then, also, looking at alternatives is the way that we would contain the cost. The incentives...we've worked with structures before where the architect is actually rewarded for bringing the project under budget. There may be some incentives brought in to the contract that allows, that if the project is, again, the scope is achieved, the square footage is achieved, the beds are achieved, in terms of built, there is some incentives there in terms of a fee incentive for bringing the project in under budget. Likewise, ahead of schedule for the contractor. We often talk about liquidated damages and penalties to the contractor, but what about rewards to the contractor for bringing the project in ahead of schedule. So, those are the two areas there that we would want to consider. The graphic there represents really how those costs, and puts into perspective those costs, over a 30 year life of the project and all of the costs that are involved in that. The fees, and for that matter, even the construction costs is fairly insignificant in terms of the overall scheme of money that will be spent on a project as significant as this. Some 90% will really be wrapped up in the operational. That

is why we look at, from the very beginning, not only the design aspects of the facility, but also the operational and the staffing implications of the facility, and, again, we know that has started to be looked at in the programming document. With that, I would just say—

President Mosby: You have right about five minutes left.

Ron Budzinski: Okay. I am going to stop right there and answer any questions, and if Jim needs to help me here, and then if I could have a minute, I would appreciate that.

Commissioner Fanello: I've got a question. You said that you had experience with working with direct supervision jails. Can you tell me, I know that this is a big question, but, very concisely, how does the difference between direct and indirect supervision affect operational costs, and maybe the overall costs to the project?

Ron Budzinski: Okay, one of projects that we are working on right now, and had done initially with the Will County facility, and, actually, that is a facility where the National Institute of Corrections does all of there training for direct supervision, so we are very familiar with that kind of facility, and we have done the facilities where they actually train for that—

Commissioner Mourdock: Which county?

Ron Budzinski: —the difference. Simply put, it is more than just the officer being in the day room and having that kind of face to face interaction. It goes beyond that into the kind of programs, and the kind of classification that the facility will adopt in terms of truly making some difference in where the different housing categories will hold people. So, that it is behavior driven, it is classification driven, and it is more interactive driven. Staffing wise, I think, again, arguably, you can argue that it is less staff, takes less staff.

Jim Matarelli: It depends on the scale, on the 500 bed facility, are we within the scale of the facility that is in the economical range, or staff efficient range of as jails go. At that level, it can be, I think, maybe... more importantly, the staff has to be committed to direct supervision. So, I think, that is where that ultimately has to happen. Is there a commitment to direct supervision? Because, if you are sort of half way there, it may not work.

Ron Budzinski: The other thing is that facilities benefit greatly in terms of their maintenance, and there wear and tear on the facility. If you look at direct supervision facilities across the country, they don't smell like a jail, they don't get the abuse of a jail, they don't, you know, and it is all back to that concept of direct supervision.

Commissioner Mourdock: Do you have any experience with direct supervision in Indiana? You said Will County, that's not an Indiana County.

Jim Matarelli: Indiana, frankly, has not been one of them.

Commissioner Mourdock: Okay. Did you have another one, Catherine?

Commissioner Fanello: No, you can go ahead.

Jim Matarelli: The areas that embrace direct supervision, is what I was trying to say.

Commissioner Mourdock: Alright.

Commissioner Mourdock: On the CM side, it sounded at the first couple comments when you spoke of the CM, that you were pretty well for it. Then at the end, it sounded like you were pretty well against it. If you were king of the world, elected by the public to do this project on time, on budget, would you want a CM or not?

Ron Budzinski: I would want to do it with the right CM.

Commissioner Mourdock: Okay, with a CM. With the right CM.

Jim Matarelli: With the three projects that you have, there can be, there can be advantages to having a CM on board, from your stand point, to kind of monitor the three separate projects.

Ron Budzinski: The size is right, the complexity is right, and the time schedule is right, I think, to benefit by Construction Management. Again, the right Construction Manager.

Commissioner Mourdock: On the fixed fee issue, I want to be sure I understood you. What you were saying, I think, is that you would go into a design development phase, initially, and then once that was completed, then there would be finalized negotiations on a fixed fee.

Ron Budzinski: Then define a lump sum fee, correct.

Jim Matarelli: We would go in initially with some sort of a percentage based on whatever that final number would end up being, so everybody knows exactly what the scope is at that point, and you know what our fees are. Fees don't go up if the project goes up, they don't down if the project goes down.

President Mosby: Holding that thought there for a minute, and you know that we have set aside \$35 million. Do you think that all three of these facilities, along with your fees and other costs can be done?

Jim Matarelli: All three of them can be done. Whether they can be done at 500 beds, 225 beds, and 24 beds, that is really what the planning is going to tell us. The costs that are in the original study, some, I would say, are a little bit low. That's the challenge. That is where you are working as a team, and you develop that consensus, and the team decides what of those three... is the goal to get as much of those three components as you possibly can for \$32 million or whatever it is backed off of the site costs and so forth? Is the 500 beds on the jail the most important thing? Developing those priorities becomes what the study is all about.

President Mosby: So I understand that you are probably saying—

Jim Matarelli: It's going to be tight.

President Mosby: —right.

Jim Matarelli: It is going to be tight to get all three, particularly, if you are talking downtown, urban site.

Ron Budzinski: Okay, one minute. One of the things that we wanted to do was to leave you with something other than our presentation, so what we decided to do was to try to be creative. What we did was, we put this cube together, and on this cube you can see that it answers the first question on process. On the second question, we wanted to talk about Construction Management. On the third question we

wanted to illustrate our schedule, and then we wanted to illustrate the fee. Now, if you open the cube up, you can see what, we think, are some of the key issues involved in the project. Then if you open the cube up even further, you will see that there is a number of project examples of the jails that we have built. With that, we thank you for your time.

Commissioner Mourdock: This is your subtle way of telling us we have entered into a project that is, in effect, a Rubik's Cube?

President Mosby: That's pretty neat.

Ron Budzinski: Thank you very much.

President Mosby: Thank you very much. Appreciate it.

Veazey Parrott Durkin & Shoulders Jail Design Presentation

Commissioner Mourdock: Do you all want a heads up at five minutes, or one minute or two minutes?

Unidentified: Inaudible.

Commissioner Mourdock: Whoever is doing the speaking needs to speak into the microphone. You are welcome to carry it with you, if you want to go back and forth. Please state your name for the record, too, if you change mikes back and forth. Okay? It is exactly, we'll call it 5:00.

President Mosby: 5:00.

Mike Shoulders: Okay. Good evening. Thank you very much for inviting us to speak with you tonight. I'm Mike Shoulders. I am President and CEO of Veazey Parrott Durkin and Shoulders. I will be the principal in charge of the project, and the contract will be with the local firm of Veazey Parrott Durkin and Shoulders. We feel that we have put together the best justice design team in the nation. The best of both local and national talent. We have teamed with Hellmuth Obata and Kassabaum, HOK, of St. Louis. They are two hours and forty minutes from this location. We have worked on two past projects with HOK, one being the Centre. Mr. Mourdock knows about that project and working with us and through that process. We have two projects currently underway with HOK, so this is not a marriage of convenience. This is a marriage of firms that have worked over the years with one another. I have three professionals with me this evening who will be hands on workers on our team, and I would like for these gentlemen each, in turn, to introduce themselves and tell you their role in the project. Thank you, again.

Bob Goble: Good evening. My name is Bob Goble with Carter Goble Associates. I will work as the planner and programmer on the project. Our firm specializes in the planning and programming of justice facilities, and we have worked with HOK since the 1970's.

Bob Schwartz: Hello, my name is Bob Schwartz. I am with HOK. I am the Director of Justice Design Planning, and you have my resume in your proposal. I am responsible for the design of the facilities you see in there. Thank you.

Mike Frawley: My name is Mike Frawley, and I am the Director of Justice Architecture for HOK. I am going to be the Project Director for this project. Now, for

the remainder of this presentation, what I am going to be doing is referring to this graphic that is up on easels. You all have one in front of you so that you can follow along with me. Question one that you asked us really helped me to focus on what this meeting is all about, because it brought one main thought to me, and that is what the title of that graphic is over there. That is, "It's Not About Us, It's About Vanderburgh County". It is not about me telling you who we are and what we do. It is about understanding what your needs are, and how we can help you fill them. Now, to do that, I had to identify what your needs are. So, I put myself in your position, and I said, okay, what does the county really need? What is your vision? That is that purple line that you see right across the top there. As you can see from that purple line, there are actually four items that I identified for us. By far the most important is that last one. The one that says, "Develop an enhanced ability to make good decisions". Now, you are here today to select a design team, however, and I know that this is going to sound awfully strange coming from me, but, I would respectfully suggest to you that it is not in the best interest of you, or it is not in the best interest of your county to make that long term commitment right now. Now, don't get me wrong, I would love dearly to work with you, but I want to remember our focus. The focus is that, it is not about me, and it's not about us working with you or our team working with you. It is about Vanderburgh County. Now, why I say it is not in your best interest is...having read and evaluated the information that you have available to you in terms of the documentation for this project, in my opinion, all of the facility related information that you presently have to work with, and has been developed to date is really insufficient for you, or for the Sheriff for that fact, to be confident in moving forward that you have complete information to make good decisions. Remember, that is what we are focusing on, allowing you to make good decisions. I honestly feel the information that you need, that you absolutely need to make that decision, hasn't really yet been provided to you. I would like to point some things out. Consider first the jail bed capacities. They were established for you using very general rules of thumb. Rules of thumb that are derived from prison facilities here in the state of Indiana, not even jail facilities. There is no reference, whatsoever, to any mathematical or scientifically based forecasting method used in those. They are just rules of thumb. As for the community correction center and the juvenile facility, not even a rule of thumb has been noted. There is no substantiation, whatsoever, for those numbers. So, when you see the numbers 225 or 24 pop up, they just sort of magically appear, and there is no statistical basis for those. Operationally, the programs square feet per inmate that you are working with right now is below, well below, accepted standards for local jail facilities today. Since the program that you are working with, as well, lacks any detail, in my opinion, there is absolutely no way you, or the Sheriff, knows what you are getting. Lastly, I have tremendous concerns about the area totals and the related square feet provided to you. Every single page in those totals contain numerous arithmetic, simple errors, which result in....when you start to look at the size of the facility that you are talking about, it is misleadingly low. When you start to look at the dollars you are estimating to build this facility, it is going to result in increased millions of dollars if they are added properly and they are multiplied properly. To sum up, you don't really know what you need, what it is going to cost you, or what your commitments are going to be on into the future. That's the bad news. None of which, by the way, any of you should find that you are at fault with. You are not architects, you are not justice planners, and you are doing your best to make good decisions with the information that you have put in front of you. Truthfully speaking, the information that you have put in front of you is not good information. The good news is, it is possible to do exactly what I am saying, and that is enhance your ability to make those good decisions starting now. Therefore, what I am suggesting is, instead of rushing forward with the sketchy information that you have, I think, maybe that if you just sort of take a step to the side for a minute, take a perspective, a better perspective of where you are, and where you are going before you are going to commit to any long

term commitments on this project. It is my recommendation that you take a look at this project in two distinct phases, with the first phase focused on one thing, acquiring the information you desperately need to make good decisions on behalf of the county. Completing the four tasks along the orange section there that deals with Program is what is going to give you the confidence to make those good decisions. Now, we don't have time to go into a detailed understanding of what all of those things are today, but very briefly, let me cover them for you. There are four basic areas. You will see them starting with, "Validate System Demand", and going across to "Civic Responsibility". In terms of Validating the System Demand, you absolutely have to get a better handle on what you really need before you should move forward. At the very least, you need something more than just a rule of thumb. The jail population that you are going to project, and that you are going to build towards needs to be scientifically analyzed. You have to do a much better job than what you have been provided with. The spaces that are required in order to facilitate housing that population need to be defined for you. Second, and that is the second area under System Integration. You need to have some short and some long term options to evaluate just how you should proceed. Your options should include; good costing information, and the efficiency so that you can intelligently select, what we are calling up there a "System Management Strategy". You can't look at this as a little piece of a stand alone entity. It is part of a system, and you have to address it from the perspective of a system. Your System Management Strategy should have solid information in a third area having to do with Operational Efficiency. Lastly, and perhaps, most important, is the development of information that you must have to make good decisions to meet your civic responsibility. Let me ask you one question here. Why are you here today? Well, certainly, one of the reason that you are here today is to select a design team for this project. Remember, it is not about us, it is not about the design team, it is about Vanderburgh County. So, when you get to the heart of it, why you are here is significantly more important than just selecting a design team. What you are really doing is that you are entrusting to your architect the design of your criminal justice system, and the facilities that are going to be built to enhance that system for decades to come. They are going to be pivotal pieces in your community for the next hundred years. It is a decision that is going to directly affect your development options for the next decade, several decades. It is what your sons and daughters are going to have to live with. So all of those concepts and thoughts are wrapped up into that first question, but it all comes down to one thing, you need to be comfortable that who you are working with is going to enhance your ability to make good decisions. Now, the remaining three questions are really pretty straight forward. There is nothing magic about them. In terms of our experience with CM's, HOK has designed 25,000 beds and \$1.3 billion of jail facilities in just the last ten years. If you want to include prison facilities, that number jumps to 50,000 and \$3 billion. Now, of those projects, 60% were used with non-traditional project delivery systems, and most of those are Construction Management. As for project scheduling, we have a real simple project schedule for you, and with good reason. Remember what I was saying about your not having enough information right now? For us to proceed and tell you what you need to do beyond this phase one, into phase two is somewhat disingenous. You notice our second item up there is to increase stakeholder participation. We are involving you in a system, and for you to be involved, you have to make commitments within the schedule to say what you are going to do, when you are going to do it, and how you are going to combine your efforts with us. So, for us to present a schedule to you just really is an exercise in...it is just an exercise, an academic exercise. The last question has to do with fee structure. First and foremost, I would suggest that you are not ready yet to discuss complete AE fees for the reasons that we just talked about. You really don't know what you need to build, how much it should cost you, or how it is going to fit into your system, etc. Without that information, all of us are just shooting in the dark. We are just throwing numbers up on the board, and it has no basis in reality. Therefore,

what I am going to suggest to you is a two phase contract, with traditional AE services after you have that work done for phase one, so that you have good information and you know what you are asking for in terms of the AE services. For phase one, we can work with you. We can go fixed fee, we can go hourly, whatever you are comfortable with, so that you can get to that point and we have a better understanding of what your needs are and where you want to go with this project. Since we have already developed to get you to that phase one, a lot of concept operations, what we are going to do is provide you with a rebate, because we will be able to use some of those concepts. So, we will give you a rebate on your negotiation for the architectural and engineering services, because we will have produced that work to begin with. One other thing and that has to do with cost containment. I do believe that we are the only firm in front of you today that has an independent cost consultant working with us. This is an individual that is highly experienced and he works with us from start to finish. Quite frankly, if I were you, I would be very suspicious of anybody who came before you today and said that they are going to do the cost estimating in house, or that they are going to do it at some point down the road when it is too late for you to actually make good decisions cost effectively. Our specialist updates, creates estimates from the very beginning of the project, so that when the time comes, when I say to you that we've got a...we're at the right time now to start to negotiate AE services, you know what you are going to build, you know what it is going to cost you, more importantly, and you know how it is going to fit into your system. I think that just about uses up my time. I would really like to thank you for the opportunity of representing my team here. If you have any time...has the shot fired over my head yet?

Mike Shoulders: We are open to any other questions that the Commissioners might have to ask us now.

Commissioner Mourdock: Catherine, do you have anything? I guess, just to clarify, again, on your fee structure, you were saying something about a rebate. Explain in quick detail how would that work? That would be off the initial fee for that first phase, and then as we go into the second phase you would take some?--

Unidentified: Inaudible.

Commissioner Mourdock: You need to go to the mike please.

Mike Frawley: At this point right here is where we are saying...phase one goes from here to here, so everything that is up in here goes along with phase one. By the time you get to this point is when you need to be talking about complete AE service. Now you will notice, that up in this area, Concept Options, we are already developing concepts so that when our cost estimator puts something in front of you and says that it is going to cost "X" number of dollars to do something, to enable you to make a good decision on what your fee...your cost...your structure is going to be to base your fee on, that you have some good information. We will have developed concepts in that area. Those concepts will be useable in our AE contract, and so we give you a rebate for not having to do those.

Commissioner Mourdock: Okay, and then the other --

Mike Shoulders: Everything above here is phase one. Everything below is phase two, and there will be a credit (inaudible) that we can reuse.

Commissioner Mourdock: Okay, and the second question, your point being that it is too early to bring an A&E on board, are you suggesting that the other information that we should acquire prior to bringing the A&E on board is something that we

ought to do outside the scope of an A&E? Is that correct?

Mike Frawley: What I am suggesting is that you need to...you need to have the information developed that will enable you to make a good decision when you sign your AE contract. What it is you are signing up for. What you are getting. Right now I am offering to you that you really don't have the information to do that.

Commissioner Mourdock: Okay.

Mike Shoulders: I think, Richard, that we have the resources on the team to provide that phase one information all contained on the team. Bob Goble has worked in 48 states as a planner, feasibility analyst, needs and programming analyst. He is not an architect. He is not an engineer. He is a planner.

Commissioner Mourdock: Okay.

Commissioner Fanello: So, are you saying that the study that we had done is not... does not give us enough information to, in your opinion?--

Mike Frawley: In my opinion, yes, that is correct?

Commissioner Fanello: Would you be the one who would be working on the information phase?

Mike Frawley: Absolutely. I am the Project Director and I am going to run this job.

President Mosby: Thank you very much guys.

Mike Frawley: Thank you.

President Mosby: We appreciate it.

Madelyn Grayson: We will need to make another tape change.

President Mosby: Okay.

(Tape Change)

United Consulting Jail Design Presentation

President Mosby: We will take a three minutes recess.

Commissioner Mourdock: Sounds good to me.

(Meeting was recessed for approximately five minutes.)

President Mosby: We will now reconvene at 5:24. You can start. You've got 15 minutes. I will give you a five minute warning.

Craig Burgess: Commissioners, Sheriff, good afternoon. I am Craig Burgess. I am Vice President and the Architecture Department Manager for United Consulting Engineers and Architects in Indianapolis. I would like to start out today by offering a sincere thank you for allowing us this opportunity to discuss how, we believe, we can serve Vanderburgh County in the planning and design of it's new correctional facilities. We appreciate your interest

in our design team and it's credentials. Please allow me to introduce Mr. John Staley, the Indianapolis Architecture Division Manager of DLZ Corporation, one of the members of our team who will join me in presenting our thoughts to you this afternoon. John will offer his insights into some of the details of the process we will be outlining here today as we address the four issues addressed in your letter of April 30th. I will be handing out a small brochure for you to review and follow along as we speak today. I would like to quickly reintroduce the members of our team; United Consulting Engineers and Architects will act as team leader, and will facilitate the planning and programming process and provide the architectural services, DLZ will provide the structural, mechanical, electrical and plumbing engineering, and with the help of John Staley participate in the planning and programming stages, as well as offering assistance in the architectural work. Al Bennett of Bennett Associates, and Julie Von Arx of Correctional Concepts will also participate in the planning and programming stages. Bernardin Lochmueller and Associates of Evansville will provide site and Civil Engineering services, as well as any surveying that might be needed. Arnold and O'Sheridan will provide security, electronics design and planning services, and Facility Management and Engineering of Newburgh will provide on site representation, construction observation and administration services. As we begin to address the first item on your list, the facilitation of the process, we would like to direct your attention to the handout you have received. It includes some basic information about our team. Our major qualifications, a team organizational chart, and inside a proposed sample schedule for the design stages of the project. As you can see, the schedule lists what, we believe, are the critical activities involved in the project. And as we discuss them, you will see how we plan to facilitate the process. As we go through these activities, you will also see how the project schedule will play out with the various tasks, time lines, and scheduling needs. This will also lead into a discussion of Construction Managers and the role one might play in this project, including, how we would work with a CM to help manage the project budget. Both United and DLZ have worked with Construction Managers in the past, and, we believe, that they can play a valuable role in the process, particularly in cost control matters. The bars that you see on the schedule chart represent tasks. The black dots are workshops during which the appropriate project team members will gather and work through pre-determined issues and arrive at critical decisions. The open squares represent formal presentations that the design team will make to you, the owner, usually at the completion of a major task or phase. Finally, the red diamond figures represent regularly scheduled meetings with the Construction Manager to help monitor progress and continually review cost issues as the program and the design develop. I will talk now about the first two items on the schedule, and then John will go into a bit of detail about the subsequent planning tasks. The process of planning, programming, designing, and constructing any correctional facility begins with a task, the importance of which can't be overstated. You, as the owner, will need to decide how you want to structure your involvement in the process. You need to determine who will be included, and how these people will be organized? Who will have the final say in the decision making? We understand that this process began with the PMSI study, and we are ready to help you continue to build on it. We can offer insights in to it, advantages and disadvantages of various types of committees, task forces, and panels. Who should be involved and at what time to bring them in. Ultimately, this will all be your decision, but , if you like, we can help guide you through that process. Concurrent with the organizing of the project team, is the task of defining the team's mission, the setting of goals, and the blocking out of the agendas for the upcoming work shops. It is important to gather this information early, and get it organized in order to make the best use of the time spent in the workshops. Often a workshop will require that some research and preparation take place before hand in order to ensure that

important decisions can be reached in a timely fashion. Without a clearly stated goal for the overall project, and for each workshop, it is hard to maintain focus, and the time together will be less productive. With our goals clearly in sight, the planning process can begin. John will talk in a little more detail about some of the more specific tasks involved.

John Staley: Thank you, Craig. As Craig said, the handout provides an outline of the key steps in the process which we envision commiserate with defining the types of facilities required by Vanderburgh County. In other communities we have used a similar process in developing the structure for the work teams and how they interact. You will also note, as Craig noted, that we have some milestones in here where we would have public presentations for community involvement. The overall objective of this process is to build a consensus towards the solution that everyone has a stake in. That is why we call this a stakeholders meeting. Many of the state agencies also use a similar process. It is important because the process will ultimately define the functional program that's developed which leads to the construction solution. If that program is to be responsive and functional in terms of meeting the county's needs, this process must be carried forth in a manner similar to what we have defined here. The objective, of course, is ultimately to provide you with a facility that meets your financial needs and limitations of the resources that you have. If we fail to conduct the process that thoroughly addresses these issues, I think, there is a potential in terms of staffing issues that would come to bear. So, if we define this program clearly through our process, this will enable you to achieve a facility which is very responsive. I think the important thing to note for our team and our past experience in working together as United, DLZ and some of the other members of our team, is that we don't have a preconceived idea of what is best for your community. There are a lot of ideas that we would bring you from other communities that we have worked with, most notably, of course, is the facility in St. Joe County is similar in size to yours. It's 800 beds, a little larger, but our working relationship through that project, I think, brings a lot to the table in terms of state of the art issues and current technology that would be important in this process. As you look at the outline here, note that we have involved the key criminal justice departments and agencies within the county to provide a, as I said, a very interactive and dynamic process throughout this planning effort. This would result in a facility program, at some point, once we have defined the specific need, which we call a needs analysis or a focus group for our detention requirements, whether it be juvenile or adult. That would be the basis for our schematic design. The process that we would go through here would require about four months to assimilate and review the data that is in place. We also propose in this process to look at the existing facility that you have to see if there are alternative uses. Often times members of the community at least want to know and understand what the issues are relative to whether or not you can continue to use that facility, and for what purpose. At the conclusion of that process we would develop our schematic design. As we start that process, our Construction Manager's role in that process becomes more important in terms of what we might define as opportunities to save the county money or look at opportunities to be fiscally conservative. I think, as I said, we have developed a relationship working together that goes back several years, the two companies DLZ and United, and we would bring that to the table in this process. At this point, I will let Craig continue further about where this process will take us, but we will have a schematic design at that point in January with a cost estimate which would then lead to the next steps.

Craig Burgess: As John said, we would make sure that the Construction Manager on the project would be involved early and continually through the process to help

us track costs on this. Once we get through a fully developed design, and we can proceed with the construction documents for the project, and all the time through that entire process maintaining regular contact with the CM, as well, so that we can make sure that the project stays on the budgetary track. We believe that with an honest effort from all of the parties involved, that the design and drawing process can be completed by the early Fall of 2002. Our sample schedule shows the project going out for bids sometime around the first of October of that year. If we can hold to that there is a good possibility that the contractors can get a jump on the upcoming Winter and see some significant progress before weather becomes an issue. Our fee for a project of this size and nature is typically a fixed, lump sum amount that would be negotiated with you and tied to a clearly defined scope of work. Since the County Council has established a \$35 million limit to include all costs, including AE fees, we are willing to discuss our fee structure with the county if it becomes necessary to examine alternative approaches. Nevertheless, I think, it remains obvious that the budget on the project will be tight. We feel that with the involvement of a good, conscientious Construction Manager we can track costs accurately, and try to scale back where needed, but the county should be prepared to face some difficult decisions regarding the final design program. Let me wrap up here today by repeating that we believe our design team offers you the best opportunity to achieve the county's correctional facility needs. We have the experience, and a proven track record of team work and collaboration on correctional projects. DLZ and United have worked together for about nine years now on correctional jobs. In terms of our track record, the St. Joseph County jail project, that John mentioned, was completed on time and \$4 million under budget. We have a collection of firm owners on our team that share a common commitment to our clients satisfaction, and the building of long term client relationships. We have an in state presence that brings a heightened sense of accountability to the job. At any time that you have a question or a concern, we want you to know that you can pick up the phone and reach one of the principals. We believe we have a good understanding of the county's needs and the limitations of it's existing facilities. We will work hard to be the responsive , responsible design team that you need to successfully complete a project of this size and nature. Once again, thank you for your time. If you have any specific questions, we would be happy to take them now.

President Mosby: Four minutes.

Commissioner Fanello: Has your experience been more with direct or indirect supervision of jails?

Craig Burgess: John, do you want to address that?

Commissioner Fanello: Or a combination of the two?

John Staley: A combination, and actually most of our facilities in counties are, what we call, direct observation, where the staff control station is isolated away from the inmates by a glass wall or barrier. The direct observation has been explored, or direct supervision with staffing facilities. There are issues there concerning costs that would need to be evaluated, and I would think in looking at your facility, those issues need to be reviewed as part of this programming and planning process for the facility.

Commissioner Mourdock: Working together...I understood that you worked on the St. Joe County jail, is that right? Did I...just for my notes here, I want to be sure, did I hear you say that the project was done on schedule and \$4 million under budget.

Craig Burgess: Correct.

Commissioner Mourdock: Okay. What other jails, and I mention that one because the two of you worked as a team. Okay, what other jails have you worked on as a team? Or what other jails do you have that you can claim?

Craig Burgess: Well, as a team we also did the St. Joseph County Juvenile facility.

Commissioner Mourdock: Was that part of the same project like we are doing trying to combine the projects? Or was it two separate projects?

Craig Burgess: John could probably explain better just how those projects evolved, if you would like to hear that.

John Staley: That was not the same project. That was an independent project. I think the issue concerning criminal justice needs in the county were discussed in the early 90's simultaneously, but that was an independent project.

Commissioner Mourdock: Okay.

Craig Burgess: As far as other correctional projects are concerned, our response to the Request for Qualifications lists quite a few. On United's part we have been involved in jails for Gibson County, and Vermillion County, I'm going to lose track of them now. What are some of the others? Franklin County, and ,I believe, if you examine the list of projects from DLZ you will find the longer list.

President Mosby: In your opinion, you know we are working with \$35 million, taking out your costs and other costs, do you think this project is doable, all three projects together for that amount of money?

Commissioner Fanello: With good quality?

Craig Burgess: We believe that you can do all three components, but, I think, that it is going to be important to understand that there may be some compromises that will have to be reached in terms of capacity. The project may well have to be designed, master planned for future expansion. With a single site, I think, that we can save some money on the support spaces that are required by each of the facilities. I think that probably the long and the short of it is, we think that we can get you a very fine facility for that amount, but I do think that you do need to face the possibility of making a few compromises here or there. We don't necessarily believe that any compromises in the quality of the construction will be necessary, but I do think that you may find yourself looking at fewer beds and a facility that may not be what you need 30 or 40 years down the road.

Commissioner Mourdock: Who would be your primary local contact?

Craig Burgess: I would leave that up to you. However you choose to...if I am understanding the question correctly.

Commissioner Mourdock: Let me rephrase it here. Somebody from your organization, your team is going to be responsible as the key contact back to—

Craig Burgess: Oh, I'm sorry. I thought you meant on your end of it.

Commissioner Mourdock: No, no, no.

Craig Burgess: Well—

Commissioner Mourdock: We'll fight on that. The one that doesn't show up for the meeting gets it.

Craig Burgess: —we listed a number of individuals in our response to the RFQ, and I would act as the Project Manager for the job. Paul Summers who is an architect with our firm who isn't here today would be the Project Architect. Between the two of us, we would contend to cover all of the bases in that regard. We also have Bill Hull who is here, one of the principals from our firm, who would act as the principal in charge.

Commissioner Mourdock: I'm sorry. Where are you based, Craig? Are you out of Indy?

Craig Burgess: Indianapolis.

President Mosby: We still have one minute if anybody wants to add a question, or if you have anything that you want to add.

Commissioner Fanello: Just to make sure on the \$35 million. It would be hard for us to go with the figures or the number of beds we got from the study, it would be hard to fit a 500 expandable to 700, or a 24 expandable up to 48, I think, and the 200 correctional beds within \$35 million.

Craig Burgess: That's our position. I think that we can come close to it. How close, I'm really not prepared to say.

John Staley: I might just add that sometimes, although, it is not a very popular approach, sometime dormitories in jails can be used, if they are small enough, to save costs. Because individual cells with the door costs and the separate plumbing fixture cost equates to several thousand dollars per cell, which is usually a two person component. We have actually used some modular construction too, to help save on cost. We would need to evaluate that in this planning process, because we do know that certain size facilities like this, modular cells, for example, whether they be steel or concrete, have potential to save the county money. The disadvantage sometimes is those are made in another location which can just take away from a local job opportunities. So, you have to weigh that value, but I would say that's an excellent opportunity with the size of this facility. That and—

President Mosby: Sorry. Thank you very much.

Craig Burgess: Thank you.

President Mosby: Thanks guys.

Hafer Associates Jail Design Presentation
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Ed Hafer: Where is the team?

Commissioner Fanello: They left you.

President Mosby: Anytime that you are ready to start, we need you to come to the mike, state your name, and if somebody else decides to give any information, just please state your name before you talk.

Commissioner Mourdock: For the record, we are starting at 5:43.

President Mosby: That's what I've got. I will give you a five minute notice.

Ed Hafer: Thank you, Commissioners. My name is Ed Hafer. I am the President of Edmund L. Hafer and Associates. On behalf of all of us, I want to thank you for consideration of our team, the Hafer Jacobs team for your upcoming project. I know that it has been, probably, a long afternoon, maybe you should think of us not as sixth, but as last. In particular as a professional who office is located in Evansville, I want to thank you for consideration of local firms for this project. With me today are three other members of our team of who will have key roles in this project. In addition to myself who will be the managing principal and have a role throughout the duration of the project, with me is David Willis of Edmund L. Hafer and Associates, who will be the Project Director; Tom Hickey of Jacobs Facilities; and Andy Cupples, the Chief Corrections Planner for Jacobs Facilities. Tom, in particular, is an old friend, goes back really over 20 years. The first project that we ever worked on was a corrections, detention driven project to do a master plan for the Evansville Vanderburgh Building Authority, and that was, I believe, in 1981. I believe the strengths of our team are numerous. The keys to the success of this project, we believe, are as follows, and when I say keys, I really mean they are the keys to the project. As jails and jailers, keys are integral to it all. An experienced team led by an Evansville based firm. We are local, we are here, we know things. National experience in planning, design and construction of detention facilities, as exhibited by Jacobs Facilities. Experience with all three of the building types that you are contemplating here in your program document; a jail, a juvenile facility, and a community corrections facility. Knowledge of current standards, regulation, requirements, laws and etc. that govern, in particular, correctional projects. A demonstrated facility to design within budgets and achieve operational cost savings. Utilization of the latest technology to explore various solutions, compare costs, and ultimately to provide a better project. Knowledge of Evansville building contractors, construction practices. We are a simple team. We are not a marriage of convenience just for this project. We have worked together on other projects. We are currently working together on the new ice rink for the City of Evansville. A 20 year relationship, as I mentioned, going back with Tom Hickey and his predecessor firms. Finally, a commitment to client communications and involvement. You as the Commissioners and other users of this project will be intensely involved throughout the duration. Those nine or ten items combined to make us qualified, imminently qualified, for this project. They are outlined in detail in the proposal that we submitted to you several weeks ago, and summarized in the document that David has passed out today. I would like now to introduce Mr. Andy Cupples who will speak relative to some of the particular aspects of the project. Thank you.

Andy Cupples: Commissioners, thank you, if you don't mind me taking this off.

President Mosby: That's okay.

Andy Cupples: Thank you for the opportunity to be here today. I am going to touch on questions one and two that you had in your letter. Hopefully, we will get through the questions in time to allow some other discussion. Your first question was facilitating the process, and if you open your book to just behind the divider, you will

find a brief outline of our response. One of the things that we really applaud the Commission and the Sheriff for, and his involvement with the National Institute of Corrections, is really an open process. A process which is looking to find the best answer for Vanderburgh County and its citizens. We would like to continue that process by working with you to establish a project review committee, which is the Commission, the Council, the Sheriff, others that are interested in the system, because, we believe, as we balance issues of scope, operational methodologies, and budget, from a capital perspective, that there needs to be buy in and consensus regarding what is the best immediate and long term answer. Our process is based on on site workshops. We plan to work here, to work with you to engage your staff. Ultimately, the Sheriff's staff are the folks that have got to serve a life sentence in that jail, everyday, eight hours a day as long as they work for you. So, we have a responsibility to make it a good working environment for the staff, to make it a place that works, that is functional to meet your primary mission and goals for care and responsibility. We believe we are going to have to look at a series of alternatives as we balance the scope, which in your preliminary information, was about 974 beds, with a budget now published of \$35 million for project costs. We are going to have to look at alternatives to determine if there is innovative ways to make that work. For example, today you really don't need 700 jail beds, so is there opportunity to design a facility which can use 500 heavy secure beds, 200 community correction beds, and over time become a 700 bed jail and then look at the community corrections as a future master plan issue in order to make your needs work within funds available. We also think operational cost analysis is important. We will talk about that in terms of cost containment, but every decision you make to spend one dollar today needs to be thought about what it is going to cost to operate that jail for 30,40,50 years. Not just for this Commission, but for successive Commissions and the people who will still be paying taxes in this county. We also think that it is important as part of this process to establish a transition team. A transition team representing the Sheriff's Department, representing County Maintenance, so that the decisions that are made to design this facility can be put easily into operation, can easily be maintained, and, again, if you look at our tag line, it's a process designed to build consensus regarding the best long term answer for the county and its citizens. We also have outlined in here, and we will talk about in a moment, the three phase process, really focusing on a two month phase one effort to make these key decisions. Program validation, site selection, and budget confirmation, so that at the end of that two month period there will be consensus regarding the best answer for Vanderburgh County. Our second answer on Construction Management is very short. We have worked with virtually all of them. In fact, we are one. So, we understand the process, we can make it work. We understand the value of that process to the Commission, and, we think, that it could be a valuable approach to operating the project. With that, I would like to have David, who is going to be the Project Director responsible for schedule, touch a bit on our overall schedule.

David Willis: Thank you, Andy. My role as Project Director will be from the very beginning of the project through program verification, design, bidding construction, through beneficial occupancy, even through a warranty inspection some 12 to 24 months after occupancy. My responsibility will be to orchestrate the project team, to assure a quality project. A quality project that is completed on time, and a quality project that is completed on budget. The key to accomplishing this task will be maintaining good communications and good scheduling within the team, as well as excellent communications with the Commissioners, the County Council, the Sheriff's Office. The information that we will produce will include both written, verbal and graphic documents. I will present it in a very clear and concise format. A format that is easily understood, a format that is easily utilized. Obviously, a key part of this

process, this good communication, is essential for completing a project of this importance for our community. You must be well informed, and you must understand the process. We don't want any surprises along the way. I call your attention to our response to question three, the schedule is somewhat simple, and I won't take your time going through each of these. I think key to this process is the two month program validation, site selection and determination of the overall budget, how best to utilize the stated \$35 million. That process will take six months after we are asked to proceed. Design phase, the more traditional phases, resulting in construction documents, about a six to nine month time frame. Then the bidding phase and construction, approximately 18 to 20 months. For a total project duration of 29 to 34 months. I am for a , in terms of project fees, based on, again, the published project budget of \$35 million, fees for the first phase is a lump sum, fixed fee of \$150,000. This may be the best \$150,000 spent through this process. At the end of that two month period, our professionals, you, as owners, will understand the overall scope, the various constraints, the various sites, in a sense, the project will be defined, in a very real sense. The design phase, again, our fee ranges from \$1,650,000 to \$1.8 million. Again, simply stated, based on the \$35 million project. Andy now will address some cost containment issues.

Andy Cupples: The other part of your last question was cost containment. How can we trust that we will be able to build this within the budget? If you turn to 4B, we given you a summary of our cost containment approach. It starts with key principals. Effective cost control starts early, you don't start (inaudible) after the horse is out in the barn. Cost, scope, and quality are inter-related variables. That is how you develop a cost containment (inaudible) with an understanding of the inter-relationship of those variables. We noted long term operational costs because, we think, again, that you are going to have to balance capital costs against the operational implication. I think, that the Sheriff when he is touring and seeing jails that have multiple recreation areas, the reason, it takes no additional staff to operate recreation. They have multiple visiting areas, no additional staff to operate visiting. Bottom line is, one full time position, 24 hours a day, seven days a week, costs you about \$150,000 a year. Because it takes five people to staff that 24 hours a day, seven days a week. Over a 30 year life cycle, that is \$4.5 million. So, saving money there is really where we contain costs for this county and it's citizens long term. The other issue is, we all learn to say no. As we look at phase one, that two month critical period, we focus on controlling the scope. The number of beds, area per bed, gross building area of the building. We need to limit site impact, so that we don't use up so much site that you have to build a parking garage, and create other kinds of probable costs that would affect the budget. We need to understand the fixed site costs early, because those, regardless of the size of the project, there will be certain costs for utilities, for roads, for parking, and for other things that need to be developed. We need to clearly define quality expectations, recognizing the balance against what we spend today versus the cost of maintenance long term to the county. An appropriate use of technology so that we don't spend too much money on that side of the house, not just now, but in terms of what it costs to maintain that. Optimize staffing, and then develop a model. As we move into design, the biggest thing that we have to do, is to control scope creep.

Commissioner Mourdock: Three more minutes.

President Mosby: Well, three or four.

Andy Cupples: As you go through the rest of this, you will see that our approach is, really to contain costs all the way through design and into construction. We think,

the single biggest issue that the County Commission faces on a public process is the issue of potential delay claims. So, our responsibility is to be responsive, to be one step ahead of the Construction Manager, because there will be questions, and we need to get them answered right away. With that, if you have any other questions, we would only ask for 30 seconds at the end for Tom Hickey to have a chance to summarize. Thank you.

Commissioner Mourdock: Are all of those present in the room right now, on your behalf, either architects or engineers? I have that impression.

Ed Hafer: Yes.

Commissioner Mourdock: Okay. From the first part of what you spoke of the, as far as getting all of the stakeholders together, are those meetings something that you are going to facilitate through the people in this room, or are there others that are going to be involved?

Ed Hafer: Through...yes, we will facilitate that through the design team that you see here, and other team members.

Commissioner Mourdock: Okay, not you personally, necessarily, but—

Ed Hafer: I can assure you that, Mr. Cupples, Mr. Hafer and Mr. Willis will all be a direct part of that.

Andy Cupples: If you check our proposal we have Dave Voorhis as a Correctional Consultant. If you want to take a look at population and other things that are really...we can handle the planning side, but (inaudible) with the population issues, etc. (inaudible).

Ed Hafer: The intention is to do this in a very hands on manner out of our offices in Evansville on a charrette type basis—

Commissioner Mourdock: Okay.

Ed Hafer: —they would be here in residence for extended periods of time.

Commissioner Mourdock: Okay. That's the twice today that I have heard the word charrette. I have never heard of that prior to today, so I am learning something. Let me state the question a little more aggressively here. We have got a bunch of judges, we have got a bunch of law enforcement people, you have County Council people, County Commission people, are your Engineers the best ones to facilitate those discussions?

Ed Hafer: I think our Engineers and our Architects.

Commissioner Mourdock: Okay.

Andy Cupples: Ed, may I address this. That is what I built my career on . Is in consensus building and design. In looking for alternatives and approaching each idea with the question that there is no such thing as a bad question, there is no such thing as a bad idea. You get it out on the table, you debate it, you discuss it. Working with me will be Mr. David Voorhis, David is a former National Institute of Corrections consultant. He actually worked in the Boulder jail which is an NIC

Resource Center. He will be working with us on that consensus building process, and specifically on operations issues related to those decisions.

Ed Hafer: I would point out one thing, lest we forget it. When David was explaining the schedule, I think that he used the term six months for the programming phase, it is really two months. It is written in the document.

President Mosby: I will give you one more minute if you...you said that you wanted a minute for Mr. Hickey...or 30 seconds, that's fine.

Tom Hickey: I better dive in now, other wise Ed will continue on. You know, really what you have heard is, is that...my name is Tom Hickey, I am a Vice President and principal with the other half of our team. What you really see here is just a short core team of the overall staff that will be here, but, basically, we would like to think of our team as being the key to your success. I have got a little key that you can use for a paperweight, just to remember us by. Basically, this is a key that you currently have in your jail, but it is a key that we almost no longer use. It is just a thought that you might...Eric, you've seen these before, haven't you? Here's one.

Eric Williams: Thanks.

Tom Hickey: We are all very experienced. We are used to facilitating the design process. We are used to working together, it is not a shotgun wedding with us. We are used to being in the community. We know the labor market, and as a result, we think that we are very, very well prepared to help you achieve the goals of the costs of the project. I have been told that in order to win a project you have to ask for it, and we are here to do that. We would like to have your support, and we think that we are going to be a key team member in being able to help you achieve your goals and objectives of the beds, the dollars marrying together for what you can afford. We are used to doing it, because we are both designers and Construction Management team, kind of in one group. Realizing that also you could bring on another one, Construction Manager to be part of the team, we think that process is also very important. I want to thank you, and on behalf of our team, we would like your support for the project.

President Mosby: Thank you very much.

Commissioner Mourdock: Exactly 6:00.

President Mosby: That is the end of the six teams. We will take a ten minute break, and we will reconvene Commission at 6:10.

(The meeting was recessed for ten minutes.)

(The meeting was reconvened at 6:14)

President Mosby: We will reconvene the County Commissioners for, I am looking for my notes here, May 7, 2001. We started at 4:00 p.m. so if you are wondering why we are reconvening, we've done been in session. Introductions, we have with us tonight; Tammy McKinney, Superintendent of Buildings; Counselor Phil Hayes; Commissioner Fanello, myself, Commissioner Mourdock, Auditor, Suzanne Crouch, and Recording Secretary, Madelyn Grayson. Approval of the minutes from the April 30th meeting?

Approval of Minutes

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion, second and so ordered.

Discussion about Jail Presentations
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Commissioner Mourdock: I would suggest that before we go to the other items, just to wrap up from our previous two hours. I know that there were a couple of folks in the audience that want to hear what we are going to do with that information. I think that we need to state publicly. I think when we first talked about how we were going to proceed with all of that, we said that we would take it under advisement for two to three weeks, and then reconvene, and then, basically, hash publicly through that and decide who we wanted to begin negotiations with, or potentially go to a second round of interviews, potentially. So, I just want to go on the record, is that still the schedule?

Commissioner Fanello: I think two weeks, in my opinion, two weeks is adequate for me. But-

President Mosby: I would say that in two to three weeks I would have a decision and I am not looking for another discussion or a short list.

Commissioner Mourdock: Well, I hope not either. It is not my intention. But, I was leaving open that possibility. We did put that in the letter just in case we come to... if all three of us come in here with a different name then we want to have that option. So, the 21st of May, both of those are colored red... what's... the holiday is the 28th?

President Mosby: Yes, the 21st that's Memorial Day weekend, so May 21st is fine.

Commissioner Fanello: That's

President Mosby: The 21st is not a holiday, is it?

Commissioner Mourdock: Well, why is it red then?

Commissioner Fanello: I don't know.

Suzanne Crouch: The 28th is the holiday.

Madelyn Grayson: We have rezoning and drainage that night.

Commissioner Fanello: On the 21st?

Suzanne Crouch: The 28th is a holiday.

Commissioner Fanello: Which is another discussion. Are we going to meet on Tuesday or not have a meeting that week?

Suzanne Crouch: We didn't advertise it.

Commissioner Fanello: Okay.

President Mosby: You did advertise?

Suzanne Crouch: No we did not.

Commissioner Fanello: Didn't.

President Mosby: Did not advertise. Okay.

Suzanne Crouch: We didn't... to meet on the Tuesday after the Monday.

President Mosby: Then we almost need to do it on the 21st, if we are going to do it.

Commissioner Mourdock: Okay, I will formally move then that we take under advisement the presentations that we heard today with the schedule to reflect that on Monday, May 21st, at our regular Commission meeting, we will have an open discussion to make final selection for the architect for the new jail project.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. I don't believe they could hear what you were saying. It's a motion to make final the design architect for the jail. So, that will be on May the 21st. We will put that on the agenda.

Commissioner Fanello: (inaudible)

President Mosby: First reading of ordinances, Phil Hayes.

Phil Hayes: If I may ask, Madelyn, you have the Central Dispatch and City County Human Relations, the Sheriff's department, the Abandoned Vehicle ordinances, have they, they've been duly advertised for first reading?

Madelyn Grayson: Yes, they have.

Phil Hayes: Alright.

Madelyn Grayson: On April 27th and May 4th.

Phil Hayes: Alright then. What's in order, I believe, is a motion to advance this to second reading. Is that correct? Did they also then advertise for second reading as well?

Madelyn Grayson: For next Monday, the 14th.

Phil Hayes: Next Monday, the 14th. Very good.

Madelyn Grayson: Correct.

First Reading - Central Dispatch Ordinance

Commissioner Mourdock: Since this is tonight, the formal first reading for the Central Dispatch Ordinance, is there anyone in the audience wishing to address the issue? Let the record reflect that no one signified. So, on first reading, I will move approval of the Central Dispatch Ordinance.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered on first reading.

First Reading - City County Human Relations Ordinance

Commissioner Mourdock: Also, on first reading tonight we have an amendment to the City County Human Relations Ordinance. Is there anyone here to discuss that ordinance? Seeing none, I will move approval.

Commissioner Fanello: Second.

President Mosby: Motion, second, so ordered.

First Reading - Sheriff's Department Ordinance

Commissioner Mourdock: Third, we have on first reading tonight an amendment for the Sheriff's Department Ordinance. Is there anyone here to address that one? Let the record reflect that no one came forward, so I will move approval on first reading.

Commissioner Fanello: Second.

President Mosby: So ordered.

First Reading - Abandoned Vehicle Ordinance

Commissioner Mourdock: On the last one, I have a question or something here because I am perplexed. We've discussed the Abandoned Vehicle Ordinance on a couple of occasions and the Commission previous to the end of the year that this is an ordinance, something that needs to be generated through the County Council.

We have discussed it twice this year where we have effectively come to the same conclusion. I am curious why we are handling it now again? It seems to me that it still remains something that needs to go through the County Council and not something that we need to do with the County Commission.

Phil Hayes: My response on it is that I don't see why. There is no fiscal, there is no appropriation involved. I am informed that there is no establishment, that the establishment of the fund is purely administrative. The state statute authorizing the activity as an activity of local government, simply requires that we conform to that state statute. We pass it by virtue of authorization to do so, and, I believe, that the reason for that is that we are dealing with vehicle titles, and in essence talking about defeasing title of an owner based on status or assumed status of the assumed vehicle. The sales as the ordinance, uh, then goes on, will simply divert proceeds to the county. That is the only fiscal impact. It is a matter of income being deposited then administratively in a fund. Right now, under the terms of the contract that was entered into in November of 2000, the place of auction was changed by virtue of that ordinance. The state, until such an ordinance is passed, will continue to receive the proceeds of the sale. So, in examining it and, I apologize, I wasn't aware that we had concluded that it was required to go through the Council. I know that is where it was filed initially. I did, of course, see that because of the fact that it was pending, and then it was pulled from advertising there-

Commissioner Mourdock: And that was at the end of the year last year.

Phil Hayes: And we were told to just go back and start over again. No reason, just told to go back and start over again. Then I examined the respective powers statute and my conclusion was that it would be more appropriate for this body to initiate and to pass the matter. We are not going to be appropriating, or that is to say authorizing or appropriating on it.

Commissioner Mourdock: Did you carry the ordinance back to the Council at one point?

Phil Hayes: At one point, I attempted to have it, I attempted to have it agendized but in the course of the discussion, it never got anywhere. Then we went into our own discussion, and it was at that point that I began to reexamine the premise as to which body should more appropriately pass that. I will be glad to address that more thoroughly for you. I can do that by the time the second reading comes up. But, it was review and conclusion on it that it was not a fiscal matter to engage in. I don't think anymore than it would be to develop any kind of inventory and sell it. As we, I mean, I think, it is as simple as that. As long as the money is a one way street that is coming this direction, it's the only, we are not establishing a tax, we're not establishing a set of fees, we are not establishing those usual earmarks for it. But, if you would let me address that, I would be more than happy, if you wish to advance it to second reading on the basis that we will hear more from that. I can talk more thoroughly with Mr. Ahlers, our discussions previous to this time basically has been that he doesn't think it's going to pass anywhere. He basically talked with me about his feelings on policy.

Commissioner Mourdock: Let's chase that one for a minute.

Phil Hayes: Yeah.

Commissioner Mourdock: If we do anything and they don't pass it, what have we

accomplished? I mean—

Phil Hayes: I don't know that he has analyzed that.

Commissioner Mourdock: Well, do I understand?--

Phil Hayes: When I say that, my initial... I am just being frank. Our initial conversations were that his understanding was that it did not have support as such, because of the fact that there was no income analysis available that showed the county getting any money. I think in the intervening months, once we learned that not only did the previous Commission initiate a contract, but, in fact, initiated a legislative process. The fact that they chose the Council at the time, I didn't have any particular opinion on it. I just had to kind of dig it out. You are familiar with that process?

Commissioner Mourdock: Right and a year ago, Joe, Joe Harrison, Jr., counsel at the time-

Phil Hayes: Last November.

Commissioner Mourdock: Yes, told us that wasn't something this Commission should do. It should go to Council.

Phil Hayes: Yeah, I understand. He did, yeah.

Commissioner Mourdock: If, as a matter of practice or procedure, if you will, if we were to enact this ordinance, do I understand you correctly, that County Council would still need to enact something as well?

Phil Hayes: I don't think so.

Commissioner Fanello: I can't really find anywhere where the county would set up this fund. I mean, I have looked through the code book and I can't find any authority where, I mean, that there are some other funds that the Commissioners have set up in the ordinances in the code book?

Commissioner Mourdock: I don't know specific to this issue. I know specific to this issue, Joe told us that it wasn't for us to do this one. Phil, earlier this year, told us that it was your opinion that we didn't necessarily need to do something and you were going to carry it to Council, and now this thing is back again. I haven't spoken to anybody on Council about this, so if it is to be over there...

Phil Hayes: I thought maybe an Interlocal, as far as the cash, well, there is a (sepa) left out of that recitation that we still have to pass an Abandoned Vehicle Ordinance because it is state law that confers the authority for us to do so as a county apropos of how to handle the administration of it, that has been a discussion of the County Auditor and that discussion has evolved to this point. We agree that good faith differences can exist here, but what it amounts to, is can you make a little bit of money? Can you make a lot of money? Can you make some intermediate money? Or, no money. I think that the situation is, meanwhile, you have abandoned vehicles that are being collected, and they are taken out, and, I think, that the attitude has been, if the Auditor's office doesn't find a cost benefit in administration then one of my alternatives was an Interlocal agreement suggestion with the Controller.

Commissioner Mourdock: All of that, whether there is a lot of money, or a little money right now is a mute point as far, even on the citation, as to what you have provided. It says, "whereas the Vanderburgh County Sheriff is requesting that the County fiscal body adopt an ordinance."

Phil Hayes: That is a mistake.

Commissioner Mourdock: That's them.

Phil Hayes: That's an error. It is just from using the... that's why on second reading it is going to have to be amended. It was an error. It was too faithful a transcription of the original document.

Commissioner Mourdock: Okay.

Phil Hayes: What my attitude is on it legally is that I will continue to try to nurse this thing on. This is one of those matters that the more you hang with it the more clumsy it gets. You wrote a contract, for example, for these people to make the sales. I finally have today a sheet that says we will take the cars out there. This is May and that contract was done back last November. So, you know, this is just one of those lessons that novices like me have to learn, and I'll learn it, and I'll get there. Well, I will report to you. I will talk...Mr. Harrison and I have never had a conversation as to why he thought the County Council was the appropriate body. I will get to that, and in all fairness neither was my conversation with Mr. Ahlers early on. I only had one and, I think, that was in January, kind of asking him what to do.

Commissioner Mourdock: I am not picking just to be picky. I just know what happens in the political arena when we cross that magical lines of checks and balances and such, and I don't want to step on somebody's toes.

Phil Hayes: Well, you shouldn't be so sensitive. Don't be so sensitive.

Commissioner Mourdock: I am not being sensitive except then I hear it said that maybe they are not going to vote for it. So, if you guys want to do it, go ahead and move forward.

Phil Hayes: Well, that is the conversation among the lawyers and we're not relevant to the process.

Commissioner Fanello: Motion to move it to second reading and we will have our answer by next Monday.

President Mosby: Second and so ordered.

Phyllis Donahue -Welfare To Work

Phyllis Donahue: Phyllis Donahue with Welfare to Work Council.

Commissioner Fanello: Phyllis is back because they have requested a change in the percentage allocation. I met with Gary on Friday to go over our numbers, and just... if I understand it correctly, and in speaking with Gary today, we have \$1,184,255.77 unspent in Welfare to Work money. I am going to go ahead and give you my spiel on this and how, I think, we ought to move forward. Speaking with Councilman Hoy,

we both feel that there is some reform needed, because we are not sure why we have so much money unspent. If the program was doing what it needs to be doing we wouldn't be having so much money left unspent. So, it is our desire to look at reforming the program and seeing how we can better utilize the monies in the future. That is my spiel on it, I don't know what anyone else's thoughts are—

Commissioner Mourdock: I would just add, and I have no problem with taking a look, because I think anything can be made better. I don't have any problem with that. I think the part, and I am going to go out on a bit of a limb here, but regarding the encumbrances that were done under that, one of the things, as Phyllis mentioned the first time, three weeks ago when you came here, was that we have been using this fund as somewhat, as a second bucket, if you will, as the state has continued to change things. So, we have kept our program flexible as the state has taken money away from critical areas. Specifically Child Care. We have been able to make up for that locally with the working poor here. So, if that is the type of reform that you are talking about, or that kind of thing, then I am in agreement.

Commissioner Fanello: I guess my real problem is having almost \$1.2 million sitting there unspent, and whenever we are talking about Welfare to Work programs... if those monies... if we had a good program in place, then that money would be spent every year. I have a problem with the County accumulating that much just sitting there and it is supposed to go to people in need.

Commissioner Mourdock: Philosophically, I would say that if we had a great problem or program we wouldn't need any money at all.

Commissioner Fanello: This money is sitting there which probably could be better utilized elsewhere in the County, is my fear. This county is not rich, and we need to be allocating those resources as efficiently as possible.

Commissioner Mourdock: That certainly is a pertinent issue for discussion.

Commissioner Fanello: Phil and I talked about it and I told him to get involved in it. I even spoke with Gary last Friday, I told him that we probably ought to look at some...look at how we can make things better. But, that is my thoughts on it tonight. So, I am really not, at this point in time, in favor of changing the allocation until we look at reform. I would just like to leave it as the prior year.

Commissioner Mourdock: Okay, then is there a timetable then to drive the reform.

Commissioner Fanello: I am more than willing to set up... I don't know how long it will take us to look at that. I am becoming familiar with the program. Gary explained a lot of it to me on Friday, so, I think, that would probably... we would need to get with them and see what is a feasible amount of time for them to look at us reforming that program.

Commissioner Mourdock: Given this specific request that was brought forward was for the redistribution or the reallocation of the percentages of 60/40. Is that right, Phyllis?

Phyllis Donahue: Yes, for this year's money.

Commissioner Mourdock: Is even that percentage for this year's money something that you are not ready to agree to?

Commissioner Fanello: Exactly.

Phyllis Donahue: If, well okay. Part of my concern, my only concern is the fact as in this report originally, is that we are getting cut a million dollars in child care. If we would start writing our child care money... can we... is there any type?--

Commissioner Fanello: Well, can we not wait and see how it is going? Then, if there comes a point in time where something has changed drastically-

Phyllis Donahue: Oh, yeah.

Commissioner Fanello: --then they can come back.

Phyllis Donahue: Well, I hope that your recommendations, we meet normally the third Wednesday night at 5:15 at our office. I am sure that any of us would be open to discussing with any of the three of you, or anybody else in the community that would be interested in having input into this.

Commissioner Fanello: I just want to see us have a program in place where, like you said... I agree with what you said, that if everything was great we would have money accumulated, but we don't need to leave this money sitting there unaccumulated and not being spent in other areas that the County needs.

Commissioner Mourdock: What you are really saying, I think, is that the traditional allocation of funds that the County Commission has done since 199-

Commissioner Fanello: 1997.

Commissioner Mourdock: In 1995, I think, that we set up the three accounts, and what you are suggesting is that some different accounts be established, or existing accounts be done away with. So, it is not just for Phyllis's benefit here. Catherine isn't just talking about Welfare to Work, if I understand you correctly, you are talking about each of those three areas potentially that we derive money from the Riverboat.

Commissioner Fanello: What I am talking about is Welfare to Work, because that is where... we don't have any money accumulated in the other two accounts as of December 31, 2000. Or January 1, 2001.

Commissioner Mourdock: But again, it is the allocation of the money between those three accounts that you are talking about?

Commissioner Fanello: I am looking at the \$500,000 given to Welfare to Work.

Commissioner Mourdock: Right.

Commissioner Fanello: Just Welfare to Work.

Commissioner Mourdock: Okay.

Phyllis Donahue: How do you want us to go? I mean the Welfare to Work, I mean, there is a Council and it is appointed and I think that Gary went through all of that with you. So, how do you want us to go about this? Do you want us to meet, for us to call a meeting this Wednesday and tell them that you are open to other ideas?

Commissioner Fanello: I think we need to look at seriously reforming the program so that we can better utilize the funds that are there, because the funds aren't getting utilized. So, there is a problem somewhere.

President Mosby: I understand that you are being cut a million dollars.

Phyllis Donahue: In child care.

President Mosby: From?

Commissioner Mourdock: State sources.

President Mosby: From State sources. Okay, I guess, I am-

Phyllis Donahue: (inaudible)

President Mosby: Pardon?

Phyllis Donahue: CCDF. It is one of the funding sources and we have acronyms for them.

President Mosby: And you are wanting us to change the formula? I have not had any discussion with Gary or anybody on this. What is that going to do for you, if we change the formula?

Phyllis Donahue: It will give me more money for child care.

President Mosby: Okay.

Phyllis Donahue: In that line item.

President Mosby: Is this out of the \$1.2 million?

Phyllis Donahue: No, that is why this is only about this year's money. This is only about beginning January 1, of this year, 2001. That is where we want to see the change.

Commissioner Fanello: (inaudible)

Commissioner Mourdock: Right.

Phyllis Donahue: The money that she is talking about left over, we want to leave that in the four criteria that we had set up originally.

President Mosby: What is that money doing though? That's my question, what is the \$1.2 million doing?

Commissioner Mourdock: Are you talking about the encumbered funds?

Commissioner Fanello: It is just sitting there.

Suzanne Crouch: Well, \$500,000 of it is this year's budget.

President Mosby: So, there is \$700,000 that, I guess, you had left over from last

year, or the year before.

Phyllis Donahue: Yeah.

Commissioner Mourdock: Again, what I said at the beginning. The idea of encumbering some of that money, so that if the State did the types of things that it is getting ready to do, we had something there. The request for allocation change was not about that money that was carried over. It is just about this year.

Commissioner Fanello: It is about this year's budget.

President Mosby: So, we have carried over \$700,000 that you have no intention of spending at this point?

Phyllis Donahue: Yes, we have intention of spending it.

President Mosby: On what?

Phyllis Donahue: On these line items. I mean, I certainly can discuss this about what it does, and what it is used for, and how it is used, and how we have six months for each person, and each one can draw out of the four categories.

President Mosby: I guess, my question is, why hasn't it been spent yet? Why are you carrying it over? What's?--

Phyllis Donahue: Based on the fact of what is happening now. We are going to lose a million dollars in Child Care, and we are going to need... the possibility is there, that we are going to need that. I mean, I don't want to go into that.

President Mosby: Okay. So we have \$700,000, and at one time you are going to lose a million. What are you going to do the following year?

Phyllis Donahue: Well, we hope that the State or Federal government changes their minds about the cuts. If not, there will be that many women or men losing their jobs because they have no place to take their children, and no way to pay for it.

President Mosby: So, you are?--

Phyllis Donahue: It is a subsidy.

Commissioner Fanello: But, you have carried money over since 1997 unspent and you have accumulated over \$700,000 of unspent money in anticipation of something that will happen.

Phyllis Donahue: Well, I could...

Commissioner Mourdock: Yes.

Phyllis Donahue: I can honestly say that. I have been working for the state for 30 years, so I can say that.

Commissioner Fanello: I don't agree with that theory. With the County... that might work with some other programs--

President Mosby: Okay, I guess that brings me back to the fact that we returned \$831,000 and \$679,000 in Infrastructure and Economic Development money that there evidently was no P.O.'s, or encumbrances on, but over here we have \$700,000 laying there that nobody is spending.

Suzanne Crouch: But, they had P.O.'s-

President Mosby: For what?

Suzanne Crouch: To encumber it.

President Mosby: For what?

Commissioner Mourdock: For the contract from which it is administered. The contract that we have with the so called Gatekeeper - Lieberman and Associates. It is impar-

President Mosby: Okay, that is what I was wondering. So, you can just have a contract. They have a contract, but they show no expenditure and it just keeps rolling over.

Commissioner Fanello: I think that is kind of a loose interpretation of the rules, but, I disagree with us accumulating this much money when we are supposed to have a program in place, and it is not being spent. I just can't agree with that.

Commissioner Mourdock: Okay, let me again break this down, because, I know, we all want to go to a different issue. The...what we do in future discussions, and how we reallocate money from the Riverboat is certainly a fair discussion that we can have. The original request that Phyllis came forward on is -

Commissioner Fanello: Is the allocation.

Commissioner Mourdock: Is the allocation against the money that is already budgeted for this year.

Commissioner Fanello: For this year. I understand that. I am just not ready to change allocation. Tell me, let me get this straight. What was your allocation for child care last year?

Phyllis Donahue: I couldn't tell you that.

Commissioner Fanello: I have 45% written down, but you are wanting to change that to 40. So that can't... Gary told me 45%.

Phyllis Donahue: I don't have my-

Commissioner Mourdock: Yes, that is right. I think it was 45, 45 and 10. That is from memory.

Phyllis Donahue: It is 12 ½ and 12 ½ ,and two of those were 12 ½.

Commissioner Fanello: The Job Training was 12 ½ . Transportation was 12 ½, and 30% Safety Net, and 45% Child Care.

Phyllis Donahue: Right.

Commissioner Fanello: So, we were spending 45%.

Phyllis Donahue: Why he is only asking for this beginning–

Commissioner Fanello: So, you are actually asking for less for Child Care.

Phyllis Donahue: –is the fact that we have the other money still in... the money that you are talking about, the \$700,000. The money is still there to spend for Child Care, but we think that there will be a shortfall coming into this year. Somewhere this year.

Commissioner Fanello: If there is going to be a shortfall in child care then why would we be going from 45% to 40%?

Phyllis Donahue: Because we still have the other 45%. 45% for the other three years.

Commissioner Fanello: Now, you have really lost me.

President Mosby: Now, you are going back to the \$700,000, and you are wanting to spend 45% of that?

Commissioner Fanello: No. Yeah, we have already allocated 45% of that.

Commissioner Mourdock: Yes.

President Mosby: So you are going to spend 45% of \$700,000, and what is going to happen to the other 55% of the \$700,000?

Commissioner Fanello: The prior allocations were 45% Child Care, 30% for the Safety Net program, 12 ½ % Job Training and 12 ½ % for Transportation and then there is administrative fees in there somewhere, isn't there? No? Okay.

Commissioner Mourdock: I believe that I am going backwards here, but the request for the 60/40 was for this year's funds. Of what was left for this years funds. So that the Child Care could be bumped up because of the need for the Safety Net.

Commissioner Fanello: But, how is the Child Care going to be bumped up when you were taking 45% for Child Care and now you are taking 40%?

Commissioner Mourdock: Because, I believe that it is for the remaining funds this year.

President Mosby: Well, I know, but if you got 45, why wouldn't you take 45 instead of 40?

Commissioner Fanello: If you have 45 of \$500,000 for Child Care, why wouldn't you want that instead of 40% for Child Care?

Phyllis Donahue: Up until now, until we found out that we were going to be cut \$1,000,000 we were fine as far as the Child Care. I mean, nobody in this community that I know that fit the criteria here or with that other funding source that I was

speaking of went without Child Care. We have never turned anybody away. Our money went out of Safety Net, and that is why we have left the 60% there, and that is in emergency cases where people could be losing their job and a lot of it is on car repairs. We could... it is a pretty broad spectrum of things that we could do to help people if they are in jeopardy of losing their job, because of something that we could fix or take care of in a very short period of time. It enables them to stay in a job and that is why the 60% is there.

President Mosby: So, but you are saying that Child Care is the critical issue and we are going from 45% to 40%?

Phyllis Donahue: I have my money from the other three years to draw down from.

Commissioner Mourdock: So, even though the percentage is less, the number would be greater.

Phyllis Donahue: Because I've still got the money from the larger percentages in the prior years there. A lot of that is still there because we have had no problem.

Commissioner Fanello: I am still going...I am in favor of leaving this alone. As far as a time frame on this, we should probably have some reform by budget time so that we know how much we need to budget for next year. Maybe, you know, if we have accumulated this money that has not been spent, then, I don't know if we need \$500,000 at budget time. I mean, I don't want to see a program in place that isn't going to spend the money.

Commissioner Mourdock: So what you are formally saying is that Phyllis doesn't need to come back until?--

Commissioner Fanello: Let's leave things the same. I am in favor of leaving things the same, and looking at reform before budget time.

Commissioner Mourdock: Take your time in-

President Mosby: Is that a motion?

Commissioner Fanello: Budget time packets, Suzanne, you will have to educate me on the critical dates for the County for budget so. You send out packets at the end of May and -

Suzanne Crouch: Yes, and usually by the end of June is when we request that they come back. I will be happy to work with you on that.

Commissioner Fanello: Okay, so we are looking at about a two month period here, sixty days.

Phyllis Donahue: Okay. Like I said, you know we usually meet the third Wednesday, and I would certainly be open to call a meeting or talking to you.

Commissioner Fanello: Like I said, I talked to Phil Hoy about it and I know Royce has some concerns about it, so, I think, it would probably just be good if we could all get together in a meeting.

Phyllis Donahue: Royce is-

President Mosby: Are you making a motion?

Commissioner Fanello: Motion to? I don't know if I need to make a motion to defer or if we are not voting on it.

Any Group or Individual Wishing to Address the Board

President Mosby: Okay. Any other group or individual wishing to address the board? Come forward.

Steve Perry: Good evening. My name is Steve Perry. I am with the Evansville Rescue Mission Youth Care Center. On behalf of our president, Norm Snyder, and fellow board members, and staff, I would like to just make a brief presentation to you and kind of let you know where we are since the time we last met in February, okay? Alright, when I came to you in February this year, I expressed our organization through the Youth Care Center wanted to offer an expansion of juvenile detention services to Vanderburgh County. Our plan was to renovate the existing youth care center to a capacity of 24 private bedrooms that would be wet. In turn, we would move our non-secure program to a different location. The plan seemed like a no brainer to me. A fund-raising task that could be knocked off with a mere squirt gun. But, before coming to you, I was advised by an architect that the plan was doable. Since that time, I have been advised that it would be better to build a new secure detention center, and retain the current Youth Care Center as a non-secure program. Even though it is people who change people, and not buildings, a code I've heard expressed by Roger Mason and several other quality youth workers, building a new secured detention center is probably a wiser choice over the long term. But, that plan requires substantial investment up front. Now, this means that a fund-raising, or financing challenge. Whether it is one or the other or a combination of both will take more than just a squirt gun to pull it off. It might take my seven year old son's super soaker. It also requires the purchase of more land. To make construction possible, we are purchasing property adjacent to our campus with the closing date planned for the end of this month. It is on that site that we intend to build a state of the art juvenile detention center. Though, the financial challenge of building new structures multiplies our requirement exponentially, we, the board and staff of the Youth Care Center stand united in our desire to design and construct a detention facility that will provide services for males and females. We wish to pursue this project with the least cost to the county as possible, without jeopardizing the quality of care believed necessary to guide juveniles toward successful living in this community. The Youth Care Center has been managing our youth detention services in Vanderburgh County for the past 19 years. The staff has a combined total of close to 100 years experience of working with juvenile offenders. For most of us, employment at the YCC is not a job as much as it a lifestyle. We know that children in custody need to be managed differently than adults. With youth, opportunities for rehabilitation and character development are within reasonable reach. Fewer things in life bring us more happiness and peace of mind than knowing one of our precious children receives exactly what he and, hopefully, she needs while under our care. As I have said on other occasions, we have no desire to profit momentarily from the services that we provide juvenile defenders. Nor do we wish to supplement any of our worthy programs at the expense of the Youth Care Center, but we do not wish to return to years where we had to absorb deficits. Our profit from all of this remains from seeing young people reform from their indiscretions, finish their education, pay taxes, and support us baby boomers in retirement. Seriously, not since the Youth Care Center began 19 years ago do we

have a more unique opportunity to change lives of young offenders in Vanderburgh County. Let's capture a vision together that raises the bar for other communities. One of the most exciting days in the history of Evansville's Rescue Missions 84 year existence will be when we finalize with you and the County Council a long term contract to provide needed guidance and placement for the most troubled teenagers in this region. I envision a facility that can handle as many youths as necessary in a secure, yet safe environment. A facility that can provide help regardless of the crime. A facility that does not have to turn away anyone, except for emergency medical treatment. A facility that can accommodate teenagers picked up the Police Department or the Sheriff's Department, and are waiting for family to come after them. A facility that can provide day treatment for juveniles who have no further school alternatives, and there are a bunch of those out there. I look forward to a facility to where youth can be inspired to achieve higher goals, and to dream big. It is going to be great when we together reduce crime, child neglect, and abuse, and poverty to minuscule proportions. We look forward to hearing from you on this matter, and we will just want to take a few minutes to let you know that we very much are committed, more than ever, to help at risk children here in this county. If we can help you all in anyway, we want to do that as well. We thank you for the time.

Commissioner Mourdock: Steve, you might introduce your board members who are here.

Steve Perry: I will be glad to do that. This is Norm Snyder, our board president; Ken Haynie, Jr., Dave Kishline, Jim Price, Ray Wright is behind us here. Marcus Head is our, one of our staff members, Michael Bland, Mr. Bob Withers is our Supervisor of our Start Unit, the non-secure program; John Cassaphant is one of our staff members as well and Mr. Joe Hudson is our Supervisor of the Safety Unit. They do an outstanding job and render a great service to the children who need to come to our facility to get the discipline that is required of them.

Commissioner Mourdock: I am not in any way asking you to negotiate at the microphone, so please do not misinterpret the question. But, in saying what you said towards the end of your remarks about wanting to look forward to finalizing a long term contract for guidance and placement of trouble youths, do you have any idea at this point at what you see is necessary in terms for that type of contract? When you'd be looking forward? When you see something like that necessary? How that drives your schedule forward? Obviously, there are a lot of questions that come into that.

Steve Perry: Like we were saying before, we really want to build a facility, a juvenile detention facility that can work in harmony with the jail services that are provided adults, but at the same time be at a different campus. We can treat juveniles differently, and it takes a special person to work with these young people. There is a lot more interaction that is required, and, I think, that it itself has led to very little physical violence or physical fist of cuffs, if you will, among those who have had to stay and use our services. These men behind me do a brilliant job in facilitating arguments, and resolving differences, and interacting at appropriate times and even beyond that, passing on good, moral character and skills that will be given to them for the rest of their lives.

Commissioner Mourdock: All of that certainly being true, though, with the purpose of this board being to handle the contractual matters for the County, again I heard you say that it is something that you are looking forwarding to do and you are ready to move forward to do those things. What do you need from this board? When are

you going to need it? When can you present such a formal proposal to us or least to the County Attorney, so that he can start looking through it? I mean, we need something to react to, I guess is what I am saying.

Steve Perry: Well, in our last meeting we had talked about a contractual agreement, I think, and I believe, that everybody agrees to consensus that this is a good idea. Numbers have been better since the new judge has taken office and he has used us quite regularly. It has been a great relationship. It has been wonderful, actually. So, that has kind of minimized the pressure on finalizing anything and putting it in writing. It has also given us more time to think through what we needed to do in terms of offering a facility to the county, to serve the purpose, and one that will be state of the art. So, that has to be taken into consideration, as well, when we get into this construction and design phase and you all are on board with us on this, and you really see the value of young people being placed separately and in a different context. It would be more logical then to talk about what the annual budget is going to be required.

Commissioner Mourdock: Okay. But, just understand our view. We just sat through a two hour discussion, and both Catherine and David asked the numerous participants, is the money that the County Council allocated going to be sufficient to do all of the things that we basically laid out to them. Which is, under the concept, to do Community Corrections, a juvenile facility and the jail. If you are doing something now, or are in a position to do something differently that would pull out one of those components, then that affects what we have to do in dealing with that architect. So, all of these things can't be going on independent of each other. We need input from you on a fairly timely basis. You heard us say at the start of this meeting that on the 21st we are going to try and come to a final determination with the architect which means that we need to know what we are doing with you by that day. But, that process has to start to unfold so that we know where we are going on each of those three fronts.

Commissioner Fanello: Basically, we would have to have some kind of contract or what you are thinking of in terms of a contract.

Steve Perry: You would want that two weeks from today?

Commissioner Mourdock: No.

Commissioner Fanello: No, not necessarily two weeks from today.

Commissioner Mourdock: But, it is going to help by having the Rescue Mission define for us what you are looking at as potential options. It may give us greater flexibility in doing what we need to do with now just a jail and community corrections concept, realizing that there is still cost for us with what you are doing. But, all of these things have to mesh together, and it's three gears, and they are all running simultaneously, and we have to make sure that we have all of those covered. So-

Steve Perry: Absolutely. We want to work together with you on that. We certainly don't want to work independently.

Commissioner Mourdock: If your board can digest all of that and get back to us as speedily as possible, I think that would be helpful.

Steve Perry: If we can help to take the juvenile component out of the equation for a

bond issue or whatever, it would suit us just fine.

Commissioner Mourdock: That is the kind of issue that we need to deal with.

Commissioner Fanello: Are you interested in working with surrounding counties or just staying in Vanderburgh County?

Steve Perry: I am sure that we would be. I think it could help ease some of the financial demands of the County. Our primary interest is Vanderburgh County. Our secondary interest would be other counties. We would like to help as many young people as we can, but we also realize that if we enter into an agreement with you, we would do the bulk of our business with the county. So, if they are in favor of wanting to bring their children to the county, we would love to accommodate them too. Any other questions that we can address with you?

Phil Hayes: Just briefly. Steve, I am sure you are aware that Judge Niemeier has furnished some language to me to go over, and he and I have had a chance in the last 60 days to speak on about three or four occasions and look at that draft. Now, that particular contract language is what you are referring to tonight? It is just the money increment, the length of time and the... of course, there are many, many other technical issues to be covered.

Steve Perry: The contract that Judge Niemeier showed me the other day and gave me a copy of was a contract that we drafted back in 1995, when we began our Safety Unit. I believe that was required at the Department of Corrections at that time in order to get the start up grant that we needed, that some kind of formal budget was in place.

Phil Hayes: Right.

Steve Perry: It wasn't anything other than a per diem agreement that had been reached, and that is still what we have been going by.

Phil Hayes: Pretty much what we have been going along with now as well. It is the carryover of that as we speak.

Steve Perry: The contract that you are referring to referred to a per diem cost per day, per child-

Phil Hayes: That's the reference-

Steve Perry: We are looking more at a contractual agreement on an annual basis that doesn't hinge on numbers of children being involved at any given day or whatever, but providing a service that makes sure it takes care of the needs.

Phil Hayes: I understand.

Steve Perry: The needs of everybody throughout the year.

Phil Hayes: Understood.

Steve Perry: So, I have that document in place, and I have been reviewing that and I will go to work on it additionally as well.

Phil Hayes: Okay, then we will continue to consult with the Judge, and any way we can be of assistance on the legal side of it, why have him rattle me.

Steve Perry: Alright, I will and thanks a lot.

President Mosby: Thank you.

(Tape Change)

President Mosby: Is there any other individual wishing to address the board? See ya Councilman? The Sheriff.

Brad Ellsworth: Good evening. I am Sheriff Brad Ellsworth. A little bit of information. Looking for a little guidance. Also sharing some present information. This past weekend we were reporting on Saturday and Sunday, we didn't go above the ICLU agreement. With the population on Sunday, we went to 350, we had to report 354 and that is obviously several numbers above the 329 cap. Our numbers, Tim said that our numbers have been better to or worse, however you want to look at it. But, like I said, I am in to look for guidance and informing you what is going on. Under last years Commission, we sought and gained permission to transfer inmates if we got to the 329 number and I am going to look for guidance from this Commission to see what they want done. We have talked to the area, the three surrounding counties, they do have some bed space available if we find it necessary to move inmates. We have also spoke to Judge Pigman, and he seemed willing to convene meetings which is obviously cheaper if we can convene meetings with the local judiciary and the local prosecutor to reduce bonds, and or, to stay sentences to get inmates out of the jail. They have done that before and I think Commissioner Mourdock will remember, this that they have had long meetings and I think that the grand total of people that they let out after a four hour meeting was four people. Three or four people. So they weren't sure how beneficial that would be. As I state in my letter, it is our position that the judges are very well aware of the numbers and the population in the jail and that they are probably doing what they feel is necessary with their bonds. But, at least Judge Pigman said that he is willing to convene meetings if we get to that point, and we have not talked to Judge Heldt, or the Prosecutor yet but I don't assume that they would not want to meet. Some of the things that we are going to look at and start exploring is who we would move first if we get to that point where we have to start moving people to other counties, as I mentioned there. The surrounding counties will do that at the rate of \$35.00 a day plus any medical expenses plus, any other costs incurred, prescriptions, any transportation. Obviously, at this point our plan is that if we have to move inmates that we would take sentenced misdemeanants first. We looked at that is probably somewhere in the area of 10 - 12 that have sentenced misdemeanors in the jail and we would move them first. People that are sentenced first, second, people with the longest the least serious felons, and people that are awaiting court dates but the furthest out. So, that would cut down on our amount of moving. Any direction, like I said, Phil I don't know if at some point we need to talk to Mr. Faulk and see how they handle this in other jurisdictions when we only go for a couple of days.

Phil Hayes: Yeah, we had talked briefly, I think, at the end of last week. You had informed me about the potentials and I think that we just touched base.

Brad Ellsworth: Right.

Phil Hayes: I think that we both came to the same conclusion, that on Mondays we

are going to be having some active bonding out, and you may not even know what that result is until Tuesday, Wednesday or Thursday. But, what we are talking about is that there is a good deal of activity over the warm weekends, because, as we know, there is a direct correlation to warm weather verses the cold weather. So, in terms of our population, so specifically you will be seeing the result of bond determinations that were made this morning, tonight, tomorrow all the way through the week, I am sure. One suggestion that I have for you is that you are the possessor of some trenchant statistics, and I feel certain that the judges and the prosecutor will not object ,whatsoever, to you following up simply on showing statistically what you have. Same classification of crime, amount of bond, because it may take a while to discern that from your current statistics but if they were admitting somebody to bail in similar situations, similar records for one price last winter, then maybe we would see the same thing happen. If it were simply called to their attention, given that everybody is busy, and I don't think that is an intrusion on authority, because you're, obviously, actively engaged in this effort to try and follow up. They are stake holders as well. So, I am giving you a legal opinion that I don't think that you are going to get kicked out of the office if you submit that down to Division II, and if you would like, I would be more than happy to advance the suggestion. Chief Judge owes me one anyway.

Brad Ellsworth: Great. (inaudible)

Phil Hayes: I don't know that that is going to occur, but on the statistics that I received by e-mail and zipped up and had taken a look at them, each time that they come in there is some suggestion, at least in my experience, that there may be comparisons that can be made. They may wish to go ahead and address it anyway because of the heightened sensitivity that we have in our position of trying to settle a lawsuit. By the way, I will take it up with Mr. Faulk, because we are going to meet on Thursday with the three interested attorneys here in the county and with Mr. Faulk and we are going to spend some time going over how to begin to shut down the litigation. So, I can certainly report this and in fact I will show him the memo so that he is well aware of where we are and we will try to get some assistance in terms of his representation with his clients.

Brad Ellsworth: And that again is what I am asking. By today at 1:00 it was back down under the 329, so we dropped 25 inmates.

Phil Hayes: Right, just right away.

Brad Ellsworth: We need a mechanism in place that if it is on Wednesday, and it is over, is that when we start?

Phil Hayes: Yeah, I think-

Commissioner Mourdock: I guess that you are basically trying to establishment something based on the number of concurrent days. When they were under the order before they finally gave the Sheriff the authority to release people from jail, which he might request some day

Commissioner Fanello: (inaudible - microphone not on)

Commissioner Mourdock: Well, neither is the Marion County Sheriff, but he does. The Federal Judge did give him that authority, so he has the ability to release people from jail. Which I find amazing. But, at least prior to that, they put something in

place where they had two or three days concurrently, so that if it is above and below, I think something like that would be a prudent thing for us to do. Maybe three days I would suggest. The second part though is your question at the end of the second paragraph which is that if we start sending people off to those other jails, what is our funding mechanism to take care of that cost?

Brad Ellsworth: Right. I don't have anything in a line item or any kind of budget for that. I have medical for the jail but I don't have a mechanism to pay the Warrick County Sheriff. So, obviously that is going to take the fiscal body.

Commissioner Mourdock: How did we do that before? Did we do an emergency appropriation or something when we sent some folks over there?

Brad Ellsworth: We never did.

Commissioner Mourdock: We ended up not having to send them?

Brad Ellsworth: We got the permission but I don't think that we ever had any money in place.

Eric Williams: No. No funding was ever specifically put in place for that. The few that we have moved back and forth have just been basically gentlemen's agreements between the Sheriff's. We have six outside of this county right now just for other reasons to keep them out of our jurisdiction. But, those we trade back and forth.

Brad Ellsworth: It has never been because of the overcrowding. We just put them in there. It has been court cases and safety issues. It is one of those gentlemen agreements that we will do it for them if they call and -

Commissioner Mourdock: There is no expectation that we can remain gentlemanly?

Brad Ellsworth: I don't think for that many people. I don't see it happening. They don't like us that much.

Commissioner Fanello: I would suggest that until we get some other answers (inaudible - microphone not turned on)

Brad Ellsworth: Yeah, until that point, we are going to try and get with the judges and that and if we can get an opinion from Mr. Faulk and some kind of, like I said, what they have experienced, or he has experienced and if he is going to jam us up over this 354 on a Sunday when it is gone by Monday.

Phil Hayes: Yeah, I don't think it is a reasonable interpretation of any stipulations that was made, that a one day or a two day dislocation for basically for processing is a problem. I think that you have your safety concerns first for employees, and I think on a secondary basis that it is getting that capacity pushed through, and you have to use what facilities are available to you, which is the operations of Division II and Misdemeanor Court and Circuit Court and where those cases fall as being assigned. But, I reiterate, that you already have a history in the course of development of this jail project and in dealing with the litigation of communicating to the parties at the same time. Which would of course be, it would be the Prosecutor, the Judge and I might add the Defense Counsel and you may want to send to Steve Owens, the administrator of PD operations who has the bulk of that population who are assigned to PD. I have a feeling that among those parties, the four parties, that you might

come to some review. Each one has the power other than yourself to bring the subject of review of bail before the court. It very well just may be accidental at the time that it occurs. The arresting police officer may have made a suggestion in the report and the Prosecutor followed it. So, it may be that the additional information may be welcome from you. I will be more than glad to make a call tomorrow in regard to our view as to your authority to do that.

Commissioner Mourdock: Is one of the options that would be looked at, possibly electronic house arrest?

Brad Ellsworth: I am trying to think over the last three years how they viewed that. As a Community Corrections President as being the last carrot in corrections, I am not real big on that as a pre-bond. I am not saying that it wouldn't happen, or that it can't happen. I think that's the judges...if I remember, you know, the countless meetings that we have had, that was not something the judges were really in favor of, was putting electronic monitoring on.

Commissioner Mourdock: Well, I am not in favor of it either except in an emergency step here.

Brad Ellsworth: Sure, and I think that is an option that we certainly need to make available to the judges. But, it certainly hasn't been used very much, and we have called for that before.

Commissioner Mourdock: Well, for what's it worth, I remember with some humor, that when this issue came up last year, the suggestion was made that we send people to Warrick County. I voted against it because I didn't like starting a precedent of shipping our people elsewhere and it would remove the constraints to keep the caps low. Bettye Lou Jerrel and Pat Tuley voted to send them out and the newspaper did an editorial and said that all three of us cast the right vote. That was the most peculiar editorial I can recall.

Brad Ellsworth: I think it can go, like I said, at some point, you know, and being from law enforcement it pains me to have the inmates realize that they are getting their jail sentence shortened or getting a reduced bond not because of what the judge feels is right, but because it is driven by the numbers in the jail.

Phil Hayes: Right and you are not applying that to pre-trial detainees because there has been no determination.

Brad Ellsworth: Right.

Phil Hayes: But there are others standards like previous history, and even the possible testimony from people considering the current threat. So, that is what you are getting is the pre-trial detainees who have not been determined, who otherwise would qualify. I think that is what we are all talking about up here, if they would otherwise qualify for checking or monitoring. We have all seen telephone check in, in lieu of cash bails.

Brad Ellsworth: It is certainly a tax on the law enforcement officer. Especially when you bring failure to appears, which is a majority of our warrants. The person has five failure to appears, and you reduce his bond to \$50.00. He is not coming back to court. I don't care what you say. He can tell you anything he wants and then my officers need PD to go back, and their life is in danger trying to police them up again

for the next court date, which perpetuates that court docket. It's the same old story.

Commissioner Fanello: So, I guess that Phil will talk with (inaudible - microphone not on)

Brad Ellsworth: We will get with the judges and keep them appraised and see if they want to convene bond -

President Mosby: I think it would be smart if you went to County Council and set up a line item.

Brad Ellsworth: Might be a good idea.

President Mosby: That would be my suggestion just in case. I mean with the way they meet, I mean you can go one week and have a hearing and go the next week and then voted on and then you are out for three or four weeks, and if we run into a major problem.

Eric Williams: You suggest that we do that?

President Mosby: We can do it. I like going over there. I am starting to enjoy it.

Commissioner Mourdock: I move that the Commission President make a Council call to request funding for possible expenditures to hold our inmates in jails of other counties.

Commissioner Fanello: I will second that motion.

President Mosby: I vote no. I am just kidding. So ordered. I will make a request tomorrow. I will have Tammy write up a request for me and get it on the agenda? Any other individual wishing to address the board?

County Engineer- John Stoll

President Mosby: Seeing none. County Engineer, Department Head Reports.

John Stoll: First item that I have is a Request for Proposals for engineering services for the Green River Road/Millersburg Road intersection. This is a project that was initiated by EUTS and the project basically is the installation of traffic signal and an addition of turn lanes on each leg of the intersection. In addition to that, we have also added to have some of the hill of the west lane of the intersection cut down to improve site distance as you approach the intersection. The reason we are bringing a Request for Proposals is because since it is a federal aid job we don't have sufficient staff to undertake such a project with our existing staff. So, it is recommended that the Request for Proposals be approved for advertising.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered.

John Stoll: In that I put the due date for the proposals as June 18th, so we will see

you in about six weeks. The second item that I have, is a request for acceptance of a streets of Section IV of the Seasons. This is 536' of Seasons Ridge Boulevard, 330' of Star Dance Point and 330' of Snow Flake Cove. All streets were constructed in general accordance with the approved plans, so it is recommended that they be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered.

John Stoll: Next I have a change order on contract VC01-04-03 the St. Joseph Avenue Culvert Replacement project. The over run was for \$73.70 and the reason for the over run was due to some additional stone that was placed on the shoulders. It is recommended that this be approved as well.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I was getting ready to second your motion. I thought that the 73 scared her. I don't know. So ordered.

Commissioner Fanello: (inaudible - microphone turned off)

John Stoll: Next, I would like to make a request to go to County Council to transfer \$40,000 from the Broadway Avenue Bridge account. That is for bridge 273. The account number was 2030-4401 transferred to the Boyle Lane Bridge account number 2030-4391. This is a request to transfer \$40,000, and the request is due to the fact that when we originally budgeted for this bridge last summer, we didn't realize that the bridge needed raised as much as it does in order to reduce the upstream flood elevations. Basically, the low structure on the new bridge will be about the deck elevation of the current bridge. So, it will be raised in the neighborhood of three feet.

President Mosby: Which bridge is it?

John Stoll: This is Boyle Lane and it's on, immediately east of Highway 41 north of Baseline Road. It is next to the RV place.

Commissioner Fanello: Motion.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Last item that I have is approval for a culvert replacement on Wolfe Creek Drive, located off of Eickhoff Road. This is to replace an existing corrugated metal pipe with a 6' by 5' concrete box culvert. This is part of the overall development plan for the Haas development that the rezoning was approved for a couple of weeks ago, a couple of months ago. I can't remember exactly when. Basically, in order to develop the upstream area they had to put in this larger culvert, so there again, they would lower the upstream elevations and make the ground

developable. So, they have prepared this plan so basically they are going to come out here, remove the existing culvert, they will remove the concrete pavement out to the nearest joint so that we don't get any diagonal cuts across the road, and then they are going to install the culvert in the same manner that we do whenever we put projects out to bid. It is recommended that this be approved as well.

Commissioner Mourdock: Second.

President Mosby: They are paying for all of this too correct?

Commissioner Fanello: Second.

John Stoll: Yes.

President Mosby: So ordered.

Commissioner Mourdock: Is this the culvert that the guy was standing in when he sent the pictures around that night?

John Stoll: I'm sorry?

Commissioner Mourdock: When we had that zoning and drainage board too, I think. The fellow handed around the pictures and he was standing in the one culvert. Is this the one we are replacing?

John Stoll: I didn't see those pictures. I don't think he could have stood in that one.

President Mosby: You are thinking of the one that comes under Eickhoff Road, I think. The picture I saw.

Commissioner Mourdock: Yeah.

President Mosby: It is a pretty good size culvert. Is that it, John?

John Stoll: Yes. The last thing I got is what Phil just handed me. It is the deed to transfer the property, to transfer the county's rights to the property out at Old State and Campbell and 41 where the cross sits. This is the request from the Kiwanis Club that was made a couple of weeks ago. The original deed didn't sufficiently define the right of way for Old State Road and the Kiwanis Club turnaround had their consultants modify the deed. I have reviewed it and Phil has reviewed it.

Commissioner Mourdock: Is this just a quit claim deed then?

John Stoll: Yes.

Commissioner Mourdock: I will move approval.

Commissioner Fanello: Second.

President Mosby: Motion and a second, so ordered.

Commissioner Mourdock: Is that it, John?

John Stoll: Yes.

Commissioner Mourdock: Then I have one for you then. I have a call regarding the speed limit on Heckel Road that is currently 45. With the new development out there off of Keystone and such, would you check into that and see what we might do. I am not either for or against it at this point, but I know that when we get these requests we typically look at them and we do a study through your office, or through EUTS and see what's appropriate.

John Stoll: Right, EUTS puts traffic counters out and they find out what the current speeds are.

Commissioner Mourdock: Here is the name of the lady that called me if you would like to give her a call just to let her know that you are looking into it, I would appreciate it.

President Mosby: Anything else? Thank you, John.

County Highway- Ralph Kissinger

President Mosby: County Highway. Ralph called and said that something has come up and he didn't have anything more than his report. So I told him that was fine.

County Attorney- Phil Hayes

President Mosby: Uh, County Attorney has nothing.

Superintendent of Buildings- Tammy Mc Kinney

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have a couple of things: I have one late travel request. I want to get permission from the Commissioners to use the credit card tomorrow. You are probably not aware of it but when we took over the Old Courthouse, we were left with nothing. There is not a hammer, a screwdriver or anything. Today, I went to Kuesters to get some sandpaper to do some of the walls over there, the Kuesters on the west side and North Park, are going out of business so everything is 50% off. So, now is the time to get some hammers, and get some things.

Commissioner Mourdock: To get hammered.

President Mosby: Anybody that needs tools, go to Kuesters tomorrow.

Commissioner Mourdock: That ought to be worth another 10% just for the advertisement.

President Mosby: Yeah.

Commissioner Mourdock: I will move approval of the use of the credit card for the purpose of getting the few basic of the Old Courthouse.

Catherine Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

Tammy McKinney: I won't go crazy, I promise.

President Mosby: Any other? Is our part-time employee working out okay?

Tammy McKinney: He is working out very good. I don't know if Community Corrections likes him as well because he white gloves everything.

President Mosby: Gary was kind of hoping that you would say no so that we can send him back.

Brad Ellsworth: Brad Ellsworth, Sheriff. This amazes me. That will cover Christmas next year. I was just thinking about when you were talking about Kuesters and that. Since we don't do at Community Corrections some of the community service that we did before, especially with the highway and the lawn cutting, we may have stuff. There is tons of tools and tool rooms, that at some point, I was going to approach the Commission about holding an auction of those items.

President Mosby: Tammy wants to bid.

Brad Ellsworth: I was just thinking that is something that we might be, something that we could put together. If you, if you can make a list of what you need, we probably have it over there.

Tammy McKinney: We need everything. There is nothing. We are bringing stuff from home, just to get some jobs done.

Brad Ellsworth: If that's okay...why don't you...we have stuff just laying in garages over there. Tons of stuff.

Tammy McKinney: That's at Community Corrections?

Brad Ellsworth: Correct. If, in fact, is Mike Sturgeon.

Tammy McKinney: Well, Mark and I were going to go.

Brad Ellsworth: Put together a wish list, and we will get with Sturgeon.

Tammy McKinney: Here, Santa. Mark and I were going to go tomorrow and get some things. So, is that okay to go over there tomorrow?

Brad Ellsworth: That's...and see Mike Sturgeon, and I will call Steve Woodall and we will, we will probably have what you need. It may not be sandpaper, but we might-

President Mosby: Tools and stuff.

Brad Ellsworth: Tons of stuff.

President Mosby: I appreciate it.

Brad Ellsworth: At some time, I may approach the Commission about putting together an auction to get rid of all of that stuff.

President Mosby: Okay.

Unidentified: (inaudible comments)

Brad Ellsworth: It should all come back to Community Corrections, I hope.

Tammy McKinney: We usually do the auctions unless you want to.

Brad Ellsworth: That is up to you. This could be literally hundreds or thousands of small items. I don't know if that is things that you would want to handle or if we would actually contract with an auction service to put this on out on site. I might put together some proposals on that.

Commissioner Mourdock: Just officially, I move that the late travel request be added to the consent items.

President Mosby: Tammy, is that it?

Tammy McKinney: Yes.

President Mosby: Phil, did you have anything.

Burdette Park- Gary Hohman

Gary Hohman: Gary Hohman, Burdette Park. I have informed Brad that we would welcome any free gifts as well. You have our work reports there tonight. The only other items that I would like to bring to your attention is the updates of where we are at this particular point. As a matter of fact, the reason I am here tonight rather than Steve is that he is giving orientation for some 80 future pool employees tonight. Our schedule for opening of our miniature golf is on schedule for the 17th of this month. I think for those of you that haven't been by there will be pleasantly surprised when you see the new Oasis miniature golf concept. It is going to be totally revamped and renovated. It will be very pleasing to the eye. Our pool, we are scheduled to open the 26th to the general public. We have a number of school groups that will be in there prior to the 26th, the earliest being the patrol boys that are coming in on May the 17th, followed by four or five different school groups prior to us opening for the general public. That is all that I have Mr. Chairman.

President Mosby: Any questions? Thank you, Gary, I appreciate it.

Appointment of Ozone Officer to I-69 Panel

Commissioner Mourdock: I have one thing per the Ozone Officers report here. Dr. Alexandrovich has asked that she be appointed to the I-69 advisory panel. As you may know, they had a thing in the paper the other day where they are looking for some additional input on other factors. She is very much a supporter of the road, and her interest has been peaked every time she hears of the possibility that the road could help reduce a little bit of air admissions. So, I would move that we appoint her to the advisory panel.

Commissioner Fanello: Second.

Commissioner Mourdock: Tammy, if you would, I will give this to you and it has some names and such, and if you would maybe compose a letter on behalf of us appointing Joanne to that.

President Mosby: Motion and second, so ordered. Any other comments?

Commissioner Mourdock: I will move approval of the consent items for the Ozone Officer and SWCD as filed.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Fanello: That wasn't all the consent items was it?

Consent Items

Commissioner Mourdock: That was just the Department Head Reports. I move approval of all of the consent items including the addition.

Commissioner Fanello: Second.

President Mosby: Motion and a second, so ordered.¹

Scheduled Meetings

Commissioner Mourdock: Phil, I saw something go through the routing basket where you had suggested that we needed an Executive Session for tonight, which obviously we weren't able to do for the full schedule. Should we try that for next week.

Commissioner Fanello: We have Solid Waste.

Commissioner Mourdock: Oh, that's right.

President Mosby: The 21st, if that will work?

Commissioner Mourdock: Okay, then I move that we advertise for an Executive Session for 5:00 p.m. on the 21st.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, May 21st, 5:00 p.m. Executive Session, so ordered. Any other scheduled meetings?

Tammy McKinney: The Courthouse Task Force will have a meeting this Thursday.

President Mosby: Okay. I know something that I was going to discuss while you was giving your report and I forgot, so I will go to Old Business.

Old Business

¹Consent items listed on page 63.

President Mosby: Old Business.

Commissioner Fanello: I have one thing. Has everyone seen the letter that Phil gave about the RAP contract that we talked about last week?

Commissioner Mourdock: For the C-42?

Suzanne Crouch: You don't have your mike on.

Commissioner Fanello: Oh, I am sorry. The Public Safety Client Server Project.

Commissioner Mourdock: I received a draft from Chief Deputy Ellsworth and sent him an e-mail defining it.

Commissioner Fanello: I was going to say that if everyone is okay with that letter, we could just move approval on that. Have you seen it?

President Mosby: Which one are you talking about? No, I have not looked at this one.

Commissioner Mourdock: It basically says that they have to acknowledge that we have not authorized money for expenditures

President Mosby: Right, correct, okay.

Commissioner Fanello: I will move approval on the.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered. Any other Old Business? New Business?

New Business

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mourdock: I was going to.

Commissioner Mourdock: Oh.

Commissioner Fanello: Rescind.

President Mosby: You mentioned to me the other day the Old Courthouse roof.

Tammy McKinney: Yes.

President Mosby: That you were up there and we have some problems there that is going to cause future damage.

Tammy McKinney: Yes.

President Mosby: I had mentioned that to a couple of County Council members, my opinion is-

Tammy McKinney: I can take them on a tour if they want.

President Mosby: No, they didn't really want to go on a tour.

Tammy McKinney: I can't understand why.

President Mosby: I guess that we need to get a couple of people over there and look at it and possibly look at getting some quotes to what it would take or what we are looking at -

Tammy McKinney: The thing is that we can't find someone who can work with copper and slate, and I don't know if anyone around here does that.

President Mosby: (inaudible) he is on your board and if he doesn't, then contact ICI or one of them and find out what kind of options we have there and get a couple of people to look at it so we know about what we are facing. It is something that we need to discuss before we do future damage to the structure.

Commissioner Mourdock: Be ready to hold your breath when you see those prices.

President Mosby: Well, I am not really excited about it, but I know that it's got to be done. So, that being-

Phil Hayes: Mr. President, may I have just a few moments to clarify for the record tonight in regards to the ordinances? Particularly the Abandoned Vehicle thing. Just for clarification, the Commissioner was concerned about the item, especially when he said that somebody said it wouldn't pass the County Council, that you have a concern about doing that. Let me clarify, that was a discussion prior to the time that there was an analysis done on the administration of it and how to make that function. I have been assured since going through several courses of discussion, not only with this body but the County Auditor, that the way was cleared to go ahead and advertise that ordinance whether it went through the County Council or whether it went through this body. So, I wanted to assure you that there wasn't, I didn't make some choice based on calculation of passage or non-passage in one place or the other. I just want to make sure that our records reflect that, it is not my call. I certainly didn't do it but we've, I was assured that there weren't any procedural problems in advertising that and going ahead and clearing it through. So, thank you for that.

President Mosby: With all that being said.

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: So, I second.

President Mosby: Motion, second, so ordered.

Meeting adjourned at 7:34 p.m.

CONSENT ITEMS:

Employment Changes:

Sheriff's Department	County Assessor	German Assessor
The Centre	Burdette Park	Health Department
Superior Court		

Travel Requests:

County Assessor	County Engineer	Health Department
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Auditor:

Submit monthly financial, cash and expenditure report.

Treasurer:

Submit list of surplus items.

Extension Educator:

Submit list of surplus equipment.

Sheriff:

Submit weekly Jail information and reports.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	John Stoll	Gary Hohman
Brad Ellsworth	Eric Williams	Dave Sholl
Joseph Mrak	Bret Dodd	Ron Budzinski
Jim Matarelli	Bob Goble	Bob Schwartz
Mike Frawley	Mike Shoulders	Craig Burgess
John Staley	Ed Hafer	Andy Cupples
David Willis	Tom Hickey	Phyllis Donahue
Steve Perry		

APPROVAL:

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County
Board of Commissioners
May 14, 2001**

The Vanderburgh County Board of Commissioners met in session this 14th day of May 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I'll call to order the meeting for May 14th, 2001. Tonight with us we have corporate counsel Phil Hayes, Commissioner Fanello, myself, Commissioner Mourdock, Auditor Suzanne Crouch and Madelyn –

Suzanne Crouch: Teri Lukeman.

President Mosby: Teri Lukeman, I'm sorry.

Suzanne Crouch: Madelyn had an appendectomy.

Commissioner Mourdock: Chose that over being with us.

President Mosby: And also absent is Superintendent of County Buildings, Tammy McKinney, who is sick. I'd like to stand and say the pledge.

(Pledge of Allegiance was given)

Approval of minutes

President Mosby: Motion to approve the minutes of the May 7th meeting?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

Ken English - English Resources

President Mosby: Smaller version, you've changed.

Commissioner Mourdock: Before you get started, Les, do you have any idea how long your presentation will take?

Les Shively: Not very long, sir.

Commissioner Mourdock: Alright. I want to be fair. Last week we had the architects in here for 15 minutes at a shot and I certainly want to be fair to everybody, so definitely less than 15 minutes if you would.

Les Shively: Well, it all depends on you folks and your questions but my presentation will be brief. Mr. President and members of the Board of Commissioners, my name is Les Shively. I represent 21st Century Corrections Corporation. I have presented to you a letter this evening that specifically sets forth

an update of where my client is in terms of providing a jail and the community corrections facility and juvenile facility for this community. This is a proposal, as you know, the only proposal that has been submitted to the county that calls for private capitalization or use of private capital to meet this community priority. Since we were last before you, we have teamed up with RQAW, which is one of the design firms that made your short list. We've also learned that the Commissioners plan to make a final decision with regard to selection of a design architect at its meeting next Monday, May 21st. The purpose of our time being placed on the agenda this evening is not to have a lengthy presentation but to be able to have the opportunity to come before the Commissioners before you make your decision and present all the particulars of this proposal which is the only proposal that meets the budgetary constraints that have been established by the County Council. This team now consists of PMSI's representative Bill Shepler, who prepared a plan, a program if you will, that received bi-partisan support. It will then incorporate from that plan and stay within budget and build the facility as exactly pursuant to that need assessment that was done last year. We can stay within budget, and to guarantee that we can stay in the budget and that we are sincere in moving forward upon execution of a contract with the county, my client is prepared to sign and obligate itself to a \$35,000,000 performance bond in favor of the county to show its good faith and demonstrate its confidence that this is the way to go. We have done some initial projections using various interest rates comparing over a 20 year period, 20 years of lease payments, 20 years of debt payments if you go the conventional route. Depending on what interest rate you use, the savings per year is anywhere from \$100,000 to \$400,000 per year. In addition, we eliminate the underwriting cost, we eliminate the bond issuance cost, we eliminate the ten percent contingency that has to be in the project if you go with a public bond issue and we divert all of the risk to the private company. Back on April 19th, City Council President Curt John sent out a letter, I'm sure all of you received a copy of it, it went to every governmental entity: the library board, Evansville Sewer & Water, school corporation. We have over \$400,000,000 of proposed capital projects that may or may not go online or are online over the next two to three years. Councilman John is concerned that since we all eat out of the same trough, so to speak, when it comes to property tax and property tax base, that we get our priorities straight and look at innovative ways to do capital projects. This is one of those ways. I know you've got a full agenda this evening. All we ask is the opportunity to present this in full, show you the point by point comparison, the cost savings, the fact that we can do it, and then either accept or reject it on the merits but we haven't had that opportunity, we want that opportunity, and we think that in the best interest of the taxpayers of Vanderburgh County, we should be given that opportunity. And then you can shoot it down or mark it down on its merits and we'll trust your good judgement. The people of Vanderburgh County elected you to make those decisions but we want to make sure you have all the information because if you like this program and we think you will, that's more money that's available for ice rinks, that's more money available for the voc/tech building, it's more money available for Mesker Zoo, the list goes on and on and on. Again, that is our request and we respectfully ask that the Commissioners give it another week, let us come back, we'll do it at your convenience, we want to do it in a public meeting so everyone, not just the Commissioners, anyone else concerned, obviously the Sheriff and his staff, County Councilmembers can participate in that discussion. Thank you very much.

Commissioner Fanello: I'll go ahead and give you my deal. I have to have something to compare a private proposal to and just because we're selecting an architect next Monday does not mean we've accepted a public proposal so I'm in

favor of us still moving forward and selecting that architect next Monday because I have to have a public proposal to look at in order to compare it to a private proposal. That's what I do as an accountant in business. We compare different capital expenditures before telling a client which one he should – he or she should choose. So before I can say yea or nay to one or the other, I've got to have something to compare it to so you can still come back and present your proposal in my mind because we haven't ruled – I haven't ruled out a private proposal. But I still have to proceed with a public proposal so that I have something to compare it to.

Les Shively: Commissioner Fanello, I respect that perspective, but what are you going to look at for comparison purposes?

Commissioner Fanello: Once we get, once we hire an architect and we ask them to go through – to give us something to look at, what we might be spending. I mean, all we have are just numbers in the air right now. We have ideas in the air, we have nothing concrete. So I would expect that architectural firm to bring us back a proposal to build, give us costs, so that we have something to compare it to on a private level.

Les Shively: If I understand, you're saying the selection of an architect is not necessarily synonymous with deciding to go with a public financed –

Commissioner Fanello: Not in my mind, it's not.

Commissioner Mourdock: Well, let me say it differently because I think Catherine and I kind of see this one from the same point of view. If, in fact, we select an architect, it's not written in stone at that point that we're going to go public. We could still go private with it and I guess I have to ask the question now that I see that RQAW has joined your team. If, in fact, just play what if for me, if you choose to answer this, and if you want to wait and get back to us, that's okay, too, but if, in fact, we hire architect A, whoever architect A might be, and we have them draw up a plan for this facility, does it not make sense to then take that draft proposal and say, okay, private sector, here it is, and let anyone who is in the private sector who would like to build that facility under basically the terms that Mr. English has come forward or some others, to just pick up that architectural work and go forward from that point? I mean, to me, that would seem to make sense if I was a private sector person going forward. It doesn't limit us, meaning the Commissioners, it doesn't limit us quite as strictly as any other direction. But right now, I'm trying to keep as much open ground ahead of us as we can.

Les Shively: Well, I suspect if that's the direction that the Commissioners are going to go, we'll have to see how that plays out. We were, the contact was made through RQAW to us. I'll be honest with you, after RQAW contacts others that were on your short list,(inaudible) made contact as well. And I think it would be inappropriate for me to speculate how things would go, but the purpose of being here is to make sure that the County has fully assessed and will fully assess the advantages of doing a private financed type of operation, a turn key sale and lease back.

Commissioner Mourdock: And I will tell you, Les, it is this Commissioner's perspective that that is absolutely an option that is still before us. Selecting the architect, in my mind, Commissioner of one, does not preclude taking this away

from the private sector and hence does not commit us to continue down some public route.

Commissioner Fanello: That's my feeling as well.

President Mosby: (Inaudible)

Les Shively: Is there anything in addition you would request, (inaudible) to look at?

Commissioner Mourdock: I don't know of anything. Again, I am very curious to see once we take another step down the road, how the private sector might look at those plans because I think there can be some innovation here and I think that could result in some real cost savings. So I think the door is wide open.

Les Shively: We think it can, too. Thank you.

Commissioner Fanello: Thanks.

Dennis Woehler- ONB Insurance Group
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President Mosby: Dennis Woehler.

Dennis Woehler: Members of the Commission and guests, Mr. Mosby told me last time I was here that I could come back anytime I had money, so ... In accordance with the agreement with your health carrier and due to the fact that your claims were somewhat positive last year, your refund check in the amount of \$51,574.48 has arrived. So we are working diligently on getting preliminary numbers for next years' budget and hopefully can increase this amount with another good year.

Commissioner Fanello: Thank you, Dennis.

Commissioner Mourdock: And formally, I'll move then that we accept the check for \$51,000. We'll need to sign that as part of our consent items.

Commissioner Fanello: Second.

President Mosby: Motion and a second to accept. So ordered. We won't give it back.

Phil Hoy - SWCD Report

President Mosby: Phil Hoy.

Phil Hoy: Good evening, I'm Phil Hoy and a County Councilman and also the Chairman of the Vanderburgh County Soil & Water Conservation District. That's a long title. We like to come in once in a while and update you on what's going on because there's a lot going on. In your report you will see that we are supervising 22 sites where we have to make sure that the erosion control is in place. We've had one complaint which I would hasten to tell you was settled and pleased both parties. Hard to believe, but it's true. We've updated ten files. We've done 14 lake evaluations and renewed one erosion control plan and updated three files. That's from Mr. Wathen's report. From Ms. Breetzke's report she sections hers off with

Education Outreach meetings and she has been involved in a number of community activities which we think is a great assistance especially to the Greenway Passage because she is a water quality specialist. District operations, she met with Larry Caplan with Purdue Extension and I bring that up because you all need to know that there are actually five offices that work together, four of them are under the same roof and that's why I brought that up. Purdue Extension is in a separate building in Darmstadt. The other four are housed on Highway 41 North and they include the Indiana Department of Natural Resources, which is obviously a state department; NCRS, which is the National Conservation & Reserve Service, I always get that one confused, that's a federal office; and Farm Service Agency. One reason we're located there is because the powers that be, national and state and local want it to be as near as possible to each other and under the same roof and NCRS pays the rent, not the county, so they choose the place. She's done some site visitations and worked on a number of projects and you can see the sites that she's worked on, on the back page. The last item is probably, in addition to one more thing I have which is not on the report, is one of our major concerns and we have discovered a source pollution discharge in Pigeon Creek and we are following up on that to check and see what is being discharged in the creek. I will tell you this, it doesn't look good at this point. I hope we're wrong. I hope it's benign. But the creek presents a lot of problems to us and that's one of the things we're trying to work on. I'm on the Greenway Passage Committee, I'm the Finance Chairman of that, and as we build that, presently we're mandated to put up signs for people not to eat the fish out of the creek, it is so polluted. So we have a big job ahead of us but we are working on it. The other item is not good news and that is that Erin Breetzke has found a job that she prefers in Indianapolis so we need to go on a search and we do that in conjunction with you all, with the Commissioners. And the other supervisors and I met, and what we would like to do is to follow this plan. Step one, as soon as we can we would like to advertise the position and we advertise that locally, we advertise it on the internet, and we advertise it in some publications where folks looking for this kind of position are apt to be found. We would like the green light from you to go ahead. Our timetable, if you approve this this evening is we'd like to advertise and close taking applications by July 1st and we would like to make selection of the person by August 1st. And, of course, you all would be involved in that selection process however you wish to be involved.

Commissioner Mourdock: When is Erin leaving?

Phil Hoy: I'm sorry?

Commissioner Mourdock: When is her last day?

Phil Hoy: First of June.

Commissioner Mourdock: And how long has she been here?

Phil Hoy: Not long.

Commissioner Mourdock: I know not long. Six months?

Phil Hoy: Came in September, a little longer than six months. We're disappointed, too. We went through a long search to get her and she has excellent qualifications and has done a very good job for us. We do have, I think what will help us this time, Commissioner Mourdock, is when we were interviewing last time, as you

know, we did not have this position fully in place and she came almost more on a promise than she did on fact and as you know the County Council did approve the position in the budget hearings last year in August and September. So the position is fully funded, it's gone through the Job Study, we've jumped through all the hoops, so that should make things a little easier, I would hope.

Commissioner Mourdock: On the other report, on your lake evaluations you have in parenthesis, one involving the county. Do you know which one that is by chance? It might be Burdette? I don't know.

Phil Hoy: I think it's Burdette, yeah. I don't think anybody else from the district is here but that's my recollection that it was Burdette. I don't know whether you need to vote or whatever, but I would like a green light tonight so we could proceed.

Commissioner Fanello: I'll make a motion that we (Inaudible – microphone not turned on).

Commissioner Mourdock: Second.

President Mosby: We have a motion and a second. So ordered.

Phil Hoy: Thank you. Do you have any other questions about the report? We do want to – and they also asked me to invite all of you out to our meetings anytime. Our next meeting is May the 22nd at 7:00. We serve coffee because it's a long meeting with that many people, that many departments involved, but it's very interesting. Mr. Mourdock, in the past, has been there and can vouch for that. Thank you.

Jim Hughes - SRI Incorporated

President Mosby: Jim Hughes.

Jim Hughes: Thank you, Commissioners, President Mosby and Commissioners Mourdock and Fanello. Thank you very much for allowing us to be here tonight. I have to apologize. I don't have a check for you but maybe after I get done talking, maybe we can bring you a check at some later time, and also your Auditor and your attorney. SRI is a company specializing in helping counties with their delinquent tax property. We do this through services to the Auditor and Treasurer when it's a lien sale, but a more difficult part is when it goes to the Commissioners and the Commissioners then take title and have to dispose of this property. We've been doing this for about 12 years and we work in 68 counties in the tax lien sale and about 25 counties in the Commissioners sale. We understand that you have a significant amount of work in your office with Tammy having to do much of this work, the Auditor also has to do considerable work in handling the Commissioner's property and getting it to sale. This is not an easy process and every legal step must be followed and we do that. We do that under a contract to the Commissioners and for a fee, and I started the company 12 years ago and I understand the problem of budgeting, so I was able to start this company with the idea that any fees that are paid to SRI are discerned by the county from those taxpayers that caused the delinquency. In other words, the person that caused it, pays for it. So in the lien sale with the Auditor and Treasurer we add a fee per parcel and that is charged to each delinquent taxpayer when their property is sold. In fact it goes on when it becomes, what we call a certified list. So that service

really is free to the county, paid for by the people causing that extra work. We have a similar thing in the Commissioners sale. The law provides that you may sell this property, tax the cost of the sale out of the proceeds from the sale and then after that, and this is not understood fully in many counties, that you have to distribute that money back to the local units or distribute it the way it would have been distributed if its taxes were paid. So eventually, the money will go back partially to the school district, that check that we'll bring you, part to the school district, partially to the city and partially to the county. And it usually amounts in that order, more the schools, city and to the county. Again, this is not a budget item, this is an item that you have the authority to pay for this out of the proceeds of the sale. I have with me Jon Ogle. Jon was on the County Council in Hamilton County 10 years ago and also was the Auditor for eight years and Jon liked the idea when he was on Council of having this additional service and additional help provided both to the Commissioners and to the Auditor and Treasurer at no cost to the county. The cost placed on the people that caused that. So we've put together a packet that you don't have to read it now. You don't have to read it, but it does represent the services we provide. Generally it's related to delinquent taxes but –

Commissioner Mourdock: Do you have one for the Auditor?

Jim Hughes: – we have one for Suzanne. So this is generally related to delinquent taxes. Over the years we've developed some additional services to county governments to assist the Treasurer, assist the Auditor. We're into imaging now, we hope we can help with some of those massive records that you have in the county courthouse. But our purpose tonight is to let you know of these services. We are the only company in the state of Indiana and to my knowledge in the United States that specializes in this service. We would like to examine the properties that you have, see what you've done in the past, what you have on your plate now, because you have certain properties and we have a list of about 50 properties and about ten of them have some kind of improvement, nothing of really high value, and we have to examine these so we can tell you what we could do with them. And our fees again are based on the amount you receive from those. The fee for selling the property is 18%. Now there is a lot of work to be done to get you a deed to the property. You have a deed to some properties that you haven't sold. You've tied this out and you haven't sold, those we would pick up at the deed stage. Where it's just a certificate resulting from the sale, then we'll pick it up there and do the legal notices and the publications and the other items that require you, before you can get a deed. So what I'd like to do is come back and work with the Auditor, work with Tammy to see what you have and to see what we can really do for you rather than just say here, we can do this work for you. Let's show you exactly what we can do and let's show you a schedule of when you can sell it. I can't tell you how much you'll get out of it but I think I can assure you that you would get enough to pay your costs and that's the main thing. This year we were successful in making several amendments to the Auditor/Treasurer's lien sale that helps – the tax sale law was under siege with a class action suit and I think we have made the appropriate changes in the law, it adds a little work to the Auditor but it keeps us from going into a class action suit that we have been able to get past this year. In the Commissioner's sale we had a problem with the interpretation of passing the proceeds back to the tax unit. Some attorneys were saying its parcel by parcel and when you do that it's going to cost you money because you have parcels that aren't worth anything, maybe \$100. So we have that, so now we take the proceeds from the total sales for the year, pay the total cost for the year, and then distribute that money back and that was a significant amendment to that statute. And it is passed,

it is signed by the governor and the counties where we're working, they're breathing a little easier instead of thinking that they might have to absorb some of those costs. So I guess I do have – I did leave this a few weeks ago. This is a report that, a status report, we've been working for three years in Lake County. That's the city of Gary and we're pretty proud to show the pictures before and after. You don't have this problem to the magnitude that they do, but you have the same steps that you have to go through. And this is a report in the three years we've sold property for \$6,000,000, we have two point seven million coming in every year as a result of the property that we were able to get back on the tax rolls, and it just is accumulating every month. And we're processing and offering for sale 300 new properties every month. So we did leave one copy of this for Tammy but, there's another copy (inaudible – comments made away from microphone) but it gives a little bit of the process, but it also – maybe it's a bragging document because I'm very proud of what we've been able to do for the city of Gary and when you see the before and after pictures I think you'll understand why. So here's what I'd like from you tonight, is that you are interested in getting some help on your Commissioner's sale and if we can show you how you can do this and how we can support it, that you would consider a contract with us and I'll leave a contract with Attorney Hayes so he can look this over for you. And any time from two weeks to four weeks, we'd come back and give you all the details, and send it to you in advance, too. But if you'll give us that consideration, we'd like to give you a detailed plan of what we can do for you.

President Mosby: Any questions?

Commissioner Mourdock: I'll simply commit to looking over the information you gave us and I would suggest that each of us do that, and we can confer then in a public meeting and base whatever actions we do from there.

Commissioner Fanello: Okay, second that.

Jim Hughes: The people we would work with would be the Auditor because they've been doing this in the past, with Tammy, and probably your Assessors because we want to know a little bit about the properties and we want to see what has been done to get you a deed on those that you have a deed, and what has to be done on the others. We just don't want to go in blind, we don't want to mislead you, we want to work for you and we want to get you the properties back on the tax rolls. Okay?

(TAPE CHANGE)

**Les Shively - Fine & Hatfield
Three I Properties, LLC**

Les Shively: Mr. President and members of the Board of Commissioners. I am here this evening on behalf of Three I, LLC. As you know, we were here before you April 16 for final action on a zoning request that had been recommended for approval by the Area Plan Commission. You denied that, both of those requests, there were three parts actually. Your ordinance provides that once a rezoning request has been denied, can not, no part of that property can come back for consideration for any zoning classification, rezoning classification, or pursue for one year unless an exception is granted by a unanimous vote of the Board of Commissioners. Our request here is, this evening is not to ask you to reconsider or commit to anything

other than to allow Three I to come back in less than one year with a new plan. I will tell you now, the plan will reduce, I am talking about the land to the north of Boonville-New Harmony Road, the plan that we're preparing would reduce the area for which we seek rezoning by about 50%, would leave the properties that are adjacent to and homes that are adjacent to Old State Road, leave them in their present classification, would eliminate any access on Old State Road. I have communicated these facts to their attorney, the neighbor's attorney, Mr. Bohleber. I have also told Mr. Bohleber, as I will tell you, that before we file any revised plan, should we be allowed to do that, that we will submit to Mr. Bohleber for his review before we file, what we intend to file. So, they get to see it up front before it is filed and not react to it after it's already on it, any docket. They get to look at it in advance and offer any additional input. This is a unique situation in the sense that we have several private landowners in the area that were affected by the decision who had elected to sell their properties. The McKinleys, the Anderson's, the Welch's and the Rickhardt's. We are requesting this knowing on behalf of Three I but on behalf of them as well. I believe that the McKinleys are here this evening, in the back. What the result would be, if you allow us to go forward, is what you would see, is a greatly reduced in area project. You would see all the access and the project itself oriented to Boonville-New Harmony Road and I would note that by having some additional land that borders Boonville-New Harmony Road it would allow us to also design our access further away from Highway 41 which, as you recall when we were here in December, was the desire to get that as far back from 41 as possible. Also, at the end of the day, I think it would see a plan that coincides with your understanding of what the comprehensive plan calls for. That is your understanding that the area along Old State Road remain residential, rural, agricultural. Again, we are not asking you to commit to any, I am just kind of giving you an idea so that if you are inclined to give us that opportunity, I want to at least state to you on the record, on behalf of my client, and give you a pledge that we are not going to waste your time in bringing the same thing back again. We are going to bring something that is substantially different and I would say reduced in area by at least 50%. I would be more than happy to answer any questions that you have at this time.

President Mosby: You say that you haven't had contact with the neighbors or their attorney?

Les Shively? Yes, I called and talked with Steve.

Unidentified: We wish to object to this.

President Mosby: Pardon?

Unidentified: We wish to object to this request.

President Mosby: I don't think you can.

Unidentified: I just want, I just want my voice to be (inaudible - comment made away from the microphone)

President Mosby: Okay, hold on just a second.

Commissioner Mourdock: Okay, I was just going to say, first of all, any comments that need to be made need to be made on the record at the microphone. But, David is quite correct with what he said a moment ago in taking any action tonight that does not have any effect on what the ultimate zoning may or may not be. The only

thing that we would be acting on tonight is whether or not we would hear this again within one year. Now, they can certainly come back after a year regardless of what we do but that is all this is about tonight is whether or not we rehear.

Les Shively: Mr. Mosby, to answer your question, maybe I didn't state that very well. I will state it again. Yes, I did talk to Mr. Bohleber, and told him what we were doing here this evening and told him that same thing that I am telling you now and he, I believe, incorporated my comments in a letter that he was sending out to the neighbors. Now, obviously I haven't seen the letter because (inaudible)

President Mosby: Okay, then I guess for me to rephrase my question is, you have talked with Mr. Bohleber but has he talked to the neighbors and I would say that is no, from what I've-

Les Shively: He told me that he had talked to some of them but he felt the necessity to send a letter to all of them that was going out the day that I chatted with him, with the info, including additional information that I had supplied to him. I obviously don't know what he did on that other than I've taken him on his word that he followed through and made contact with them by telephone or somehow and also he said he was sending a letter out to them.

Commissioner Mourdock: It is a public meeting, I guess.

President Mosby: If you want to come to the mike, yes.

Ronald Grover: My name is Ronald Grover and I represent some of the neighbors of Ridge View Heights and the surrounding area concerning this, that were here at the meeting on April the 16th. I am aware and here because Mr. Bohleber contacted me and two other people in the neighborhood regarding this issue. I am here to object to the request on behalf of all of those people that were here before.

President Mosby: Okay, that will be made part of the record.

Commissioner Mourdock: Yep.

President Mosby: What is the pleasure of the Commission? Any motion?

Commissioner Mourdock: I will go first here if you like. When we discussed this at the meeting, at the zoning meeting, I had made the comment that I always try to follow the plan, I try to be consistent. I am always, I don't know if the word uncomfortable is right but when Area Plan doesn't make a recommendation one way and we vote against it, I always feel like we might in a sense drive people away from the process, because I have heard Area Plan members say after such things, why are we even here if we do that. That raises, I think, a special light of concern on this particular one. On hearing what Mr. Shively has said here this evening and this is not a comment, again, on a vote that could subsequently come at some other event because there is always a chance for some different information here. But, I think that the petitioner is coming forward trying to address the issues that were brought up, which is the size, the residential, the access, all those things. So, I am certainly willing to hear it again. This is not the first time since I have been on the Board, by the way, that this has happened. It is not a real common thing but I do recall in the last seven years that we have done it once or twice. So, I would move that we schedule to rehear at a normal zoning meeting the petitioners request.

President Mosby: Are you making that in the form of a motion?

Commissioner Mourdock: That was a motion. Yes, sir.

President Mosby: So, do I have a second on the motion? I will do a roll call vote.

Commissioner Fanello: No.

Commissioner Mourdock: Would the second, I'm sorry, I didn't hear the motion seconded. Was the motion not seconded? Or was it the roll call vote?

Commissioner Fanello: Are we just making a motion to put it on the table?

President Mosby: I will second it just for.

Commissioner Mourdock: Okay, there was a motion and a second. Now, there is a roll call vote.

President Mosby: There is a motion on the floor and a second. So roll call vote would be, Commissioner Mourdock?

Commissioner Mourdock: I would vote yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: No.

President Mosby: And Commissioner Mosby, no. The motion dies two to one. I am going to go back up. Catherine Fanello, redistricting.

Catherine Fanello - Redistricting
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Catherine Fanello: I didn't realize that we would have such a heavy agenda. But, I just kind of wanted to bring out redistricting and gets us thinking about how we want to move forward on it. I don't really have anything specific to say or any plans but I did want to start the discussion and since the maps have been passed to get things going because I think that we need to go ahead and move on it pretty quickly.

Commissioner Mourdock: Catherine and I both did attend, what two weeks ago, three weeks ago, the thing that the Association of Indiana County Commissioners put on regarding how this process needs to work and one of things, one of the comments that they made, obviously, and the way I understand this and I know that the County Clerk is in the audience here too and Chris Lee of the Election Board but, the way I understand the process needs to work. Since the state lines, the state senate lines, state house lines, have now been drawn we need to move forward with the first thing on our agenda to be to establish the precincts. We can not have precincts that cross over those lines. It seems to me that given several things that are coming our way, which is to say, what we might have to make by way of investment in new voting equipment, the precinct limitations have been raised from having 800 registered voters as a maximum to 1200 registered voters as a maximum. I think that gives us the opportunity to equalize the size of precincts and in so doing, giving the census information, it would look to me like we would actually be reducing the number of precincts. Currently, we have 167, I believe. If we can equalize that and bring that number down we solve several problems. Number one,

it costs us less for new voting machines when we go that route. Number two, I know both parties, political parties, are having more and more trouble trying to find precinct workers on election day and of course that is more expense. So, I think those need to be a couple of our objectives as we move forward and I open that for comments.

Commissioner Fanello: I guess, I don't, have we purchased software in the past to do this? I mean, somebody has talked with me about software-

Commissioner Mourdock: Software for what?

Commissioner Fanello: I guess the mapping and-

Commissioner Mourdock: I am not aware. I was not here in 1991 of course, so I am not sure that we've ever purchased software to do this.

Commissioner Fanello: I think that someone in the city approached me, possibly,

Phil Hayes: Yes, about the possible use of available software.

Commissioner Mourdock: Is that on a precinct basis, Phil?

Phil Hayes: I don't know what all is available.

Commissioner Mourdock: As I understand the statute as it was mentioned that day up in the AICC meeting, the County Clerk plays a role here in starting this thing rolling on the precinct side and in drawing up the precinct lines. So, I don't know, Marsha, if you have any background in that as far as if there was software involved? I know that you weren't in that office previously either.

Marsha Abell: We draw in the current precincts. We don't draw in anything that you are going to change.

Commissioner Fanello: Yeah, I think we appoint the person who we would like to maybe draw. Is that correct? From what I understand, I mean we can pretty much have.

Commissioner Mourdock: The recommendation was made that day that County Commissions work to form what they called a county redistricting commission and the suggestion was that the County Council, Party Chairman, County Surveyor, County Clerk, Voter Registration officials, County Election Board and other officials should all be included as far as how that proceeds. Obviously, their indication was that this needs to be a very open process.

Commissioner Fanello: I mean I am interested in the County Surveyor starting the process right now and moving forward with that.

Marsha Abell: Well, we have already started the process actually, we have almost completed putting the 167 precincts on the maps according to what is in our computer. Now, I don't know what the County Surveyor has, but, we have the official precincts in the Voters Registration, in the Election Office. Because they are the ones that come down from our vendor who gives us what ballots go into what precincts.

President Mosby: Well, wouldn't the Surveyor have access to that?

Commissioner Fanello: Uh, uh. I mean, I have talked to Bill and he is interested in doing it. If he had access.

Marsha Abell: I can show you what we have done.

President Mosby: No, I can could he, he can have access to that, though?

Marsha Abell: Well, these are what I was going to present them. See, these two, these are not redrawn anything, these are just what we have today. What we actually have.

Phil Hayes: We've seen that, haven't we?

Marsha Abell: No, you have no precincts on yours. I drew the county and the (inaudible, comments made away from the microphone)

Phil Hayes: Yes, you did.

Marsha Abell: But, I didn't draw the precincts in because it took too long. But, I am in the process of doing those now.

Phil Hayes: If I may ask, part of the software, is the software available yet on a tract by tract by basis?

Marsha Abell: There is a piece of software that someone sent me that cost \$3,000 that won't do anything without you actually doing it. You almost have to have a GIS program on it.

Phil Hayes: It is going to require a GIS program plus filling in the blanks on the tracts and superimposing them on the disks.

Marsha Abell: You can (inaudible) to what house numbers. For instance, I live on Stringtown Road and the State Representative line goes right down the middle of my street. So, I have to tell them where the odds and the evens are, Avery and Becker. You have to give them all of the information anyway, so, I think actually without a GIS program available.

Phil Hayes: We don't know what the General Assembly used. Did they use something similar to that product?

Marsha Abell: They actually didn't use maps. They wrote out what precincts fall into what areas now. They did a verbal, a narrative or written report not a map report.

Commissioner Mourdock: But, then General Assembly, correct me if I am wrong here, what they were working from, they are not looking at from number of voters they are looking at it by population.

Phil Hayes: Population, exactly.

Commissioner Mourdock: Yeah, and it is two different things. And to me, that is the biggest headache I think that we have in front of us.

Phil Hayes: The translation of that, it's the translation of that, it's the big headache of that.

Marsha Abell: But you will have to draw your commissioner lines based on Senate, I mean on population. You will have to draw your council lines based on registered voters. Now, I don't, the Voter Registration people aren't here but they were in an Election Board meeting at 4:00 p.m. and they are changing those as we speak, they're right now weeding out. So that's going to change the number. We wrote the numbers in here as they are right now, but that won't probably be the same next week and the week after that. I don't know how long it is going to take them to do what they are doing. They are running duplicate four digit numbers to find out how many duplicate registered voters we have and with 115,000 registered in Vanderburgh County, I can tell you that is not accurate. We don't have that many. There are a lot of, we know of some that came in as SW Jones and then he registered again as Samuel W Jones. Well, without taking a social security number anymore, we don't know that they are the same. So, they are in there twice and that is what they are trying to get rid of now. So, your numbers are going to change. I don't know, you would have to ask those two people how far along they are on that process, because I don't know.

Commissioner Mourdock: You don't have, I guess you just said it, you don't know what the answer would be as far as the remedy that they are trying to find to clean up those voting list, we don't have any idea what the time line on that is?

Marsha Abell: Well, we have social security numbers, but we are not allowed to use them anymore. So, they are running them into the old database to match up social security numbers to see if we have people registered twice. I gave them the people that come back dead off of a jury list to check on. So, those numbers are going to change, the registered voter numbers are going to change. But, the precincts as they are right now, won't change until you change them. All, I guess, that I am saying that what we are providing to you is data that we have. Not any proposed change just data that we happen to have and we almost have it completely done.

Commissioner Mourdock: So, if the Clerk is going to provide that data as you just requested, David, the Surveyor get it and the Surveyor start doing something with it. I guess we come back to the basic question. Are we looking with some goals in mind, to try to do some equalization of the precincts in size so that we can solve these other problems? Which is dealing with the number of people that we have working and dealing with the bigger cost item as far as what we have to do with the buying of machines in a year or two.

President Mourdock: I am in favor of combining as many as possible. If we can bring it down to 130, I would be happy.

Marsha Abell: Well, I can tell you in looking at just-

President Mosby: John, was you here in '91? You weren't around. I was just wondering who did this in '91, just out of curiosity.

Commissioner Mourdock: If he would have been, he would have denied it.

Marsha Abell: We have a precinct in Center Township that has 1,780 voters.

Commissioner Mourdock: That doesn't get it.

Marsha Abell: That can't be, because 1,200 is your magic number.

President Mosby: I have on in the sixth ward-

Marsha Abell: Two-hundred and sixty-three.

President Mosby: That is exactly. That votes 38 people every year, no more, no less.

Marsha Abell: See, that one either needs to go to the one beside them.

President Mosby: Well, you can combine the three of them. St. Anthony School, Boys Club.

Marsha Abell: Sure, as long as they are contiguous you can. Yeah, and that would be a big help to us Election Day because getting workers is a problem.

President Mosby: Less workers, less meals.

Marsha Abell: Less money.

Commissioner Mourdock: Let me do this then by way of a motion and I think that we are totally in agreement. I would move that we begin to look at the precincts with two objectives in mind, to equalize or in your term, reduce the number of precincts and well I guess that is it. That solves both of them.

President Mourdock: That is what we need to start on.

Commissioner Fanello: Second.

President Mourdock: I have a motion and a second, you gather the data and then we will get a hold of the Surveyor and see if he can try and help us.

Marsha Abell: Do you want me to get it to the Surveyor?

President Mosby: Yeah, if you can.

Commissioner Fanello: Or, I can.

President Mosby: Work with him and if we have to incorporate the County Engineer in, we can. To engineer this, right?

Commissioner Mourdock: Again, Catherine and Marsha, please correct me if I am wrong. The way I understand this process has to work and it is the first time for me as well, is we need to get our precincts redrawn so that no precincts are cut by State Representatives lines or State Senate lines. Those then go to Indianapolis and they have to be approved within 14 days and once those are approved, then the other issues of redistricting that we need to deal with, which is the County Council Districts and the County Commission districts can be dealt with. But, until the state signs off on precincts we can do nothing.

President Mosby: I don't think that the City can do anything until we get it done. Because I was there in '91 and we had to wait for the county.

Marsha Abell: They don't have to do theirs until 2002 anyway.

President Mosby: Oh, theirs doesn't have to be done?

Marsha Abell: Yeah, so they are okay. They don't have to do theirs until next year.

President Mosby: Well, I knew that they had to wait for precincts, so they could see what the wards consist of.

Marsha Abell: Once your maps have the current precincts drawn in and the official lines come down from Indianapolis. Then what the Surveyor, or somebody needs to do, is just draw the line as it currently exists and then you are going to see where you have to push your precincts. Because, for instance, if the new line goes through the middle of 4-6, you are going to have to push 4-6 one way or the other. And you are going to need to do that based on whatever the rest of that area looks like. So, it is, that is why a computer program can do it. Unless you have the GIS project with all of the mapping available to draw it out on there, it doesn't know where everybody is and we don't have it. We don't, I mean, unless somebody knows we are further along on that project than I know. If we had that, Marion County is going to do theirs that way because they have the GIS project.

Commissioner Fanello: Can you give an estimate on how long you think it might take? A time estimate.

Marsha Abell: To do which part?

Commissioner Fanello: The precincts.

Marsha Abell: Oh, I will have them done by the end of the week. I mean, we have, out of 167, we, give me just a minute, if you can see this, the ones marked off are already done.

Commissioner Mourdock: What did you say a moment ago, 115,000?

Marsha Abell: I said that we are almost done.

President Mosby: A 115,000.

Marsha Abell: A 115,427 registered voters and that's just not, that's just not a correct number.

Commissioner Mourdock: So, even if we were at the maximum, which I don't think that it is anyone's goal necessarily to be at the maximum, that would take us to 95.

Marsha Abell: We really need to consolidate. This is a great time to do it. Then of course, one of the other things that you as Commissioners is going to have to be concerned with, once you approve a consolidation of precincts, is that we have to send somebody out to find new places to vote because you are going to be changing locations and then when you do that there are new rules about handicap accessible.

Commissioner Mourdock: I have been involved with that a couple of times and that is increasingly difficult because of the ADA requirements and all of the other requirements.

Marsha Abell: Plus, you don't pay very much, I think you only pay \$50.00 and not many places want you to use it for that. My biggest concern is that I have an election to run next year and I have to do it off of these numbers and I have to have these maps done as soon as possible so that I can tell our vendor.

President Mosby: As soon as you get us the data and get it to the Surveyor we will get moving on it.

Commissioner Fanello: Believe me, I want to get it done as soon as possible.

Marsha Abell: Okay.

Commissioner Mourdock: There was a report, Marsha, last week, I think the number, there are 115 precincts in Indiana but there are more registered voters than there are of people of voting age in that precinct.

Marsha Abell: Why I think-

Commissioner Mourdock: Do you know if any of those are in Vanderburgh County? Any of that 115?

Marsha Abell: I don't know if those are in Vanderburgh County, but it wouldn't surprise me.

Commissioner Mourdock: Yeah, okay.

Suzanne Crouch: We need to change to tape.

President Mosby: Yeah, sure, okay.

(TAPE CHANGE)

Central Dispatch Ordinance - Second Reading
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President Mosby: We're back on. Okay, next we have the second reading of ordinances with Counselor Hayes.

Phil Hayes: Alright. The ordinance for Central Dispatch membership is on the second reading. If I may summarize that and waive the reading of the entire ordinance. It provides the establishment of the Board of Directors and increases the total number, I believe, to nine and adds there to the member to be designated by the Suburban Fire Chiefs Association. I see the Sheriff is here and I believe that's an accurate description of the changes to the Central Dispatch Board that were desired.

Brad Ellsworth: That's correct. Brad Ellsworth, Sheriff. There's been a void at the Central Dispatch Board for several years in that the Suburban Fire serves the residents outside the county with both fire protection and medical protection, emergency services. So we made the motion, gosh it's been 15 or 16 months ago now, which was unanimously voted on by the Executive Dispatch Board to amend the full Dispatch Board to include Mr. Mosby. So I would encourage the Commission to pass this. The city has passed it on their side. There's a lot of issues. They're dispatched out of the same place, they use the same radios and certainly have brought up things to our attention that have been left out when they did have presence on the board. So I would encourage the Commission to pass this.

President Mosby: I think I voted on this in the city before I left.

Brad Ellsworth: I think you did too.

Phil Hayes: There's an amendment going to be necessary because we've just loaded this into the county format and we didn't have the common decency to change Common Council to County Commissioners. So, this draft will require that everywhere it appears the phrase Common Council of Evansville, Indiana be changed to the Board of Commissioners of Vanderburgh County, Indiana.

President Mosby: I'll accept a motion for scribbler's error to amend Common Council to Commission of Vanderburgh County.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered. Common Council will now stand as Commissioner...Board of Commissioners.

Commissioner Fanello: Do we need a motion to approve the ordinance then?

Commissioner Mourdock: Yes, since this a final reading though, a second and final reading, is there anyone here to comment on the final reading of the Central Dispatch ordinance? Seeing none...your hand went up. It's kind of like an auction. Seeing no one responding to that I will move approval on second and final reading of the ordinance regarding membership to the Central Dispatch Board.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: And it does require a roll call vote because it is an ordinance.

President Mosby: Oh, it requires a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Aye. Being three ayes no nays, the ordinance is now adopted.

City-County Human Relations Ordinance - Second Reading

President Mosby: City-County Human Relations.

Phil Hayes: Yes, there's a need in this to repeal part of the county ordinance. The history on this is that in December, on or about the 18th, year 2000, this Commission passed its ordinance reflecting the amendments to the City-County Human Relations Commission and its makeup. Just to remind you it had 15 members. They were reduced to 13, eight members to be appointed by the mayor, the City Council two members, the County Council one, the County Commissioners two. Again, on January 1, 2002 the ordinance provides that the board will be further reduced from 13 to 11 with the mayor appointing six and all other appointments remaining the

same. So the effect of this repealer is to repeal on our side that provision which provided for 15 members. I believe I've stated that correctly.

President Mosby: Who makes the determination on how many are being appointed by whom?

Phil Hayes: Apparently it's simply a policy determination that was made at the time of the introduction of the ordinance and during the passage process. Historically I imagine Commissioner Mourdock could reflect, if you recall, who urged that? As I understood it, it was a policy decision based on wishing to reduce the size and combine boards.

Commissioner Mourdock: I think that's right. It was just to make it more manageable.

President Mosby: Oh, I don't have a problem with that. I just...that's a 50/50. That would be about 50/50.

Phil Hayes: I'm sorry.

President Mosby: I just want to see that the board appointments are 50/50. That's a 50/50 department.

Commissioner Fanello: How many are in the city?

Phil Hayes: Well, on the county side, the County Commission and the County Council have a total between them of three, and that will remain that way. By 2002 there will be a total of eight with the mayor's six and the City Council two.

Commissioner Fanello: The mayor has how many right now?

President Mosby: Six.

Phil Hayes: Right now the mayor has eight and will have until the year 2002, six more months.

Commissioner Fanello: County Council has one?

Phil Hayes: The County Council has one and had one before. My understanding is that the...

Commissioner Fanello: That doesn't sound quite fair.

Commissioner Mourdock: The Auditor just commented.

Suzanne Crouch: I don't believe it's a 50/50 department and I believe it is city administered. I could check that percentage and get with you tomorrow, but I don't believe it's 50/50. For some reason...

President Mosby: I know it's...

Suzanne Crouch: I think it's more heavily weighted in the city's favor.

Commissioner Mourdock: Would you like to defer this one?

President Mosby: Yeah, let's defer this one.

Commissioner Fanello: Yeah, if we could just check the percent.

Commissioner Mourdock: I'll move that we defer the second reading for the City-County Human Relations ordinance until May 21st.

Commissioner Fanello: Second.

President Mosby: So ordered.

Sheriff Merritt Commission - Second Reading
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Phil Hayes: The third matter on second reading is the amended Vanderburgh County code concerning the Sheriff's Merit Commission. For these purposes in this ordinance we're doing two things. One is removing references to the Sheriff's Department and the word department is being replaced with office. The references, secondly, to Corrections Officers is being deleted and replaced with the words Detention Officers. The merit system for what are now known as Corrections Officers and upon passage would be known as Detention Officers is being repealed by the terms of this ordinance. An amount is being amended from \$5.00 to \$10.00. I think that is a fee, is it not? Brad, do you recall what the... Yeah, it's a fee I believe. But if you'd like to speak to this...

Brad Ellsworth: That's correct. Presently for the retirees the current employees put in \$5.00 toward paying the insurance, the health insurance benefit for the retired employees. As that rises and the more retirees that we have we've found it necessary to go to a \$10.00 deduction out of pay. We took that in front of the body of the department and unanimously voted in favor to show that they wanted to continue with that.

President Mosby: So they're okay with that?

Brad Ellsworth: Absolutely. We wanted to check with them first.

Phil Hayes: As far as the other changes, Sheriff, I believe that the fact is that the last remaining Corrections Officers are now all represented by a collective bargaining agent.

Brad Ellsworth: That's correct.

Phil Hayes: So for that reason the merit system, or so called merit system, it wasn't a true merit system, I don't think, that applied to them is no longer part of that negotiated contract that they made with the county.

Brad Ellsworth: That's correct. The merit system as set up by state statute does not include...that's strictly for Deputy Sheriffs and not for Correction Officers.

Phil Hayes: And it didn't include them anyway.

Brad Ellsworth: No.

Commissioner Fanello: Motion to approve...(inaudible)

Commissioner Mourdock: And again just to be sure, this is a public hearing, is anyone here to speak to this issue? Seeing none, I will second the motion.

President Mosby: I have a motion and a second, so ordered.

Commissioner Mourdock: Roll call.

President Mosby: Oh, that's right. I have to have a roll call vote. Oh yeah. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Aye. Three ayes, no nays. The ordinance is accepted.

Abandoned Vehicle Ordinance - Second Reading

Phil Hayes: The final item is the ordinance adopting, pursuant to state statute, a method of dealing with abandoned vehicles. This may become a master's thesis for me. I'd like to have permission to continue to have more time working on this.

Commissioner Fanello: I've asked counselor Hayes to add a little bit more detail in there. So, if I need to make a motion I'll make a motion to defer.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to hold until...Christmas?

Phil Hayes: Could I have an hour or so tonight to talk about this?

Commissioner Mourdock: No.

Commissioner Fanello: But I will say this, I did check on something...

Phil Hayes: Can we make it a surprise, can it be a surprise? If I get it done by agenda time next week we'll go for it. Otherwise, Halloween maybe? No.

President Mosby: How about if we give you to June 4th?

Phil Hayes: That's fine.

President Mosby: We're not meeting on the 28th is why I say that.

Phil Hayes: That's fair. That's great. That would be good. The city has a much more detailed...

President Mosby: If we get it done we can bring it back.

Phil Hayes: Well I'm trying to purify this as well so I don't have you levying any taxes. I know you'd like to...I'm sure you would like to spend some more money and levy

taxes, but I'll see if I can prevent you from doing that.

Commissioner Fanello: Just for your information I called the Association of Counties on who passes the abandoned vehicle and it's the Commissioners. Passage by the Council is not usually done. They actually sent me copies of other counties signed by Commissioners.

Commissioner Mourdock: I would certainly like to see anything you have.

Commissioner Fanello: I'll pass them on to you.

Phil Hayes: But that's one reason why this has to be purified is to make sure that... I also didn't think you wanted it to be a non-reversionary fund...

Commissioner Fanello: I talked to the director of the legislative department up there.

Teri Lukeman: Could I ask, Mr. Hayes, will those ordinances need to be re-advertised then if they're not going to be acted upon tonight?

Phil Hayes: My expert is Charlene Timmons, who is yours?

Commissioner Mourdock: I'm sure they will need to be. And if in fact we defer the city-county one for one week so we'll deal with that next week. Is that still appropriate, one week?

Phil Hayes: We can defer those without re-advertising, but I've been informed that there are two ways to do it. We can pass it as amended, but I think in Charlene's and my conversations about it, it appeared that we could, I think that it is discretionary according to that version of events. The second option that I had was advertising it as amended, but this abandoned vehicle thing will be vastly different from what was advertised, vastly different.

President Mosby: I don't think you have to re-advertise it, I really don't.

Commissioner Mourdock: I would defer to Charlene.

Phil Hayes: Yeah, Charlene had said that...

President Mosby: If there was anyone here tonight that wanted to reference the ordinance we would at that time done told them it's going to be June 4th and that's usually considered advertisement.

Teri Lukeman: So neither of those need to be advertised to take action on other night besides tonight then, correct?

Phil Hayes: You will not need to re-advertise any of this action tonight. That's my understanding.

Teri Lukeman: Alright.

Phil Hayes: And my authority is Charlene.

President Mosby: Any other group or individual wishing to address the board?

Department Head Reports - County Engineer

President Mosby: County Engineer.

John Stoll: The first item that I've got is a change order for the Lynch Road/I-164 project. The change order amount is \$353,740.65.

Commissioner Fanello: So moved.

Commissioner Mourdock: A \$353,000 change order. I'd like some explanation, John, if you would, please.

John Stoll: The original soils analysis for that project said that there would be up to 9.2 inches of settlement on the project. In order to reach that 9.2 inches of settlement it was going to take up to 6.8 months to reach the settlement period.

Commissioner Mourdock: That was stated in the bid package.

John Stoll: That was stated in the soils report.

Commissioner Mourdock: Which was an amendment to...

John Stoll: Referenced.

Commissioner Mourdock: Or referenced in the bid package.

John Stoll: Correct. In order to try and lessen that INDOT had come up with two options. One, they initially suggested using what's called wick drains which are just drains that allow the water to escape out of the project and allow the settlement to take place. That combined with a two foot layer of sand to get the water out helped expedite the settlement. That cost was \$687,000, so it was too high. Then they came back with this new change order for a combination of wick drains and strip drains and that's at the price that I just said, the \$353,000.

Commissioner Fanello: And our share is 20%.

John Stoll: Correct.

Commissioner Mourdock: Pardon?

Commissioner Fanello: Our share is 20%.

Commissioner Mourdock: Okay, but is not the question here how the bid package was bid on by the contractor? Does that not remain the primary issue? Because obviously he's come forward, I don't even know who the company is, but whoever was awarded this project came forward and said that there's basically a change in conditions. Effectively in that there's more settlement required, or more in this case the wick drains and other things that are required, that weren't in the package originally.

John Stoll: Right, settlement plates were added as a change order to the project initially. So I guess that was the first item that came about as a change in conditions as far as what INDOT was saying.

Commissioner Mourdock: And the net result of this is that it shortens the amount of time for the contractor?

John Stoll: Right, based on INDOT's analysis it reduces the settlement period to 38 days instead of 6.8 months.

Commissioner Mourdock: What if that's not correct? Let's just play what if for a minute. If we approve this change order and instead of being 38 days it still doesn't meet grade at 38 days and instead it's 60 days, are we going to be looking at another change order from the contractor claiming for additional delays?

John Stoll: I guess the contractor could file claim for delays at that point. We wouldn't have another change order to add new items to the contract to try and expedite the settlement because at that point the fill would be built and it's just a matter of waiting for the settlement period to take place. So, we wouldn't have a change order that I would be bringing in here, but I guess the contractor could file that type of claim.

Commissioner Mourdock: Especially since we're modifying it for this specific issue. If it doesn't work that strengthens his claim order for any additional delays. I mean, this is supposed to fix it. If it doesn't fix it, it just strengthens his case for additional delays.

John Stoll: I'm not sure it would strengthen it. I guess this is trying to mitigate the 6.8 months and trying to expedite it. So any time between 38 days up to 6.8 months is time that he gained, so...

Commissioner Mourdock: You're right, this is trying to mitigate the 6.8 months. Here's where I'm at on this one. The way this thing was bid the contractor had every opportunity to review the reference soils report and to put this much delay, 6.8 months, in his bid. There's some question that he did that.

John Stoll: Right.

Commissioner Mourdock: In fact, there's a lot of evidence that he didn't do that. So he said well gee, this is a long delay, I want some changes. So they went back and redrafted the plans, in a sense, to fit what the contractor wants.

John Stoll: I'm not sure if the contractor initiated it, or if INDOT was just looking at alternatives to try and speed it up to avoid claims.

Commissioner Mourdock: Can you give me any other case where INDOT has acted to try to speed something up? You don't have to answer that, John. You don't have to answer that.

President Mosby: I went to the meeting with John. The one thing that I gathered out of this meeting, and I'm going to be honest with you, if we don't do this and INDOT is saying we'll cover 80% of \$350,000, but if we incur damages by not speeding up the process and we get damages from the construction company or whoever and it goes to \$1,000,000, we're going to be liable for everything over \$350,000. Because they're not going...

Commissioner Mourdock: I understand that, but the problem here comes back to INDOT. Yeah, what they're doing is holding a gun to our head with that kind of language because they're not enforcing their own contract.

Phil Hayes: Exactly.

Commissioner Mourdock: And it comes back to what we see out here on the Lloyd Expressway right now. They've got the company out there working and they gave them a schedule that is far, far in excess of what was needed for that project. They have, for whatever reason, not wanted to work second shifts and do all those kind of things that would give them far time in excess of what any company would need to simply do some expansion joints and that stuff.

President Mosby: They did say today that they are going to start some night work up there as soon as they're done with this one phase.

Commissioner Mourdock: Well that will be a change order then because they didn't bid it that way. So, we're right back to where we are. INDOT is irresponsible as far as I'm concerned with what they've been doing with these contracts. This is not the first time we've seen these things come down the pike at us. The Lloyd is a classic example from several projects. This one makes me ill that we have to do this change order. And I understand, they're holding the gun to our head and if we don't do it we're going to potentially eat it all. Again, it is because they don't enforce their own contracts and don't draw up contracts very well the first time.

President Mosby: I have a motion.

Commissioner Mourdock: You have a motion, you will also see a letter next week here that I would ask the two of you to sign. If you care not to sign it, that's quite alright as well. I'm going to make my opinions quite known to INDOT because this is just irresponsible the way they have been hammering this community with the way they've handled schedules and contracts. Understanding the reality of the situation, I'll make the second, as I forecast we will see another change order come after this because this won't work. Write it down.

John Stoll: One thing that was said in the meeting today was, the district construction engineer said he would...he didn't say guarantee it would work, but he said...

Commissioner Mourdock: Is that his job?

John Stoll: Pardon?

Commissioner Mourdock: Never mind.

John Stoll: Oh, I know what you said now.

President Mosby: I did hear him say that they used it on 465 up there and it works fine.

John Stoll: He said that he felt that there would be virtually no way that this would not expedite it. Now there was no guarantee of any kind.

Commissioner Mourdock: If I didn't say it a moment ago, I will second the motion.

President Mosby: I have a motion and a second, so ordered.

Commissioner Fanello: Can I ask a question?

Commissioner Mourdock: Sure.

Commissioner Fanello: On INDOT contracts, I mean, do we review those at all? Do we make any suggestions?

John Stoll: Not when it gets to that point. Basically, a consultant submits it to INDOT and then INDOT bids the project.

Commissioner Fanello: Can we review them?

Commissioner Mourdock: There was one contract that we did something different on, John, what was it? Where I threw another hissy fit. Oh, it was on the time, instead of giving them a flat date to be finished rather than a number of work days. And they did ultimately go with that. They told us it wouldn't work and we got the project done ahead of time.

John Stoll: Right. I would think that we could request that. The problem is still with the consultants submitting that to our office. I don't have the expertise, nobody in my office does, to know all the ins and outs of what every little detail INDOT needs on a federal aid project. So, we could look at it, but there again it's just one more set of eyes. So, we might catch some of the things, but there again some of it could still slip through the cracks.

Commissioner Mourdock: But if past practice rules, and I speculate it will, even if we find those kind of things and ask them to change them, they're going to say well that's against the policy or we'll have to wait and hold that up for bid next year while we incorporate that. I mean it's just...they're irresponsible.

John Stoll: We can take a look at it and tell them we've reviewed the plans, so we could ask them to submit draft copies of the contract documents as well. The next item I've got is street acceptance request for Carrington Estate subdivision. This is for 1207 linear feet of Bailey Lane, 683 feet of Avalon Drive, 794 feet of Charlestown Court, 759 feet of Langston Drive, 360 feet of Sandersan Drive. The subdivision was inspected and it is recommended these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered.

John Stoll: The next item I've got is a letter from CSX. They are going to do some work on the Mill Road railroad crossing. They are going to upgrade their crossing surface. In doing so, they say that they will need to close the road for three to four days. It says this work will take place in July or August of this year. They will contact me when a more exact schedule is determined. I just wanted to bring this to your attention now, and they will proceed with closing the roads. I would recommend that we approve it subject to them providing all necessary traffic control, barricades and detour signs. Also, they made a note on here that on the west approach to this revised railroad crossing they were showing only two inches of asphalt while they proposed seven inches of asphalt between their two crossings on the road. We need the seven inches of asphalt on our road as well. I want to have them upgrade that as well.

Commissioner Mourdock: And did you say John how long they expect to have the crossing closed?

President Mosby: Three to four days.

John Stoll: Three or four days?

Commissioner Mourdock: Is there anyway we can have liquidated damages if it goes beyond four days?

John Stoll: We're lucky they even notified us.

Commissioner Mourdock: You can't be in politics without being the eternal optimist.

President Mosby: We don't have to sign this?

John Stoll: No, they'll close the road regardless of what we do. The last item that I've got is a street plan approval request for Section I of Wynnfield subdivision. This is located out at Kansas and Green River. This is on the east side of the road. The one we approved previously was on the west side of the road. What they are going to do is just the first phase of it will just cover this northern third of it, the northeast corner of the subdivision. In doing so, they're going to put in two new entrances to the subdivision on Kansas Road. One item that I wanted to point out to you was that based on the 100 year flood elevation being 385 this intersection will be above the 100 year flood elevation, but this one is actually two feet below because Kansas Road is two feet below the 100 year flood elevation. So initially, if we do have a 100 year flood situation it will block access to this portion of the subdivision because this would be under water. Ultimately, when they build future phases of the subdivision these two sections will be connected, but that's in a future section on further down.

Commissioner Mourdock: (Inaudible)

John Stoll: Right, they're out there working on that right now. Here's where the two sections will connect ultimately. But because this portion of the road is not being built right now these people would be cut off in a 100 year flood. So, I wanted to point that out in case that does come about. The other situation I wanted to point out was...

Commissioner Mourdock: Wait a minute. I'm just trying to think of an option here. I understand this isn't going to be put in, it isn't going to be paved. To give these folks an option is there any discussion of at least putting in some gravel or something, just an unimproved road?

John Stoll: No.

Commissioner Mourdock: (Inaudible)

John Stoll: We could ask and see if they would consider that because one of the things they have to do to in order to make this work is a lot of this fill has to be placed just to make this drain properly back to the basin. So, they could potentially do something like that. I don't know the limits of all their fill. But if we would have know when the original plat was submitted that elevation was two feet low, we could have made a condition through the Planning Commission that it all has to be accessible.

Commissioner Mourdock: You know if we, and Phil maybe you can comment on this,

it would seem to me that if we approve plans for acceptance of roads that could lead to a situation where they're cut off in a 100 year flood and then there's no emergency access there, could we have any liability in that by not having full access? Or at least putting something on the record that is saying that we want access from the developer?

Phil Hayes: I think anytime that make sense and it depends on what our level of knowledge is. The drainage patterns in the subdivisions and all of that area have changed. I'm not even sure if their data is correct anymore, John. I don't mean the favorable thing to do is to run and get DNR and have a whole new study, but on a case by case basis they may want to have DNR take a look at that. They can judge with their engineer to determine if it still really is two feet within the 100 year flood.

John Stoll: Based on everything that was done here it was all studied, as far as DNR.

Phil Hayes: The old data that I'm talking about that they are responsible for is the lack of updating. I mean, they use a lot of ancient maps, the designation could be wrong. But to directly address the question about determinations on liability, I would say yes.

Commissioner Mourdock: With that being the answer then, is it possible we could defer this so that you could at least put the question back to them to see if they could put in any temporary type access for that?

John Stoll: Sure.

Commissioner Mourdock: I would move then that we defer this one.

Commissioner Fanello: I'll second it.

Phil Hayes: The area is not very big, is it John? The area in question is not...

John Stoll: I think it's under the 100 year flood out here on Kansas.

Phil Hayes: Yeah, it's not a huge area.

John Stoll: Just east of the entrance it drops, there's 385.06, so we've got about 500 to 600 feet of Kansas that would be under water, but it's going to be progressively more water. A portion of it would be passable.

Phil Hayes: But you understand my point that there have been significant changes made to the drainage courses in the last five years if not ten years that may have altered those calculations. But the DNR maps, the flood maps, are still containing, not necessarily ancient data, but at least data that is not revised according to the new course ways and drainage patterns that are being observed there.

John Stoll: I think this was all updated, but I can check on that as well.

Phil Hayes: That might be something for them to look at.

Commissioner Mourdock: And just one other option, John, is that if in fact it is totally impractical for whatever reason to put that other road access in there, at the very least they might think of an indemnification agreement for the county, just in case there is some event down the road.

John Stoll: Okay, I'll see what I can find out and bring it back.

Phil Hayes: I think you might find that I'm right about that. That particular area has been dug up, redone, pushed around. There's been a lot of work done. So that's a possibility.

John Stoll: I'll see what I can find out.

(Tape Change)

Highway Department

President Mosby: I don't see Mark Taylor, He's supposed to be around.

Commissioner Mourdock: Well, obviously we have the report here, which I'm okay with.

President Mosby: Right.

Commissioner Mourdock: Just for the record and, well, since Tammy isn't here, maybe you can pass this on. Last week, or two weeks ago when Ralph was here and made the comment about the money being in the budget for that step van that he wanted to buy. I took a look because that one just struck me out of the blue, I took a look back and I couldn't find anything in the budget for it. So that's one issue I'd like to know where that, the only funds that I saw that was discussed that way was for a large mower. So, I'd like to know where that is in the budget.

Commissioner Fanello: Did you, I'm sorry.

Commissioner Mourdock: And the second thing was, I think something we need to think about and maybe we can give Ralph some suggestions or look for some direction from him too. The price of fuel being what it is, I'm concerned, if we're doing all we can to save some costs out at the garage and with all our county vehicles for that matter. The price of fuel has gone up so high I'm wondering if we need to look at policies and maybe buy some smaller vehicles when possible or when needed or otherwise try to keep our traffic down too. We might look to him for some suggestions on those two things.

President Mosby: Okay. I'll try to remember to have him check on that.

Commissioner Fanello: I was going to say, on the step van, I though he told me it was in the bridge fund, it came out of the bridge fund. Was that—

Commissioner Mourdock: I didn't see it.

Commissioner Fanello: Okay.

Commissioner Mourdock: It may be there, but I'd like to see it specifically.

President Mosby: Phil, did you have anything?

Phil Hayes: No report.

President Mosby: Okay.

Steve Craig - Burdette Park

President Mosby: Burdette, Steve Craig.

Steve Craig: Steve Craig, manager of Burdette Park. The first thing I have on my agenda was a proposal from Carrie Parmenter. She formerly was with the DNR and she is now writing grants and she has discussed with Rob Kerney, one of our Board members, about writing grants for the park, which she has proposed that we pay her \$25.00 in advance to write the grant and five percent of the grant is wrote into it to pay her. She would like to propose this to the Commissioners. She is going to attend our meeting Wednesday, but she was wanting to know, I mean, she's writing grants for other people but I don't know if she's wrote any for the government or not. But she was wanting to know the legalities of it.

Commissioner Mourdock: I would think the first legality is if we're going to do something like that...do we need to bid it? I suppose it could be argued as a professional service. How much of a grant are you looking to go after?

Steve Craig: Twenty-five dollars.

Commissioner Mourdock: No, no, the grant.

Commissioner Fanello: No, how much is the grant?

Steve Craig: Oh, what are we looking for?

Commissioner Mourdock: Yeah, how big of a grant is she going to go for?

Steve Craig: Right now they're talking about getting a grant to dredge the lake and restructure the lake. Which...and put a handicap accessible fishing pier on it, plus making it more accessible to the handicapped. My cost estimate on it is probably about \$300,000 because several years ago they had me and Mike Wathen work on the project and that's what Mike had came up to do it because there's certain legalities about the slope and that and being that the lake naturally is not that way, they're going to have to change the lake around to make it, beings we're doing the work on it to make it all legal sloped and everything. It's quite a big project.

Commissioner Fanello: Is there a specific grant you're looking at? Or will she just go searching for a grant?

Steve Craig: She knows of several. She had talked with Rob Kerney and they're going to go through it, through the state and through the ADA and I think the basic question that they was wanting me to ask you...I read my notes here that Mr. Smith made a motion to check on the legality of the contract and to discuss it with the Commissioners. She used to work for the DNR and wrote grants for them as I understood but she no longer works for them. She had a child and went to work for herself out of her home writing grants.

Commissioner Mourdock: That's a nice little cottage industry. We're looking at \$15,000.

Commissioner Fanello: On something like that I'd be interested in taking RFP's for.

Commissioner Mourdock: Yeah, I agree.

Commissioner Fanello: If we want to get into that.

Steve Craig: The second thing I had was brought up at our board meeting about getting a new five year and ten year master plan for the park being our old one is expired. I guess you'd call it expired. It's considered outdated now. I was wanting to do an RFP, get permission to do that on doing the five and ten-year master plan for Burdette Park.

Commissioner Mourdock: That again, did I understand that is coming from the Advisory Board that they raised that issue?

Steve Craig: Yes.

President Mosby: I think that's something that we really need though to acquire these grants in a lot of cases if your master plan is not updated.

Commissioner Mourdock: Good point.

Steve Craig: Most of them request a master plan to see where this fits into it.

Commissioner Mourdock: I'll move that we have Steve begin to draft an RFP to help us put together a new five and ten-year plan for the park.

Commissioner Fanello: Second.

President Mosby: There's a motion and a second. So ordered.

Commissioner Fanello: Going back. Do we want to make a motion on as far as grant writing, I mean sending out RFP's for—

Commissioner Mourdock: I don't know, I think David just made an excellent point, that I think that before we try to get those sorts of grants we need to have this done, the five or ten year plan. So I don't know that we need to do anything with that.

Commissioner Fanello: Okay.

Steve Craig: It has caused us a problem when we were trying to get some monies for the O'Day Discovery Lodge and they were wanting to see our master plans and that. It was just expiring at the time that we were starting the O'Day Discovery Lodge several years ago and it's probably not helped us along the road.

Steve Craig: Gary had given you a contract from a Mr. Austill on some property that we rent.

President Mosby: I've seen that contract. It's not much of a contract is it?

Steve Craig: No.

Phil Hayes: What do you want me to do with it, Steve? It just has (inaudible) should I rewrite or we've all entered into it before?

Steve Craig: We've used it probably for the last twenty years. I've never seen a one page contract before.

Commissioner Fanello: That doesn't always make it right.

Steve Craig: I know.

President Mosby: Is it the one for the parking over by the ball diamonds?

Steve Craig: Right.

President Mosby: It's not much, it's as simple as it could be.

Phil Hayes: What do we want to do with it? The thing I have is a signed copy.

President Mosby: Do you just want us to sign it so we can keep using it?

Phil Hayes: Do we want to just...prepare another draft just like that?

Steve Craig: I would suggest just using it the way it is. It's just for overflow parking at our baseball diamonds.

Phil Hayes: Have we been doing that before...did we put it together or did somebody at your shop?

Steve Craig: I don't know.

Commissioner Mourdock: I know I'd asked the question.

Steve Craig: Being that it's a one page contract I would say that the individual who did it was not a lawyer.

Commissioner Mourdock: I know Joe took a look at it for us on several occasions because I always asked that question, too. He just basically said that this is so simple I'll just use the same form and we voted on it.

Commissioner Mourdock: I think it's more of a gentlemen's agreement.

Commissioner Mourdock: Yeah. I'll move that we direct the County Attorney to redraft the Austill lease and bring it back to us next week.

Commissioner Fanello: Second.

Steve Craig: Okay, and that's all I have except lunch at Burdette on Wednesday.

Commissioner Mourdock: Tomorrow, I may be there for that. Maybe I'll make it yet.

Steve Craig: You need a day out in the park.

Commissioner Mourdock: I do. The fish fry sounds good.

Steve Craig: Yeah, crappie.

Commissioner Mourdock: Sounds even better.

Steve Craig: Everyone is invited. That's all, thank you.

Commissioner Fanello: Thanks.

President Mosby: Thank you.

Consent Items

Commissioner Fanello: Before we move on, you did want me to say that there was one late travel request to enter in?

Commissioner Mourdock: Yes, I'll move that we add the late travel request to the consent items.

Commissioner Fanello: Second.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered. Scheduled meetings—

Commissioner Mourdock: Just to confirm, we have an executive session next week at five.

Commissioner Fanello: Yes.

President Mosby: Any other scheduled meetings? Old Business?

New Business

President Mosby: New Business.

Commissioner Fanello: I have a couple board appointments that need to be made. We have a vacancy on the Property Tax Board of Appeals, Board of Review, whatever you want to call it. So I move that we appoint Tom Ossenberg.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered.

Commissioner Fanello: We have three appointments on the Construction and Roofing Board and I move that...do I need to do these separately or can we do them all in one?

Commissioner Mourdock: Do them as one.

Commissioner Fanello: Okay. George Hoffman, Mike Talbert, and Brent St.Clair.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered. Any other new business?

Commissioner Fanello: Yes. Jim Morley stopped by my office and he wanted to

know, I think, when we wanted to see a presentation on the Discovery Lodge. I told him probably not next Monday night but so he just wanted us to get back with him.

President Mosby: Well we don't meet the 28th, so I'd go June the 4th.

Commissioner Mourdock: That's okay with me.

Commissioner Fanello: Do you want to go ahead and tell him June 4th?

President Mosby: Yeah, because next Monday and then we're off a week. And next Monday is Rezoning and it's full.

Commissioner Mourdock: And Drainage.

Commissioner Fanello: We also pick the jail architect next Monday. So, we may never get out of here.

Commissioner Mourdock: Just to talk about that for a minute. Again, by way of procedure for that, are we each going to report our first and second choices or what do you have in mind?

President Mosby: I'm just going to give one choice.

Commissioner Mourdock: Okay, I'm just playing devil's advocate here. What if the three of us come back with each one choice and the three of us are not the same?

Commissioner Fanello: Then we would have to throw a second choice out there.

Commissioner Mourdock: Yeah, it almost seems that we'll need a first and a second choice just so that we put them all out there. It's sort of like we did with the river boat committee where, you know, you get a first place vote, you get a second place vote.

President Mosby: Oh, I see what you're saying.

Commissioner Mourdock: You'll have a runner-up, won't you? I think I will anyway.

President Mosby: It's either that, or we all take the three—

Commissioner Fanello: Yeah, or we short list it again.

President Mosby: Yeah, we short list it until June the 4th.

Commissioner Mourdock: Well, that's always possible. I'm prepared to come here and say you are my first choice and tell you why they're the ones over my second choice. I'll put both of those on the table at the same time and I don't know what you guys want to do, however you want to do them.

President Mosby: I say bring back one choice and if we have to we'll short list it until June the 4th.

Commissioner Mourdock: Okay.

President Mosby: Along with Discovery Lodge. I'm just kidding.

Suzanne Crouch: I have a little bit of new information. You probably thought we were trying to imitate Richard Mourdock with this laptop down here. But actually, we've been experimenting with recording the minutes by audio and it's our intention to have those minutes available live on the Internet within the next few weeks so that the public can actually log on and listen to the meeting in progress. So that's kind of what we're in the process of working on. We've--

Commissioner Fanello: Why would anybody want to put themselves--

Commissioner Mourdock: Would they hear audio stream or would they see it like closed captioned T.V. where you're seeing the words?

Suzanne Crouch: No, they would actually hear us. We've been working with the Assessor's Office because she's the secretary of Board of Review. We've been kind of working on this. Hopefully next week, but if not, perhaps, by June the 4th.

President Mosby: I came in and thought you moved Richard away from me. Any other new business? Motion to adjourn.

Commissioner Mourdock: So moved.

President Mosby: I have a motion by Commissioner Mourdock and second, so ordered.

(The meeting was adjourned at 7:42 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park	County Council	Cooperative Extension
Circuit Court	Prosecutor	Recorder
County Assessor	Prosecutor IV-D	Supplemental Adult Prob.
County Clerk	Health Department	

Travel Requests:

Health Dept. (5)	SWCD	County Commissioners
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Auditor:

Submit accounts payable vouchers

Sheriff:

Submit weekly Jail Information and Reports.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Teri Lukeman
Les Shively	Dennis Woehler	Phil Hoy
Jim Hughes	Jon Ogle	Brad Ellsworth
John Stoll	Steve Craig	Ronald Grover
Marsha Abell	Others Unidentified	Members of Media

APPROVAL:

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Teri Lukeman. Transcribed by Teri Lukeman, B.J. Farrell, Todd Hochstetler & Gary Tucker.

**Vanderburgh County
Board of Commissioners
May 21, 2001**

The Vanderburgh County Board of Commissioners met in session this 21st day of May, 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Introductions and Pledge of Allegiance

President Mosby: I would like to call to order the Board of Commissioners meeting for Vanderburgh County for May 21, 2001. With us tonight we have Tammy McKinney, Superintendent of Buildings; Phil Hayes, Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Bill Fluty sitting in for the Auditor; and Madelyn Grayson, Recording Secretary. If you would, let's please stand and say the Pledge.

Approval of Minutes

President Mosby: First, approval of the minutes from the May 14th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: We have our printed agenda tonight, but as I mentioned to Commissioner Fanello earlier, I know that Ms. Crouch has got some pressing personal business that she needs to deal with, and I would ask that we move her up on the agenda here just for a moment or two, and then she needs to leave again. If that's alright?

President Mosby: Can we go ahead and have him start opening bids while we do that?

Commissioner Mourdock: Sure. I will move that we go ahead and open bids VC2001-10 for the step van, and, I guess, that's the only bid that we have.

Commissioner Fanello: Yeah. Second.

President Mosby: I have a motion and a second to go ahead and open the bids while we hear the Auditor. So ordered.

Commissioner Mourdock: Just to finish that item then, I would move then that we also go ahead and advertise the tire bid APA013-2001A.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. There she is.

Suzanne Crouch, Auditor-Live Internet Broadcast of Meetings

Suzanne Crouch: It's a little strange being on this side. Thank you all very much for accommodating me this evening, I will be brief. I want to thank you for the

opportunity to address you tonight on the subject of live broadcasting of the Commissioners meeting via the Internet. I informed the Commissioners at last week's meeting that the Auditors Office had been working on this project for some time and had anticipated going live this evening. Some concerns were raised and that is why I am before you tonight. Legal opinions vary about whether the Auditor, as Recording Secretary to the Commissioners, actually needs the Commissioners permission to broadcast these meetings live. This should not be a legal issue, this should be an issue of public policy. All too often the public is cynical and feels shut out of the process. This is a good way to invite the public's involvement by allowing them to access county government from their homes. It is a well documented fact that voter participation is declining, and people feel disenfranchised from government. Those of us in public office have a responsibility to make government more accessible to the people. A live broadcast of these meetings is a positive first step towards increasing participation in government. I am asking for your cooperation for this project, because I believe that by working together we can accomplish great things. I would like to leave you with this final thought, if a live feed of these meetings could make a difference in people's participation and their attitudes towards government, don't we have a responsibility to do such? Thank you.

Commissioner Fanello: Do you want to go ahead...do you have time to stick around for just a couple of seconds?

Suzanne Crouch: Certainly.

Commissioner Fanello: I've got....just as kind of a little factual thing here, there was a poll taken on Fox 7 Friday night, and the question was, "Would you become more active in city government if meetings are streamed online?". 79% said no, 21% said yes, so, but my problem is not a public access issue problem here. I am all for doing whatever we can do to make the community aware of what we are doing in here. That is the whole reason that we are sitting up here. My problem is from a planning standpoint. I got an e-mail from SCT which says that he wasn't sure whether we could do this right now, because they were not really notified of it, and he had some network issues. Have those been addressed with Dave?

Suzanne Crouch: Actually I have Scott Hartig here from WCS, which is who we actually have a subscription with, the Auditors Office, for our website, as do many other government offices, and, if I may, I would like Scott to go ahead and address that technical issue for you all.

Scott Hartig: There are really three different ways that you could go about getting the audio signal out of the building on to the Internet. Two of the ways involve using the Civic Centers, one of the Civic Centers two high speed Internet connections, one of which is Ven_Net, the other which is GIS, is going to be for the GIS connection. There are some security issues with that, that, I think, are raised that may complicate the matter. The good news about the streaming, though, is that we don't need a whole lot of speed really to get it out, so our recommendation is that all she really needs is a modem and a lap top, dial out through a telephone line, and then it doesn't even touch the network. It actually operates independently of the network.

Commissioner Fanello: Well, before, before we can make that determination though, I think that it is going to be imperative that we talk to Dave Gumbiner, who is head of SCT, our Computer Services Department. So, if you will get with him—

Scott Hartig: Sure, that makes a lot of sense, but–

Commissioner Fanello: –this Commission–

Scott Hartig: –I have actually made a little visual diagram, if you would like to look at it, it shows just exactly how the signal would get out of the building. That way it works completely independently of the network. It doesn't actually even touch the internal network. It is just a stand alone computer on a telephone line dialed up to the Internet. There are various reasons for that, but first and foremost is security, so that you don't have anything that can touch the rest of the network.

Commissioner Fanello: And is it easy for those who are at home and have access...is there any problem with those who are at home?--

Scott Hartig: Absolutely not. The streaming itself would happen on a machine at our network, so our servers are up 24 hours a day, 7 days a week on high speed connections. The actual streams they would get would come from our machines, not from the lap top here. The lap top would only encode the audio signal from the meeting and send it out to a server where it would reside from that.

Commissioner Fanello: Okay. I just want to add these couple comments. I don't have a problem with this whole project, and I think probably the newspaper took it to a little bit of an extreme. I don't have a public access issue here. What I have is an issue of us planning and communicating. In the future I wish that all departments would come to this Commission and communicate about what they are doing so that we know what is going on and we can provide leadership and direction for these kinds of projects, make sure that we have everything worked out with Computer Services first, and we know that we are spending the money for a good purpose, and that we have a chance to ask the public what they think.

Suzanne Crouch: Certainly. Just a little history for the Commissioners, because I know that two of you are relatively new, SCT just very recently started doing City-County Internet service, and there were a number of offices, beginning with the County Assessor, who, actually, with the Commissioners, the former Commissioners approval, and with SCT's blessing went out and through WCS put together their Internet site. My office was also one of them, I believe, Area Plan is one of them, there are a number of offices that did that because SCT, quite honestly, did not have the capability at that time and didn't have the resources to provide that, so that is one of the reasons why we have worked with WCS. Quite honestly, SCT, prior to Dave Gumbiner, wasn't interested in hosting our site because it is so large, the data base is so huge that they don't really have the system. Their concern was the slow down of the network. Certainly we will communicate with Dave Gumbiner and, I assume, that you are deferring this?

Commissioner Fanello: Just until we can talk to him to make sure that there are no issues with security or network issues. I suggest that we get in touch with him this week and then bring it back to the table next Monday.

Suzanne Crouch: June the 4th?

Commissioner Fanello: Uh-huh.

Suzanne Crouch: To June 4th, since there is no meeting—

Commissioner Fanello: June 4th, I'm sorry, next week we are on holiday.

President Mosby: Now, just one question, is there any cost involved in this?

Suzanne Crouch: Certainly, yes, there is a cost. There are one time costs that are involved with this. There is a phone line that is \$110 to put a phone line, drop a phone line into the Commissions Office. There is a one time fee of \$30 to Ameritech, to actually, you know, do the phone line. The lap top which has already been paid for is \$3,000, and that cost was split between the County Assessor and myself, and then there is training involved with the employees so that they can do streaming. We are hopeful that...and that is a \$300 cost that will be split between myself and the County Assessor, and, hopefully, if City Council comes on board, they also will be trained and that will be a cost that can be split among them also. In addition, there is a \$30 monthly charge for the streaming, and a \$10 static IP address—

President Mosby: Is that monthly?

Suzanne Crouch: That is correct. These are monthly costs.

Commissioner Fanello: Was the \$110 a month?

Suzanne Crouch: That's a one time charge.

President Mosby: That's one time.

Commissioner Fanello: One time.

Suzanne Crouch: Correct, and then a \$22 phone line monthly cost. So, the monthly cost is \$62. Again, as I said, this is a first step towards bringing government into people's homes, and maybe only 21% understood what the streaming was, because, quite honestly, that term is one that is probably not recognized by very many people, but when we spent \$335,000 on our last county election, and we are getting ready to invest \$1.5 million, probably, in election machines, I think that this is a relatively small cost for public participation.

Commissioner Fanello: I just have one more question for you. On the...is there any kind of contract or agreement that we need to sign for the network?

Suzanne Crouch: No, with WCS it is a subscription. We have a subscription with them, and that is typically how you do business at home, or how you do business here.

President Mosby: Now, is there anyway of monitoring how many people use this?

Suzanne Crouch: I am going to have to defer to Scott.

Scott Hartig: Yes, you can get reports out of that. We can issue a report. The way we have it proposed right now is that the number of people that could log on at any one given time, to be listening to either a live or an archived stream will be ten. That

number can be set by whoever wants to set it, but it can be increased at any time. Right now we have it set off at ten. We have done other events in the past where we have involved the public and some streaming events, we do quite a bit of work with Channel 14, and some of the events that we have had in the past we have gotten up to 60 or 75. You never have a huge number of people doing it, but for the people who want it there, I think that it is a really nice service to have. To answer your question, yes, we can give you reports on that, or how often it is used.

President Mosby: I would just be curious.

Suzanne Crouch: We monitor hits on our website, as does the County Assessor, and I'm sure that is something that we could do also for this.

President Mosby: I mean it sounds like a really good deal, I mean, but I can also remember when the City Council thought that it was a good deal to take Council meetings out into the neighborhood and let people participate and about three people showed up. So, after about four trips out we just hold them at the Civic Center.

Suzanne Crouch: Well, I guess, we must remain optimistic, President Mosby—

President Mosby: Yeah.

Suzanne Crouch: —and we must always try that one new thing that perhaps—

President Mosby: I mean, we thought—

Suzanne Crouch: —might be the answer.

President Mosby: —people were shut out of the process too, but you find out that they are really just not that interested.

Commissioner Mourdock: I would hope that this might build a little interest, and, you know, it's always is the glass half full or half empty? I wasn't aware of the poll that Catherine cited just a minute ago.

Commissioner Fanello: It was just something that came to my attention. Someone was watching TV.

Commissioner Mourdock: You obviously read that as thinking, well 79% to 21% that's not much, and I hear 21% and I'm elated. If we can get 21% more people interested, and have their level of interest go up, to me that is wonderful.

Commissioner Fanello: Have we ever explored public radio or public television?

Suzanne Crouch: That was explored—

Commissioner Mourdock: It would be more expensive.

Suzanne Crouch: —that was before my time, and I believe that was in the early 90's,

and the cost was at that time considerable. Not before my time—

Commissioner Fanello: You're not that old, are you?

Suzanne Crouch: —I stand corrected.

Commissioner Fanello: So, I guess, I will make a motion to defer until next Monday when we can have some conversation with our Computer Services Department.

President Mosby: June 4th.

Commissioner Fanello: June 4th, I'm sorry.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second to defer to June 4th. So ordered.

Suzanne Crouch: Thank you all very much. Good luck.

Opening of Bid VC2001-10- Step Van for County Highway
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President Mosby: Back to the bid opening. Are we ready?

Philip Hayes: Yes. There are two bids, the first is Ruxer Truck Center and the project is VC2001-10 for a walk-in step van, and that bid is \$50,900 even. The second is the same project and that is from Freightliner of Evansville, and the total bid cost is \$44,890.98. It appears, just to confirm, there were only two responses—

Tammy McKinney: Right.

Philip Hayes: —to that bid, is that correct?

Tammy McKinney: Uh-huh.

Philip Hayes: The documents appear to be in order.

Commissioner Mourdock: I will move then that we take the bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to take bids under advisement. So ordered.

Catherine Fanello- Information Technology Services

President Mosby: Information Technology Services.

Commissioner Fanello: Well, we have already discussed that.

President Mosby: Okay. We can move right on.

Commissioner Mourdock: Was that what was intended?

Commissioner Fanello: Yeah, it really was supposed to be all the same thing, so.

Selection of Architect for Vanderburgh County Jail Project

President Mosby: Selection of architect for the Vanderburgh County Jail Project.

Commissioner Mourdock: Is that tonight?

Commissioner Fanello: Oh my goodness, is that why you all are here?

President Mosby: I would have never believed it. How do we want to start here?

Commissioner Fanello: Well—

President Mosby: I really don't have an agenda.

Commissioner Fanello: I guess since I'm the woman, and I've got the big mouth, I can go ahead and start.

Commissioner Mourdock: Or, I've got a thought too, I don't care. I know that we discussed last week as far as how we go forward with this, do we have multiple lists? Or each throw one name out? The thought that occurred to me is we could both, or excuse me, we could all put down two. If we think that we are comfortable with the number one and number two choice and we will see what commonality we have on those. Obviously, the risk is that you could have a tie. If I were to choose company A and B, and you chose B and C, and Catherine chose C and D, then B and C would both have the same numbers, but that is one way of doing it.

Commissioner Fanello: I think that I am going to go the old fashioned way and stick with our number one choice, and if they can't negotiate...if it's seconded and they can't negotiate a contract, then I will, we will move on to our next choices, but, I am in preference of...I want to stick with my first choice.

Commissioner Mourdock: You just want to put one on the table and see if that is agreeable?

President Mosby: Yeah. I would say let's put one on the table.

Commissioner Fanello: Are you ready for...are you ready? I will just preface it by saying that we had six very qualified firms. All of you are quite capable of handling this project, and I am glad that we had the opportunity to go through this process. I think that it was an enlightening process, and very happy to see so many qualified people before us, but you know that we can only pick one and my choice...I went through each one again this weekend, and feel very, very comfortable with my choice and very happy about it, so I make a motion to retain the team—

President Mosby: It's not a motion.

Commissioner Fanello: —It's not a motion, we are just throwing it out on the table?

Commissioner Mourdock: Do what you want to do here, I mean...just keep going, that's alright.

President Mosby: You just give yours, and then he's going to give his.

Commissioner Fanello: Okay, I will just go ahead and give you mine and then we can do motions later, but the team of DLZ and United.

Commissioner Mourdock: I guess, custom would be that we offer a second here, but maybe we should go to the discussion issue, if you will. I know that all three of us have given this a lot of thought, and, certainly, I agree, Catherine, with what you just said that there are...there was a lot of work, a lot of effort put into this by the various teams. As I mentioned a moment ago, I kind of came in the room...or I guess hinted a moment ago, that I came into the room with two, and the reason I was willing to put two on the table was because I have two that I see as effectively in a dead heat, and I would be happy with either one of the two of those. My two choices were RQAW and the Hafer Jacobs team. I very much like the background of RQAW and that they have done so many jails in Indiana. They have worked with a lot of Indiana county government leaders, and the other thing that I very much like is that all of their services, or almost all of their services are self-contained, certainly a lot larger percentage than any of the other teams. I think that would lead to less finger pointing. By somewhat different but ultimately totaling to the same amount of reasoning, the Hafer Jacobs team I am very impressed with. I know, certainly, Mr. Hafer has done a number of projects in the area, but more importantly to me on that team is Jacobs which is the world's largest Civil Engineering firm. I know that looking through their materials I came up with more than 200 different correctional facilities that they have worked on, and I don't see that there is any way, and in both those companies there is a great wealth of experience, and to me experience is what we need to be thinking of. The decision as to who we hire to go forward with this thing isn't going to simply be paid by today's taxpayers, but by taxpayers who aren't born yet, because, hopefully, this facility is going to go out there for years and years. So, those would be my two choices, and Mr. Mosby, I guess, that I would be interested in hearing your choices before we second, or if in fact you have another choice, other than the three that have been mentioned here so far, then we have to have some further discussion.

President Mosby: I guess first off I would say that this has probably been one of the toughest decisions I have faced, and probably is going to be the toughest I will face over four years sitting in this seat. I extend my thanks to all of the firms that submitted their proposals, and I have thought long and hard, up till probably as much as lunch and even this afternoon when I come in here. I think that what you have to look for in making this decision is, who do you think is qualified, and I think that every team that has submitted a proposal is very qualified. I am not going to say that one is more qualified than the other. I think that you look at the amount of jails that they have built before, and who has teamed together and how they performed on jobs. Importantly, you know, you have got to feel comfortable with who you work with. I feel comfortable with just about everybody in this room. I would look at also who is from the county, who is from the state, and that means a lot to me living in this community, and living within the state of Indiana. For that reason, I have chosen the team of United Consulting and DLZ.

Commissioner Fanello: I am going to just, you know, throw out, I know, Richard, you said that RQAW had done a lot of projects, but the team of United and DLZ together, not together but collectively, those two firms have done \$330 million worth of jail

projects, and have built 5,813 beds collectively, so, I feel very confident that they are qualified and that they will do a good job for Vanderburgh County.

Commissioner Mourdock: I will say what you said a moment ago, David, you know, experience is important, background is important. My comments here regarding United's background building jails, when, and I forget the name of their spokesman, but when he was here a couple of weeks ago, when he was asked that question he had said that they built three. Although, DZL or DLZ had certainly done others. I think what you have done with the number of beds is less of consequence, even the number of dollars, the projects is less in consequence in total number of projects...Grummin only built three space shuttles. Only one of them has failed. Is that good enough? Also, regarding the fact that we have people we can work with, we have friends, whatever, I am reminded of the old riddle of business, how do lose two things at one time? The answer is, invest money with your friends. Because if things don't go right, you lose your money and you lose your friends. Let me also say that I took a lot of heat when I was first President of the Commission, because, at that point United was seen, certainly, as a Democratic firm. An employee of theirs was Democratic Chairman, and I took a lot of heat from Republicans when I moved that we hire them to do the next phase of Burkhardt Road. They had been doing one phase, the makeup of this board changed, and there was a lot of feeling among my members, members of my side of the aisle that we ought to just drop them and do something different. I said no, they have good Civil Engineering capabilities, great experience, they have done that work out there on Burkhardt, and it only made sense to continue to keep them on board. So I voted for them to do that even though the Republicans were controlling the board. This issue is a lot bigger one, obviously, in scope and dollars, and I have concern as far as what your decision is here, and, obviously, you two have both spoken and there is a motion sitting on the floor, and you can handle that one accordingly.

Commissioner Fanello: I am just going to say this, yes, you are right. United was disqualified because of their political nature, because of Jack Waldroup, but I am going to tell you right now—

Commissioner Mourdock: Was disqualified?

Commissioner Fanello: —yeah. In the Burkhardt Road project.

Commissioner Mourdock: No, they were hired.

Commissioner Fanello: Yeah, but they were, I don't think that they were hired for the following phase, were they?

Commissioner Mourdock: They were on board, they were hired when the Republicans were in charge—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and then in a subsequent phase, I think, that we did bring someone else on.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: The point is, the Republican board hired them.

Commissioner Fanello: Okay, but you didn't hire them the next time to even have continuity in the project, and that was pure politics. These people should not—

Commissioner Mourdock: If it was pure politics, why did we hire them the second time?

Commissioner Fanello: Well, I don't know—

Commissioner Mourdock: I mean, come on, Catherine, that doesn't make sense.

Commissioner Fanello: These, these, you know, this is a qualified—

Sheriff Brad Ellsworth: Let's talk about jails.

President Mosby: Yeah, let's talk about jails.

Commissioner Fanello: This is a qualified firm.

Sheriff Brad Ellsworth: Do I wait for comments, is that, or what?

President Mosby: You can make a comment, go ahead.

Sheriff Brad Ellsworth: Thank you, Commissioner Mosby. My name is Sheriff Brad Ellsworth and firstly I would like to read a letter that I and my staff prepared for the Commission. First I would like to say that whoever you select tonight, the Sheriff's Office is looking forward to working with them to the end of this, basically to have an efficient and effectively run jail, as well as an economically run jail. Again, we have had great meetings with the people, even the ones that didn't make the short list as well as the six firms that made the short list, and, like I said, we look forward to working with whoever is selected in completing this project. I would like to write, read the letter that we have prepared, and submit that for the record of the Commission.

Dear Commissioners: My staff and I have been participating in the process that has lead to this milestone for several years. We have attended meetings, seminars, schools, and presentations. We have made several site visits and done a considerable amount of research regarding jail programming, planning, design and staffing. Additionally, my staff and I have dealt daily for many years with the current jail crowding situation and have detailed knowledge of the problems created by housing inmates in an inefficient and inadequate detention facility. The Sheriff's Office will, in all likelihood, spend the greatest amount of time with the chosen architect and provide the greatest amount of operational data and input during this project. We will also be the end user of the facility and will be using it for what will hopefully be several decades. This will certainly include the day-to-day operation, policy creation, implementation and monitoring, staffing and operational budgeting. Will all of that in mind and after much consideration, on behalf of the Sheriff's Office, I recommend that the team of Jacobs Hafer be selected to design Vanderburgh County's new

detention, community corrections and possibly juvenile detention facility. My staff and I feel that the combined team of Jacobs Hafer most closely matches what we envisioned as the planning/architectural group we hoped to work with on this project. It is my sincere hope and request that you heavily factor our recommendation into consideration. Respectfully submitted, Brad Ellsworth, Sheriff.

I would just like to submit that letter as part of the (Inaudible. Walked away from microphone.)

President Mosby: She's got the copy. Okay. I want to make a comment to what you said awhile ago. You were talking about friendship and I will be the first to admit that me and Jack Waldroup are good friends, and I don't in any way look at that as jeopardizing this job. If that is the case, I feel like I am friends with several people in this room, so we might end up throwing them all out and starting over.

Commissioner Mourdock: No, no, that wasn't my comment. My comment wasn't that you shouldn't hire friends, I was simply offering that old adage of business advice that when you do work with friends, you have that risk.

President Mosby: Right, well I understand that, and I don't fear that risk at this point. I don't know any of their jails that have failed, and I have talked with some people that they have worked with, so I feel very comfortable in that sense.

Commissioner Fanello: I just wanted to make one more comment, if you are disqualifying them based on a political nature, I don't think that is fair.

Commissioner Mourdock: Are you suggesting that I am disqualifying them because of the political nature?

Commissioner Fanello: I am just saying, if you are, I don't think that is fair.

Commissioner Mourdock: Okay, if you...just let me answer that—

Commissioner Fanello: When you offered—

Commissioner Mourdock: —clearly I am not. I am doing it based on the levels of experience that the others had compared—

Commissioner Fanello: I mean, I went through—

Commissioner Mourdock: —to United.

Commissioner Fanello: —and charted RQAW's experience, and Schenkel Shultz's experience and I feel more comfortable with United and DLZ. The project that they just completed is very similar to the project that we are looking at, and I have every faith and confidence that they can handle this project. Motion to retain DLZ and United Consulting Engineers for the Vanderburgh County jail facilities, community corrections and juvenile detention center subject to negotiation of a mutually agreeable professional services contract.

President Mosby: I have a motion on the floor...second. Motion by Commissioner Fanello, seconded by Commissioner Mosby.

Commissioner Mourdock: Do you want to put a time table on that as far as what you are expecting for having the contract put together?

Commissioner Fanello: Somebody is going to have to educate me on that because I don't know what the—

Commissioner Mourdock: I do—

President Mosby: I looked at the Counselor for that.

Philip Hayes: I would think that it would be reasonable to have an expectation of, I think, of 90 days. Thank you.

Commissioner Mourdock: Does 90 days, will that fit in with what we are otherwise doing with the ICLU?—

Philip Hayes: I think so—

Commissioner Mourdock: —or can you fit that in?

Philip Hayes: Well, we are working at...one of the first things we, of course, would want to do is average what all experts had to say about time tables, and I believe this body wants to move forward, so 90 days, I think, would be an adequate period of time, and, of course, if both sides find that we are unable to complete that we would come forward to you and, I think, keep you advised at every stage where we—

Commissioner Mourdock: I would make as a suggestion, and, I think everybody would be okay with this, but if as you put drafts together if you would do that in electronic form and circulate them between the three of us that we can all get our comments in there—

Philip Hayes: Correct.

Commissioner Mourdock: —and hopefully move things along more rapidly that way.

Philip Hayes: Yes, and while we are on the subject, I would simply propose that in order to get going that the designer go ahead and submit a form of contract with which to start. We know that design contracts are a rather special animal with the caveat that they not come on loaded with it, because as we know there are many complex devices in designer contracts and we would want however those to be not as heavily weighted as we would generally find in the private sector, so it is going to be gone over very heavily.

Commissioner Mourdock: Certainly, however it is loaded, it can always be unloaded.

Philip Hayes: It can be unloaded and it will, but it will save everybody's time if we bring a draft forward.

Commissioner Mourdock: Not again, but let me state for the record that while, obviously, this is not necessarily my choice, I will work no less diligently on working through this contract and be no more demanding in putting details into this contract

than I would have been anyone else. From this point forward I will do everything that I can to make sure that this process works.

President Mosby: Very good.

Commissioner Fanello: I think we are all committed to that, so.

President Mosby: Any other comments?

Commissioner Mourdock: Again, thank you for all of you who did participate by submitting materials. I know that you put a lot of time and thought and energy into this thing, and I appreciate what you have done.

President Mosby: And I would echo that sentiment.

Commissioner Fanello: Yes. Thank you.

President Mosby: Thank you.

Agreement with Youth Service Bureau and CASA

President Mosby: Judge Niemeier, is he in here?

Commissioner Fanello: No, he's not, he won't be here. Is that for the—

President Mosby: Agreement between, we have an agreement between Vanderburgh Superior Court Youth Services Bureau.

Madelyn Grayson: That is under Consent Items.

President Mosby: I'm sorry, we're moving C, F, and I up to Action Agenda, or Action Items. I'm sorry, I didn't make that clear.

Commissioner Mourdock: So, the first one that you called is the one—

President Mosby: Yeah, Judge Niemeier.

Madelyn Grayson: Excuse me, David, could we make a quick tape change? We are going to do short tapes this evening.

(Tape Change)

Philip Hayes: Yeah, these are (inaudible) that have been submitted, and uh—

Commissioner Mourdock: And we have handled, this board has handled them in the past for Judge Lensing as he says in his letter.

Philip Hayes: Right. This has just been completely simplified and I have no problem with this form—

Tammy McKinney: That's in 301...it's all the way down the hall.

Philip Hayes: I guess I had better get on record. I conferred with Judge Niemeier personally back in late February and again in March, and then last, uh, week I believe, we had, uh, the Rescue Mission and it's board here and, uh, may I just simply say that this is standard format, I think, that contract is probably ten years old, at least, so I can recommend it, we have no problem in having you execute it.

Commissioner Mourdock: The only issue that I have at all is in the cover letter, it says...from the Judge, it says:

Since there is no clear cut answer as to the legality of a Judge independently entering into contracts without Commissioners approval

I disagree with that one, that is clearly Commissioners duty, so, but that is in the cover letter, not the body--

Commissioner Fanello: Well, that's...I--

Philip Hayes: There is another...well the other issue you might as well put it in the record and that is that Superior Court is organized with a Chief Judge and with, uh, a general panel kind, type of authority, and, uh, I have not had any feedback from Superior Court itself, so I'm taking the silence as meaning that they would just as soon have it go forward.

Commissioner Mourdock: I will move approval of the memorandum of agreement between the Vanderburgh Superior Court and the Youth Service Bureau, uh, for the period of April 5, 2001 through June 30, 2002.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: I would also move approval of the agreement between the Vanderburgh County Superior Court and Vanderburgh County CASA, C-A-S-A, which, uh, is for the period from January 1, 2001 to December 31, 2001.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Area Plan Intern Contracts

President Mosby: Next I have a contract for two interns with the Area Plan, do we have the agreement with us?

Commissioner Mourdock: Yes, and that's, again, something that we have done in the past. I will move approval of the agreement between the Evansville-Vanderburgh County Area Plan Commission and Ms. Sharon Waltrip, intern employed by APC.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Same motion for a similar agreement with Ms. Becky Fuchs, F-u-c-h-s.

Commissioner Fanello: Second.

President Mosby: So ordered.

Renewal Agreement for Government Payment Service (GPS)

President Mosby: Agreement renewal between Government Payment Services and Vanderburgh County.

Commissioner Mourdock: Do you have any other comments on this one, Catherine?

Commissioner Fanello: No, I didn't, as long as that...is that what you have done before? I don't know about this one.

Commissioner Mourdock: To my knowledge it is, yes.

Commissioner Fanello: Okay. As long as it is...I just want to make sure, Phil did you review that one as well?

Commissioner Mourdock: I'll tell you what, to be honest with you my memory is not as clear on this one as it was with the one—

Commissioner Fanello: Do you want to defer it till next week?

Commissioner Mourdock: Yeah.

Commissioner Fanello: Motion to defer the GPS contract until next week.

Commissioner Mourdock: I will second.

Commissioner Fanello: Or June 4th.

Philip Hayes: That I have not had time to get a fix on anything, I have simply been able to read it, and that's it.

Commissioner Mourdock: The thing that strikes me that I don't remember, and the letters GPS have such meaning to me I would have thought I would recall (inaudible).

President Mosby: Okay. GPS has been deferred until June 4th.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other individual or group wishing to address the board? Okay.

Sheriff Brad Ellsworth: Brad Ellsworth, Sheriff. We distributed a letter before the

meeting in reference to the jail population, and just to recap it, it might be something we want to visit, forming a small committee with the Judges. As you can see in the letter, we hit 360 on Monday. We made arrangements with the surrounding counties to move approximately 15 inmates, and I know, that the Commission is going to seek funding for that—

President Mosby: We've got that requested, yes.

Sheriff Brad Ellsworth: And we appreciate that. Fifteen may not do it, so we are recommending..we got with Judge Trockman, actually, and, uh, are proposing a formulation of a committee composed of Judge Heldt, some of the Judges, probably the Public Defenders, the Prosecutors Office, something a little more than just a phone call, maybe a, you know, that when the red flag goes up that we get together in emergency situations and start looking at some alternatives of getting rid of some people.

Commissioner Fanello: Alright.

President Mosby: Is this something that we need to do on Monday mornings maybe? Monday afternoon, is that your busiest peak?

Sheriff Brad Ellsworth: It's probably something in that area. If this trend continues, it won't matter which day, as long as we're...cause, like I said, that will depend on if we have wiggle room on this 329, I don't like to wiggle if I can help it.

Philip Hayes: Well, Sheriff, yeah, we talked informally with Judge Pigman and the individual and then I spoke to the Prosecutor, he's had his Chief Deputy, Doug Brown, for like a week, I guess, has had a chance to work with you, and, uh, that's...it's not adequate, and, uh, Doug called me and indicated that really given all of the circumstances, I think, that they were able to find one person that they could try to adjust. That had to do with reviewing levels of bail bond, and time in jail, and whether you could review that. It is a very cumbersome process.

Sheriff Brad Ellsworth: Sure.

Philip Hayes: Although a meeting, uh, will be difficult as well, it may be that as a precedent to getting a designer in place, and, I think, I believe this is the team that has Ms. Von Arx on it who had done work before with PMSI, on this very kind of thing, so, it may be that, uh, you should, in my opinion, I think, go ahead we have to do something about it.

Commissioner Mourdock: Excuse me, that confused me. Are you saying that Ms. Von Arx is going to be on this review team?

Philip Hayes: No. I brought that up just by saying that as a...that as we get on into this I noticed...I didn't know whether it was this team, or which one was, but I thought it was this team that had her as a part of the, uh, consulting organization. If that is the case, what I'm doing is analogizing, I guess, that was done before. I wasn't here, but my understanding is that she took some responsibility for maybe coordinating some discussion with Judges and Prosecutors.

Sheriff Brad Ellsworth: She did a similar thing in Marion County.

Philip Hayes: Okay.

Sheriff Brad Ellsworth: We didn't really get to that degree of who to let out first in the PMSI study—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —and then what we had contracted them for wasn't a part of that, but certainly she was a part of that in Marion County, but, I think, like I said, if we're four years away, as I stated in the letter, you know, we are going to have to put something in place, an emergency plan, I think, where it goes in automatically of either a meeting or some guidelines for us to say, we are going to immediately reduce a \$5,000 bond down to \$1,000, we are going to let, reduce all the D's downs, or, you know, something where we can automatically put this....because, you are right, that meeting, and Richard and I know that they said they had a four hour meeting, or maybe it was longer than that, but four inmates, reduced the bond of four inmates—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —that they (inaudible) would let it go, so—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —we are going to need something (inaudible)...if we have to stay at 329—

Philip Hayes: Then you need alternatives to housing in the jail. You need alternatives to incarceration that are secure, and at the same time legal, so, uh, yeah, I would recommend that we, that we, uh—

President Mosby: Did you want to consider—

Philip Hayes: —consider very seriously your proposal.

Sheriff Brad Ellsworth: We can, I mean—

President Mosby: I was going to say—

Sheriff Brad Ellsworth: —it is pretty common sense who the people—

President Mosby: Okay.

Sheriff Brad Ellsworth: —that I would like a Commissioner and certainly—

President Mosby: Well, what I was going to say is that if you want to put the players together with the Judges and that, and then we will see if the County Council wants to give us one person, and then either the President or the Vice President can sit in.

Sheriff Brad Ellsworth: Alright. I think that's what—

President Mosby: If I'm not available.

Sheriff Brad Ellsworth: –the blessing of the Commission, because we are telling the Public Defenders Office and these people that they need to be there, I guess, they are not going to listen to me if I tell them–

Commissioner Fanello: I guess, we need a motion–

Sheriff Brad Ellsworth: –to attend these meetings.

Commissioner Fanello: –I will make a motion that the Sheriff form a commission to address short term over crowding.

Commissioner Mourdock: I hope it works. I'll second.

Sheriff Brad Ellsworth: Thank you.

President Mosby: You pick the Judges and we'll get the County Council to give us one person, and then either myself or the Vice President if I'm at the fire house can sit in on the meeting.

Sheriff Brad Ellsworth: Okay, thank you so much.

President Mosby: Thank you very much. Any other individual–

Commissioner Mourdock: I just had an extreme sense of deja vu. I don't know why.

President Mosby: –I hear ya. Seeing none. Department Head Reports.

County Engineer- John Stoll

President Mosby: County Engineer. Is John with us? Oh, that's okay, we've just got zonings yet, and I'm just sitting here moving along.

Phil Hoy: I'll just make this real quick. I was just sitting here making notes, but, uh, I wanted to introduce this young man to you, back here this is Dan Siebert, he is a senior at Evansville Day School, and he is a visitor with us tonight. He is shadowing me for three or four days, so that's why he is here tonight. We always like to recognize those students and that is what I wanted to do.

Commissioner Fanello: Thanks for being here, Dan.

President Mosby: Welcome, and if I'd knowed that, you could have said the Pledge tonight. If Phil would have jumped up, just a tad quicker. Department Head Reports, County Engineer.

John Stoll: First I've got a Notice to Bidders for contract number VC01-06-02 Repair and Repaving of Various Roads. This is for the resurfacing of West Franklin Road and for the milling and resurfacing of a bridge on Broadway Avenue just west of Rollett's Lane.

Commissioner Fanello: I didn't hear the first part of your request there.

John Stoll: It's a Notice to Bidders–

Commissioner Fanello: Okay.

John Stoll: –for a new paving contract.

Commissioner Mourdock: This is nothing budgeted through your group, I mean, this is coming back through County Highway, correct? It's part of what their highway plan was?

John Stoll: This was on the paving list that was presented–

Commissioner Mourdock: Right.

John Stoll: –but it is out of the Contractual Services Account.

Commissioner Mourdock: I'll move the advertising as requested.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: That bid opening would be on June 11th. The next item I've got is another Notice to Bidders, this is for VC01-06-03, the Boyle Lane Bridge replacement. This is for the replacement of the single span bridge located on Boyle Lane, and this bid opening would be on June 18th. We have pushed it from the 11th to the 18th, we need an extra week to get the plans finalized, and since there is no meeting next week that is why I'm bringing it to this meeting.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Philip Hayes: John, you said Boyle?

President Mosby: Boyle Lane.

John Stoll: Right. The last item that I've got is the Wynnfield Subdivision plans that were discussed last week. This is the subdivision located at Kansas and Greenriver, and the issue that was discussed last week was the fact that one of the access points wouldn't be accessible during, uh, the 100 year flood events. The consultant for the developer, Morley and Associates, submitted a letter basically saying that they would propose to construct a fill for road one so that road two would intersect with Greenriver. I can show you here on the plan what that means.

Commissioner Mourdock: That begs the question then, did they only put the fill and not rock the road.

John Stoll: Rock too.

Commissioner Mourdock: Okay, good.

John Stoll: Now, this doesn't show. You can see in their memo that they did say that they would place the rock as well.

President Mosby: It's what we talked about last week.

John Stoll: What's outlined in yellow is the first phase, and here is road one that they are discussing and here is road two. Basically, they will have to put in all the fill and then put some rock in, but that would give an emergency access point that wouldn't be under water. I shouldn't say under water, it wouldn't be for the 100 year offense. There are other locations up and down Greenriver where they may still be cut off, but at least they would still have access through here. So, given the fact that they are going to proceed with that, I would recommend that the street plans be approved.

Commissioner Mourdock: I appreciate the fact that they meet our requests here and met our concerns, so I will move approval.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Just sign under there or by it. What is it? It's the 21st. Does everybody have to sign?

Commissioner Mourdock: Yes.

John Stoll: They never put three lines on there. I don't know why.

President Mosby: That's you.

John Stoll: That's all I have, unless you've got any questions on anything.

Commissioner Fanello: No.

President Mosby: No.

County Highway- Ralph Kissinger
--

President Mosby: County Highway. John, did you need this back from Morley for your records?

John Stoll: No, I want to put it in the record.

President Mosby: For the record, we want to keep that.

Ralph Kissinger: Ralph Kissinger, County Highway. Uh, at a previous meeting, it's probably about six weeks ago I, uh, requested some information, if you will remember, Mr. Mourdock, about the paving of Darmstadt. That is what I came up with and Mike Rourk requested, and he came back and asked if we could do that work and I told him that it would have to be approved by the Commissioners, and I thought that I would submit that. I know that Madelyn probably needs a copy of that and after the meeting I will make her a copy. I just wanted to submit this to you so you could see what we came up with on figures. This is paving costs alone for materials, I think, let me put my glasses on, I believe it was about 4000', which is

about 3/4 of a mile from where we stop to where they would like us to stop at Darmstadt. I think the total cost was \$29,472.71.

President Mosby: Now, you say this is just materials?

Ralph Kissinger: That is materials alone, yes. What I've been told and what I've researched through the garage, what I can find and, of course, what you have told me is, basically, in the past that is what they have done is a continuation and they just charged them for materials. I have also been told that in the past the stretches of road weren't, you know, I think the longest one that they did before was 2000', so this almost twice what it was in the past, so.

Commissioner Mourdock: When do you expect to do this?

Ralph Kissinger: Uh, well, actually, we finished on St. Joseph and we are on Boonville-New Harmony now, but we will be...we are coming back that way again soon, so it would just be a matter of turning the corner there—

Commissioner Mourdock: Yeah, but you've already done this, right?

Ralph Kissinger: Uh—

Commissioner Mourdock: From Orchard to Fleener? I went jogging through there yesterday before the rain hit—

Ralph Kissinger: Yeah, we are finished on the Vanderburgh County section of it, yes. The continuation—

Commissioner Mourdock: Which is what this is.

Ralph Kissinger: No. No.

Commissioner Mourdock: Okay, it says from Orchard to Fleener.

Ralph Kissinger: This is from Orchard to Fleener, and we haven't paved there. From Mohr to Orchard is, I believe, where we stopped. Isn't that what was on our county list? We haven't paved this yet unless—

President Mosby: Well, this is the other—

Commissioner Mourdock: I was thinking of Schenk Road, you're right.

Ralph Kissinger: Schenk Road, yeah.

President Mosby: So we have to decide if we want to do this?

Commissioner Mourdock: Basically, yeah.

Ralph Kissinger: Basically, I mean—

Commissioner Mourdock: The question at the time was were we going to do this, were we, basically, going to work as a contractor, in a sense, for the Town of Darmstadt?

Ralph Kissinger: Right.

Commissioner Mourdock: What we are doing is we are providing the materials at cost—

Ralph Kissinger: To resurface up to that point, yes.

Commissioner Mourdock: —and then we are eating the labor.

Ralph Kissinger: Yes, that's the question I was asked.

Commissioner Mourdock: Right.

Ralph Kissinger: The assumption I was under—

President Mosby: We've done this before?

Ralph Kissinger: —in the past, that is the way it went.

Commissioner Mourdock: Um, David, just asked the question have we done this before?

Ralph Kissinger: Uh.

President Mosby: He says he remembers one.

Ralph Kissinger: As far as I know I have found two instances where they have paved, but it hasn't been more than 2000', and they were—

Commissioner Mourdock: Was it done on the same basis where we were supplying labor and they were paying for materials?

Ralph Kissinger: I think it was from what I understand, but I can't find any real records of it, and that's why I asked your help on that.

Commissioner Mourdock: I don't, and again my memory is certainly not the quality of this machine's but, I don't remember that we've done that, and I think that I would have but I may be wrong. It raises such an obvious question, number one are we truly that competitive against the marketplace? Is it the best deal for Darmstadt? Not that I am concerned about Darmstadt when I am sitting in this chair, but the second thing is do we take on any other obligations or liabilities by working effectively as a contractor—

Ralph Kissinger: I agree with you 100% there.

Commissioner Mourdock: —with the agreement (inaudible).

Ralph Kissinger: The request was from Mike Rourk and, uh, I told him that I would submit this and I gave him a copy of it, and I told him that I would have to get permission and I would have to research it.

President Mosby: I think that the first thing that jumps up to my mind is the fact that, I mean, they are supplying materials but they are not paying for manpower.

Ralph Kissinger: Exactly, and you brought that up when I asked about this the first time.

President Mosby: Yeah, I would be real curious in having you to go back and talk to Mike and maybe figure out on a daily basis what our manpower is costing us, and try to estimate that and also get something signed, in writing that they are not going to hold us liable if a shoulder would happen to be too high and somebody drops off and flips their car—

Ralph Kissinger: Certainly, I understand. I just on what we have done this year, I have tried to guesstimate, just from this year's figures, it would probably be a four day paving job.

President Mosby: Put something together on four days time, what it is costing, I think that is only fair, and then make sure that they are agreeable and to signing a release that, uh, we are not going to be liable in any way.

Ralph Kissinger: Sure.

Commissioner Mourdock: Make sure that they are agreeable to the cost of the labor, is that what you are saying?

President Mosby: The cost of labor and material. I am not going to add anything to it, but I think that they ought to be liable for the cost of labor and material. Anything else?

Ralph Kissinger: Uh, other than that, I think that my report is pretty complete by the paving. Like I said, we are on Boonville-New Harmony Road, uh, I got with Mr. Hayes and I've also been with the Engineer's Office there are still tracks on Boonville-New Harmony Road. Railroad tracks or a crossing there between Highway 65 and this...it's between...it's there near the—

Commissioner Mourdock: Between 65 and St. Joe.

Ralph Kissinger: St. Joe, exactly, yes. I was trying to think of that other road there—

Philip Hayes: It's Neubling, is it not? It's N-e-u-b-l-i-n-g.

Commissioner Mourdock: No, that's further north.

Ralph Kissinger: There is a Neubling Road out there.

Philip Hayes: Between 65 and Neubling there is an entrenched crossing there—

Ralph Kissinger: Right.

Commissioner Mourdock: Neubling runs east-west. It's not Neubling.

Philip Hayes: Okay.

Commissioner Mourdock: I know where you are talking about.

Philip Hayes: You know where we are talking about?

Commissioner Mourdock: Rough track, it's a very rough track.

Philip Hayes: Yeah.

Ralph Kissinger: Yes, I have had numerous, probably 75 to 100 calls over it, mostly Darmstadt residents going back and forth which I understand. I've tried to contact Pioneer Railway which now owns those tracks they bought it from Indiana Highrail. John Stoll with the Engineer's Office—

Philip Hayes: I wrote to them—

Ralph Kissinger: —wrote a letter to them in January.

Philip Hayes: —I wrote to them. You have a copy coming out—

Ralph Kissinger: And, Phil has written to them.

Philip Hayes: —to you, if you haven't already gotten it.

Ralph Kissinger: Yeah, I've already gotten it.

Philip Hayes: Did you get it? Okay.

Ralph Kissinger: I just wanted you to know that we are trying to get something done, they have 50' of right-of-way from center of track either way. Uh, we are going to pave and I have been maintaining the pot holes, but as far as...there is a liability there...if I get...something happens I'm trying to stay out of their right-of-way too so that we don't have liabilities which I discussed with Phil Hayes. I wanted you to know that the paving is going to stop either side of the railroad track and as something is done with the track I will come back and we will mill and pave and try to get that straightened out.

President Mosby: Okay.

Commissioner Mourdock: You had sent in or dropped off at my desk the budget detail regarding that step van.

Ralph Kissinger: Uh-huh.

Commissioner Mourdock: I just want to be clear here. You are showing motor vehicles for \$70,000, and the low bid that we got a moment ago, I think, was \$44,000?--

Commissioner Fanello: 48 something.

Commissioner Mourdock: Is that close to what you were thinking that van was going to be?

Ralph Kissinger: I had a price of around \$45,000 in mind, yes.

Commissioner Mourdock: Okay, so effectively you've got \$25,000 to go through the rest of the year with.

Ralph Kissinger: For motor vehicles?

Commissioner Mourdock: For motor vehicles.

Ralph Kissinger: Yes.

Commissioner Mourdock: In Bridge.

Ralph Kissinger: In the Cumulative Bridge, yes.

Commissioner Mourdock: Yeah. Then last week, or maybe two weeks ago, I forget, but, I raised the issue during the time of your report, we need to be thinking real carefully on any vehicle replacement as far as what the fuel mileage is with gas prices up so much higher than anyone budgeted.

Ralph Kissinger: Yeah, and these are—

Commissioner Mourdock: Have you given any thought to that?

Ralph Kissinger: —diesel. We ordered diesel because they are more efficient.

Commissioner Mourdock: Okay.

Ralph Kissinger: Uh—

Commissioner Mourdock: Beyond that, is there anything that we can be doing to reduce our gasoline consumption?

Ralph Kissinger: Yes, I am trying, uh, as a matter of fact, uh, this will actually free up a vehicle that is being used. Actually they are using four vehicles just about everyday, and we are going to be able to take one of these vehicles out and put it back into the highway, which is a four seat vehicle, it's a pick up truck with a crew cab. So that way I can instead of using two regular pick ups trucks we can put four people in that truck. That will sit a truck in the yard. Also, the van will be able to haul all of their equipment and pull the compressor too, so that will take part of the load off of the dump trucks. It should help in some way.

Commissioner Mourdock: Have you done enough with the budget yet for next year, Ralph, to have any idea what the 50 cent difference in gas prices are going to mean to us?

Ralph Kissinger: It will be quite a difference. I haven't gotten into it yet, but I do realize that 50 cents is a lot, yeah. Especially when we are used to \$1.40 a gallon versus \$1.90 a gallon, yeah it will make a big difference.

Commissioner Mourdock: Okay.

President Mosby: Any other questions? Thanks.

Ralph Kissinger: Thank you.

County Attorney-Phil Hayes

President Mosby: Uh, Phil, did you have anything else?

Philip Hayes: No report.

President Mosby: Okay.

Commissioner Mourdock: The status of—

President Mosby: Tammy—

Commissioner Mourdock: —wait, wait.

Philip Hayes: Do we do the Executive, uh.

Commissioner Mourdock: No, we did not. That's right. Let me..I'll make a motion that we approve Executive minutes from tonight's Executive Session which began at 5:00 and ended at 5:40, and dealt fully with outstanding litigation against the county.

Commissioner Fanello: Second.

Philip Hayes: I'm sorry, you had said the status report concerning—

Commissioner Mourdock: I was going to say did you want to give an update as far as when we might expect that stipulation with ICLU to be complete?

Philip Hayes: Uh, yes. For the record, in reviewing the changes that have been made to an initial draft, uh, we would expect by July 1, on or before July 1, to have a stipulation completed, and to have the matter considered, uh, here, and when I say, uh, it will have to be considered by this body and by the County Council, uh, on the basis of the fiscal responsibilities that are inherent in the stipulation it will need to be done, I think that we would ask by the middle of June.

Commissioner Mourdock: So the Council will be signatories to that as well?

Philip Hayes: Yes, uh, in regard to those parts of it which have to do with, uh—

Commissioner Mourdock: Funding.

Philip Hayes: —fiscal issues that are inherent in it. Construction and staffing primarily.

President Mosby: Any questions?

Superintendent of County Buildings- Tammy Mc Kinney

President Mosby: Tammy.

Tammy McKinney: I don't have anything to report, but under, I just wanted to make a comment, under the Consent Items, uh, the County Clerk the surplus of metal cabinets, um, they are stored out at the garage, I've seen them, they are rusted, they can't be used, and Marsha's concern was if she does end up moving to the Old Courthouse that she comes to the Commissioners and asks for money for new metal cabinets and she didn't want you, you know, to think that we got rid of one's that could be used. I've got pictures of them if you have any questions, but they can't be.

President Mosby: That's no problem.

Tammy McKinney: Okay.

Commissioner Mourdock: Have we declared them scrap? Are they being used?

Tammy McKinney: No, and we are going to scrap them.

Commissioner Fanello: When is your next meeting, uh, with the Courthouse Committee?

Tammy McKinney: Uh, the next meeting with the Task Force of the Courthouse is the 30th. It's a Wednesday, next Wednesday at 2:00.

Commissioner Fanello: 2:00?

Tammy McKinney: Two.

President Mosby: Any other questions? Thank you, Tammy.

Burdette Park- Steve Craig

President Mosby: Steve Craig, Burdette Park.

Steve Craig: Burdette Park, Steve Craig. Uh, first thing that I have is that Phil returned me the lease agreement on the property, uh, across the street from Burdette that we lease from Dave Austill, and gave me approval on the contract, and, I guess, that I would request permission to enter into this contract with David Austill at this time.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Steve Craig: And, um, I guess, really that's all I've got. Um, we are coming in okay

on the Park. Solving one problem at a time. This afternoon the main electric box to the pumps in the pump house melted down, but we have somebody out there that's going to get the parts ordered, so—

Commissioner Mourdock: Budget estimate?

Steve Craig: Pardon me?

Commissioner Mourdock: Budget estimate?

Steve Craig: I have no idea.

Commissioner Mourdock: That is never a good answer.

President Mosby: Yeah.

Steve Craig: You know, he...they don't know if they can find one in Evansville, and he said if not they are going to have to have it over nighted from somewhere, so.

Commissioner Mourdock: Just for the record, perhaps Steve contacted the two of you, but, I know, that Steve called me this morning to have some vehicles traveling out of the county and he certainly had my approval to do that. I appreciate your doing it the right way, Steve.

Steve Craig: I tried to contact the other ones, but—

President Mosby: No problem. I, uh, the other day when I was out there and talked to you and we was talking about the sewer lines, uh, tap fees, now Water and Sewer Utilities said that you were refunded for the tap fee for the Bishea Building, so you need to check that. Just a point of interest, talking to Jim Cameron who is their auditing person down there, and the reason that we were charged a tap fee on the new ADA restrooms in the new shelter house is because it didn't have restrooms before and this building is now attached to the existing building and so on and so on. I don't agree with that. I've talked to—

Steve Craig: It did have restrooms before, they just weren't attached to the building.

President Mosby: —Right, and that's what I tried to explain to him, so, anyhow we are working on that, we are trying to go to the board and salvage that too.

Steve Craig: Yeah, because, I mean, every time that we do one of these now they are going to charge us—

President Mosby: Exactly.

Steve Craig: —you know, if the square footage goes up, it goes to 2,500 or 3,500—

President Mosby: I tried to remind them that they had a pump station sitting out there and we didn't charge them a lease on it, so.

Steve Craig: Maybe that will get their interest.

President Mosby: They were talking about that, but I want you to check and see if you can find anywhere where we were ever refunded for the Bishea Building,

because they are telling me that you received a refund check.

Steve Craig: That's kind of interesting because, I think, that the contractor put that in his bid that he would pay that, and—

President Mosby: Well, maybe they refunded the contractor and he forgot to refund us, so, see if we've got \$1,500 out there in the air somewhere. I will give you the later update. I am probably going to appear in front of the board at the Water and Sewer Utility and see what happens. If they are not interested, the Council said they are very interested in working with us on the city side, so.

Steve Craig: Okay. Then outside of my work sheets, that's all I have, I guess.

Commissioner Mourdock: Okay. We have Soil and Water Conservation Reports and the Ozone Officer's Reports in the packets, I would move approval of those reports.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: And—

Consent Items

Commissioner Mourdock: I will move approval of the Consent Items as filed, as submitted.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.¹

Scheduled Meetings

Commissioner Mourdock: Scheduled meetings, just to confirm, Tammy, you said that meeting is Wednesday at 2:00pm, is that this coming Wednesday?

Tammy McKinney: No, Wednesday the 30th.

Commissioner Mourdock: Okay. Where will that be?

Tammy McKinney: It's at the Governor's Parlor at the Old Courthouse.

President Mosby: Any other meetings?

¹Consent items listed on Page 34.

Old Business

President Mosby: Any Old Business?

New Business

President Mosby: Any New Business?

Commissioner Fanello: I have one thing. Tammy and I met with our telephone provider, or VanAusdall and Farrar our maintenance, he handles all of our contracts and everything, and Tammy and I kind of had some concerns about how the whole process is going as far as getting other departments going through and making changes and we really don't know about it until it comes to us and it does come out of the Commissioner's budget, and we had some concerns and, uh, Kelly informed us that there were like 600 changes last year, um, and I don't exactly know what their charge is for each change, but, uh, did she say, do you remember, Tammy?

Tammy McKinney: I think that a service call is like \$80.

Commissioner Fanello: Uh-huh. So, we kind of thought that it would be a good idea if we came up with an approval or request form that the Commissioners approved in their weekly meetings before these charges took place, um, like just recently we had a claim submitted for like \$1,460 and one of those was for \$855 worth of changes and I'm not sure exactly why we had so many changes, um, it was in the Auditor's Office, so, Bill, do you know were they changing around the office, or? Do you remember what...when you get your microphone back together.

Bill Fluty: Let me get this back where it belongs. We moved a wall and had some phone line changes.

Commissioner Fanello: It would be just kind of nice if we knew what kind of changes so that we can kind of discern what's real and what's not real, so.

Commissioner Mourdock: The nature of those changes were any of them emergency type changes for phone service?

Commissioner Fanello: That I don't know, but Kelly said if that does happen, like if emergency changes happen, if it's during the week she will call us, but if it's on the weekend she will make sure that somebody informs us Monday morning that there were emergencies over the weekend, like in the Sheriff's Department or something like that, so.

Commissioner Mourdock: I will move that the Superintendent of County Buildings draft up a form for us next week then to submit–

Commissioner Fanello: We've got one, so.

Commissioner Mourdock: Approval of the form that is submitted this evening by the Superintendent of County Buildings to process phone change requests.

Commissioner Fanello: I will second.

President Mosby: Then, does this board have to okay that change?

Commissioner Fanello: Yes, yes.

President Mosby: So we need to notify all Department Heads that we don't just—

Commissioner Fanello: And—

President Mosby: A motion, a second and so ordered.

Commissioner Fanello: There was one other thing, uh, as far as the claims that we sign, and Madelyn had kind of made this suggestion several weeks ago and then, um, someone else made the suggestion that we make signing the claims a part of the meeting, or if Suzanne could type up a list of the vendors...what happens is I'm going...we're going through so fast at the end of the meeting that I don't have time to sit there and review exactly what we are signing, and I don't like signing my name to these claims and I don't even know what we are paying, and with the media and just other people who want to talk afterwards it is hard to sit there and concentrate on what we are signing.

Commissioner Mourdock: So what are you asking for?

Commissioner Fanello: That we either...we have the Auditor type up a list to submit with our packet of the vendor and how much we are wanting to pay, and then that way if we have any questions we can look at them, but we just make that part of the meeting itself of signing the claims.

Commissioner Mourdock: I wonder would it be possible as we do with Solid Waste where we get the print out.

Commissioner Fanello: Well, some of those...aren't some of those...Madelyn are some of those print outs pretty thick, or would they be pretty easily for us to?—

Commissioner Mourdock: No more than the number of Consent Items—

Commissioner Fanello: Yeah.

Madelyn Grayson: You are just wanting a list of the claims and the amount?

Commissioner Fanello: Or he is saying the print out that you get of what vouchers are going to be paid.

President Mosby: I would rather just, I would rather have on this sheet of paper the vendor and the price, so that I can look at it over the weekend, and if there is something that I want to pick out of it, fine, then I can pick it out and question it.

Bill Fluty: I am just asking, the claims that you do sign now, are those from your departments?

President Mosby: No, that whole stack right there.

Commissioner Fanello: Are those from, aren't those from other departments? Yeah.

Those are the ones we are just wanting a list of.

Commissioner Mourdock: I think it is certainly a worthy thing. I don't know that we need to do anything other than have them report back next week, but I don't see any—

Commissioner Fanello: Uh-huh. If you want to tell us what would be easiest, or how it would be easy for you to get us that information.

Bill Fluty: I think that if we could review the claims that you do sign, these are from Kathy Le Barron which is the Centre, and the other ones are submitted from John Stoll, so they could come to you first and be signed. Maybe that would be an alternative.

Commissioner Fanello: Well, but each Commissioner doesn't get a chance to look at them then. We would just like to have a list to put with our packet of those that are going to be signed.

Commissioner Mourdock: Then you are not suggesting that we do something other than sign them, it's just that you want a list to see what's there so that you've had some time to study that list before we start trying to—

Commissioner Fanello: Exactly.

President Mosby: Right. As soon as we are done here, we are going to sit here and initial them. Nobody looks at everyone of them papers that are stapled to that, and I would just like to have a list that I could look at over the weekend, and if there is something that I want to question, then I can question it on Monday before the meeting, or I can question it at the meeting. We will defer it to next week until they come back.

Bill Fluty: We will check. Thanks.

President Mosby: Any other business? Seeing none. Motion to adjourn.

Commissioner Mourdock: So moved.

President Mosby: Or is this just a recess?

Commissioner Mourdock: No, this is adjourn.

President Mosby: Okay. I have a motion—

Commissioner Fanello: Second.

President Mosby: —and a second. So ordered.

The meeting was adjourned at 7:08 p.m.

CONSENT ITEMS:

Employment Changes:

Commissioners	Sheriff Department	Recorder
Community Corrections	The Centre	Burdette Park
Circuit Court	Surveyor	

Travel Requests:

Health Department	Knight Assessor	Pigeon Assessor
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SCT:

List of surplus items.

County Engineer:

List of surplus items.

County Clerk:

Submit monthly report.

List of surplus items.

Sheriff:

Submit weekly Jail Information and Reports.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Bill Fluty	Tammy Mc Kinney
Madelyn Grayson	John Stoll	Ralph Kissinger
Steve Craig	Suzanne Crouch	Brad Ellsworth
Scott Hartig	Phil Hoy	Others Unidentified
Members of Media		

APPROVAL:

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
June 4, 2001**

The Vanderburgh County Board of Commissioners met in session this 4th day of June, 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to order and Pledge of Allegiance

Commissioner Fanello: Call to order the Vanderburgh County Commissioner meeting, June 4th. Introductions, I would say on my right is Tammy McKinney, Superintendent of County Buildings; County Attorney Phil Hayes; I, myself, Commissioner Fanello; Richard Mourdock, Commissioner; County Auditor Suzanne Crouch; and Recording Secretary Charlene Timmons. If you'll please join me in the Pledge of Allegiance.

Approval of minutes

Commissioner Fanello: Approval of the minutes from May 21st.

Commissioner Mourdock: I'll move approval of the minutes as submitted.

Commissioner Fanello: Second and so ordered.

Roger Lehman - GIS agreement with EVSC

Commissioner Fanello: Roger Lehman.

Roger Lehman: Good evening. We have this evening an interlocal agreement between the School Corporation, the City Water & Sewer Utility and the Commissioners for GIS access interchange with the School Corporation. We have submitted it to the attorney who has reviewed it I believe, and I would recommend or request approval.

Commissioner Fanello: And I asked the attorney to make a couple of changes and do we have a revised agreement?

Phil Hayes: No, it has not been revised, but my understanding is that we can approve subject to and do the final version and submit for signatures. I think they were—

Commissioner Fanello: Two were...I kind of remember one of them, but I don't remember the other.

Phil Hayes: I'm sorry. Yeah, they were basically housekeeping in them both as I recall.

Commissioner Fanello: Oh, I just added...okay, I remember now. Three month notice of intent to cancel I would like to change that to 30 days and this agreement shall be for an initial term of one year, that's fine as long as we say December 31, 2001 and we'll review it at the beginning of next year which I think all of them come due at the beginning of the year, so that was it. So I'll move approval subject to those two changes.

Commissioner Mourdock: And I would just also add just a scrivener's change in the first paragraph under Article II, cost, you just need to do a little work in there as far as some addresses, but with those changes as recommended I will second.

Commissioner Fanello: So motion, second, so ordered.

Roger Lehman: Thank you very much.

(Commissioner David Mosby joins meeting at 6:04 p.m.)

Commissioner Fanello: Now I'll turn it back over to our president.

Tammy McKinney - Tenant proposal

President Mosby: Tammy McKinney, tenant proposals.

Tammy McKinney: I had a gentleman come to me looking for office space at the Old Courthouse in Room 209. I believe everyone has his proposal that he presented to me. Basically, he wanted to redo the office area and he would pay for that and his rent would be deducted out of that amount until it was paid off and then he would start paying rent to the county for that office space.

Commissioner Mourdock: The only questions I have, Tammy, I guess three areas. Number one, are any of the changes that he is suggesting or any of the remodeling going to be in conflict with anything that we would otherwise be restricted against doing?

Tammy McKinney: It would be done—

President Mosby: Subject to.

Commissioner Mourdock: Yeah, I'm talking about historic preservation.

Tammy McKinney: Right.

Commissioner Mourdock: I want to make sure we don't get crossways.

Tammy McKinney: No, it would be the same remodel that we would do to keep it in historic preservation standards.

Commissioner Mourdock: Okay.

Phil Hayes: Commissioner, we had...I talked to Ms. McKinney this morning and we thought that we could employ the services of Mr. Au from the Historic Preservation just to double-check and even place that requirement in the lease that if there are any alterations anticipated later and that's what I think you're wanting to—

Commissioner Mourdock: Yeah, exactly.

Phil Hayes: Very good.

Commissioner Mourdock: I know as part of Tammy's task force...that has a nice ring to it, Tammy's task force. It sounds like a tv drama.

Tammy McKinney: It is.

Commissioner Mourdock: I know Marsha Abell had sent something through that had a lot of lists of different agencies, web sites, that had all the historic renovation standards and there is all kinds of stuff. We just need to make sure we stay inboard with that.

Tammy McKinney: Right.

Commissioner Mourdock: The second one then, I think, Phil, you just eluded to it. As far as the actual form of the lease we're still working on that, that's not yet finished, I presume?

Phil Hayes: No. We have a recommendation that was tendered by this particular tenant, I think. At the least the notes for it were and then on the broad form lease which it will go in to we're trying to pare that down to size and I think we're about there.

Commissioner Mourdock: Okay.

Phil Hayes: There has been some delay on that and that is simply because that was a file that was handed back over, but we've got the base lease.

Commissioner Mourdock: Okay, and the third issue he does not say here anything other than the 19 month payout. What kind of term is he looking for in this lease as far as what period?

Tammy McKinney: The longest lease that we're going to sign is a three year.

Commissioner Mourdock: Okay, so he is comfortable with that?

Tammy McKinney: Right.

Commissioner Mourdock: Okay. I guess then without the actual lease in our hands we really don't need to take any action on this other than to just—

Tammy McKinney: I just wanted to basically present it to you and kind of let you know what direction that we were going in.

President Mosby: I don't have any questions.

Commissioner Fanello: I don't either.

President Mosby: Do we need a motion on this?

Commissioner Mourdock: I don't think so.

Phil Hayes: I don't think so on that one.

Richard Mourdock - USI engineering resolution
--

President Mosby: Richard Mourdock.

Commissioner Mourdock: I was contacted by Dr. Hoops this past week regarding a new program that is hopefully going to be started at USI regarding engineering. USI's representative Cindy Brinker is here. I don't know if she has anything specific to add to it, but I have prepared a resolution that would also go with a letter to a Mr. Stanley Jones of the Indiana Commission for Higher Education. I won't read this all into the record, but essentially all we're doing with this it is a resolution of the Board of the County Commissioners supporting the University of Southern Indiana in their request to establish a baccalaureate science degree in engineering. I was fascinated to learn through a little bit of research that there is no university south of Interstate 70 in Indiana that offers any formal bachelor's degree in engineering. At least it's stated in the materials so provided. I think this would be a good program. They're expecting at least 50 new engineers a year to come through the program and I would move that we pass this resolution and forward it on then to Mr. Jones so that the board may approve their curriculum.

Commissioner Fanello: And I'll second.

President Mosby: I have a motion and a second, so ordered.

Dorrie LoBue - Tri-State Workforce Initiative
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President Mosby: Dorrie LoBue. Is she here? I don't believe she was going to be here.

Commissioner Mourdock: Okay, well—

President Mosby: This is on the \$5,000.

Commissioner Mourdock: I regret that she is not here because I would like to combine what she was going to speak about with the Tri-State Workforce Initiative and also with what Representative Weinzapfel is here for tonight. I don't know that there is overlap between those two programs, but I want to make sure that there is or isn't.

Commissioner Fanello: That's a good question.

Commissioner Mourdock: So that we know how the funding is going. Can we jump ahead to that issue for a moment?

President Mosby: Sure.

Jonathan Weinzapfel - SW Indiana Economic Development Resolution

Commissioner Mourdock: Jonathan, do you want to make a presentation as far as—

President Mosby: Jonathan, you want to come up?

Jonathan Weinzapfel: How much time do I get?

Commissioner Mourdock: How much do you need and cut it by four times!

Jonathan Weinzapfel: This is a copy for you. It says Gibson on there. Well, I appreciate the invitation to...I guess the acceptance of my request to talk about

regional development with the Vanderburgh County Commission. I talked with each of you individually and even as a group about this topic and I think you're all pretty familiar with what we want to try to do, but maybe for the benefit of everyone here in the audience and for Counselor Hayes we will go ahead and maybe just quickly run through what we have put together over the past few years. Commissioner Mourdock, if you recall back in the summer, I believe it was the summer of 1998, the Indiana Economic Development Council approached the County Commissioners in Gibson, Warrick, Vanderburgh and Posey counties about some grant monies they had which were passed through from federal to discuss bringing these four counties together and look at ways that we can cooperate on a regional basis. County Commissioners from the four counties made appointments to this commission. We began work. I am here today because I was elected, or I think I missed a meeting, but I was elected co-chairman of the executive committee. It is our job in trying to push this strategy forward. One of the things that we did is we put together this comprehensive economic development strategy which I believe you have a copy in each of your packets. We started off with a vision statement, page eight, which basically says Southwestern Indiana's vision statement is:

"In the year 2010 Southwest Indiana will be a place where our children grow up with an outstanding education, kindergarten through college, within a value oriented community life and where all take advantage of expanding opportunities for rewarding employment in an area that respects the national environment."

The goals that we had set for 2010 is:

- ▶ Average wages for workers would be above the state and national averages.
- ▶ An attractive standard of living comparable with competitor regions.
- ▶ Productivity above average of competitors.
- ▶ A safe environment with improved pollution levels to achieve in compliance with state and federal laws.
- ▶ The enjoyment of diverse recreational opportunities and green space above national standards.
- ▶ Improved access and efficiency of transportation including the presence of a north/south interstate route.
- ▶ Improved access to neighboring states.
- ▶ Highly coordinated and collaborative regional plan action and financing.
- ▶ Average school academic performance within the top ten percent of schools in the three state area.
- ▶ An increased number of job openings requiring post-secondary degrees or higher.

Based on this vision statement and the goals that we just outlined we came up with basically seven different strategies. The first would be, and I think this is what you're referring to, would be to foster business based skills alliances across the region as a means of articulating skill needs of firms and negotiating for training services that meet the needs of the marketplace. The second would be to set some regional transportation priorities, to coordinate local transportation plans and to establish a set of regional transportation improvement priorities. The third is to create an economic development district which is why I'm here tonight. That would be to, basically, maintain regional strategy process, encourage multi-jurisdictional solutions and assist in the coordination and implementation of regional initiatives and economic development activities. The fourth is to complete a comprehensive

economic assessment to gain insight into the region's economy and industry based business relationships, growth companies and impact of global and local economic change. Six is to coordinate the region's park boards basically to create a regional recreation committee. The seventh was to create a clearing house for the collection and dissemination of unbiased relevant information regarding the region's environment and promote environmental awareness and education. In our efforts to fulfill, I guess one of recommendations made by this committee, and really the basis or in the foundation upon which we can begin acting on a regional basis is the creating of an economic development district. The resolution that you have in front of you is basically the first step to doing just that. I believe you can read through it, but basically as you know:

"The Board of Commissioners of Vanderburgh County recognizes that Vanderburgh County is one of four counties, Gibson, Posey, Vanderburgh and Warrick, that compose a regional labor market area and economy that is commonly referred to as Southwest Indiana and;

Whereas, important economic and community development related issues frequently transcend county lines requiring multi-jurisdictional approaches and solutions and;

Whereas, the board recognizes the time and efforts of the members of the Southwest Indiana Strategy Commission to develop a comprehensive economic development strategy intended to address regional development issues and regional communication and;

Whereas, the board recognizes the need for a formal regional entity to continue the economic development planning, implementation and coordination of the Southwest Regional Strategy Committee and;

Whereas, the regional strategy and economical development entity approved by the USEDPA would directly benefit Vanderburgh County and the region as a whole by: coordinating regional economic concerns and solutions with state or federal agencies and may qualify the region for grant assistance from the EDA and/or other federal sources."

Whereas Vanderburgh County Board of Commissioners would join. Basically, while we have come up with all these strategies and goals and all that really forming the economic development district is a way of taking a step backwards because this organization is going to be whatever the County Commissioners and their representatives to the Regional Strategy Commission decide they want it to be. I mean, we went through the process of coming up with some ideas and what we would think are some achievable goals in the near future that we could move this region forward, but ultimately it is...basically, this organization is whatever the Commissioners and its appointees feel should be achieved for the region. We have been in discussions with the State Department of Commerce about some matching grants. We feel we have a pretty strong commitment for \$50,000 from the Indiana Department of Commerce. We would expect that the Federal Economic Development Administration would also provide at least maybe \$30,000 in matching grants. I would ask the Commission to approve this resolution.

Commissioner Mourdock: Several questions then, Jonathan. First of all, going back to the formation of the district I certainly understand and as you know on this board I've been supportive of the concept here, but this is where the rubber meets the road

in the sense that—

Jonathan Weinzapfel: Yes.

Commissioner Mourdock: —this is where we're talking about dollars now.

Jonathan Weinzapfel: Yes.

Commissioner Mourdock: I found it curious that you read through all the whereas' and stopped just before the one with the dollar amount.

Jonathan Weinzapfel: That wasn't intentional.

Commissioner Mourdock: Obviously, this group is looking for \$30,300 per year for each of the next two years and I understand the formula by which that is pro-rata against the counties.

Jonathan Weinzapfel: Yes.

Commissioner Mourdock: The budget figure that you mentioned a moment ago though I presume does not include those sums that you think are otherwise available, the \$50,000 you just mentioned from the state and the \$30,000?

Jonathan Weinzapfel: That would be over and above, yes.

Commissioner Mourdock: Right, okay.

Jonathan Weinzapfel: And we feel fairly confident.

Commissioner Mourdock: Okay. In doing this, and I don't have in front of me the packet of information you were reading from, the questions I have regarding the connection between this one and the Tri-State Workforce Initiative. Item two, as you said in your vision statement, is to deal with somewhat under the same terms workforce development. Has there been any discussion at this point with the people who are otherwise involved in setting this district up with what the local Chamber is trying to do in workforce development?

Jonathan Weinzapfel: It's been almost...we finalized these strategy statements almost a year ago, so no we have not been in contact. We haven't been working on the issues per se since then. We've basically been working towards, you know, putting together an economic development district and putting together the foundation to begin to move forward. But, obviously, while this is just a statement of what representatives of the County Commissioners believe we need to be as a region it would entail working with any existing organization in trying to achieve it.

Commissioner Mourdock: And I'm not adverse to either one of these two things, but what I do get adverse to and I seem to see this more and more, not implying that it would happen here, but it's where this body agrees to fund some group and then they end up using our money to fund three other groups. I think if we're going to allocate funds we need to make sure those funds are basically first party controlled. I would hate to see us approve this, put \$30,000 a year in this district and then find out that in addition to the \$5,000 on this other one they're taking, make up a number, \$10,000 from here also to go into this. If we're going fund it I want to make sure we have direct line funding so that we're really in charge of those funds. I think that's

our public responsibility certainly.

Commissioner Fanello: Do you have any comment on that, Jon?

President Mosby: Have you talked with Dorrie LoBue at all over at the Chamber about the workforce?

Jonathan Weinzapfel: No. The Chamber has been involved with putting together this Regional Strategy Committee, but no I have not talked specifically with her on workforce development issues.

President Mosby: Okay. Are you familiar with her request?

Jonathan Weinzapfel: No.

President Mosby: She has requested \$10,000 from Vanderburgh County along with Gibson, Henderson, Posey, Spencer, Warrick so that's what we're referring to as an overlap here.

Commissioner Mourdock: Potential overlap anyway.

President Mosby: Oh, potential.

Commissioner Mourdock: The other part of this, Jonathan, as well have you put...let me rephrase that. I know you have put together a full budget based on the funds you expect to get from the counties, correct? There will be some permanent staff hired under that budget, correct?

Jonathan Weinzapfel: We would envision, yes, one staff person.

Commissioner Mourdock: One staff person? Has there been a job description put together—

Jonathan Weinzapfel: No.

Commissioner Mourdock: —for what that person would do and what their requirements would be?

Jonathan Weinzapfel: We kind of need the counties to buy in—

Commissioner Mourdock: First step.

Jonathan Weinzapfel: —and basically bring their representatives together in a meeting before we start. You know, it's kind of a Catch-22, as far as you can't put the cart before the horse.

Commissioner Fanello: Have the other counties agreed to fund yet?

Jonathan Weinzapfel: Posey County approved a resolution two weeks ago. My counterparts, George Rehnquist, is meeting with the Gibson County Commissioners hopefully in the near future and Ron Keeping will be meeting with the Warrick County Commissioners.

Commissioner Fanello: Maybe we should take it under advisement for a week and

if you could somehow coordinate a meeting with Dorrie LoBue over at the Chamber.

Jonathan Weinzapfel: Sure.

Commissioner Fanello: And just see if this would in some way overlap or make her familiar with what you're proposing and just get some feedback on that.

Commissioner Mourdock: Actually we'll put both of these under advisement.

President Mosby: Right.

Commissioner Mourdock: So just to formalize it I would move then that Item E on our agenda and Item H be tabled for one week.

Jonathan Weinzapfel: This is as much about economic development as in attracting new industry and putting together a form by which these four counties can begin talking together. I mean, there are so many issues that we need to be working on together from a regional perspective. You know, transportation is the thing that comes to mind to me foremost. You know, this basically would be the foundation to begin doing that.

Commissioner Mourdock: And, again, don't interpret my desire to go no further as being hesitant. As you know, I have been to several of your meetings and sat through the process and helped appoint board members. So it's important.

Commissioner Fanello: I just want to make sure, like Richard and David said, we're not overlapping something or if we can get some kind of clarification of what she is wanting.

Jonathan Weinzapfel: Good stewardship of my tax dollars. Thank you.

President Mosby: Thank you, Jon. Representative Weinzapfel.

Brad Ellsworth - VCCC software contract
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President Mosby: Sheriff Ellsworth. I had a motion and a second to table E and H, so ordered.

Brad Ellsworth: Good evening. Sheriff Brad Ellsworth. I have given the president a contract that would enable us to change the software at the Community Corrections Center to a more user friendly and more adequate software package. I think we've reviewed the contract with Counselor Hayes and we made the changes that you requested. This software package, like I said, will enable us to give a lot better numbers to DOC. In fact, it's probably the most used software package in Indiana community corrections and I believe DOC, even though they won't say it, are working with this company to provide to work as the exclusive one through DOC. It does the reports, the quarterly reports that have been in question in the past and it should enable us to provide better information to the Department of Corrections. It will be funded strictly through user fees from the Correction Complex and if you have questions I would be glad to answer them if I can.

Commissioner Fanello: I'll move approval of the contract.

Commissioner Mourdock: Knowing it is funded by user fees I will second.

President Mosby: I have a motion and a second, so ordered.

Brad Ellsworth: Thank you all very much. While I'm standing here, unless it's not a convenient time, I have also got last week or two weeks ago we talked about forming the committee and I've made those phone calls and also have a letter to you naming the members that have agreed to serve on this committee. I believe that is a fairly inclusive list and if you have anybody you would like to add or if anybody else comes forward we would be glad to address that, but I look for any direction in that area.

Commissioner Mourdock: Is Ms. Hagedorn effectively taking Jeff Lantz's place?

Brad Ellsworth: I don't think so, Commissioner. She had just called when she read the newspaper article and notified me of her interest in serving on it, so I don't think it was anything official. She just thought it would be interesting to serve on the committee and would like to be considered.

Commissioner Mourdock: Should we...there is a lot of people on that list already and I know the more people you put on it the more complex it gets.

Commissioner Fanello: I was just going to suggest that we have...because we'll have one Commissioner attending the meetings. If we could have one Councilmember attend the meetings. I know we've got three listed on here, but if we could reduce that to one.

Brad Ellsworth: We brought up the Council. I mean, they asked for their appointments and that's what they came up with. I know Councilman Tornatta just has a lot of interest in the project and notified us of his willingness or his desire to attend.

Phil Hayes: I don't guess...if I could ask, Sheriff, the whole purpose of it is to make these tough choices about release, is it not, or alternatives to incarceration to those who are there?

Brad Ellsworth: I think suggestions, again, over the last several years the successful counties in dealing with these problems talk about the continued meeting of the criminal justice system and the players in that system to constantly review and look at to keep a check and balance on that system and also, you know, if something new comes up or ways to reduce the overcrowding to teach each entity how the other one works, why I can't transport the day they are convicted and sentenced.

Phil Hayes: Right.

Brad Ellsworth: I think it's an educational purpose and I also think it's for new ideas that anybody might come up with to reduce this.

Phil Hayes: Did you anticipate too that we're going to have to have some, as far as the legal end of this is concerned some contractual relationships with other facilities to relieve the short-term, the day or the two day, weekend situations that we must anticipate?

Brad Ellsworth: That's very possible. That will be up...you know, we'll have to discuss that on whether with the counties I talked about having beds for

approximately 15 if we need a contract or if it is good over the phone, they have the beds. You know we've went to the Council or the Commission went to the Council last week for an appropriation, I believe it was \$20,000, standby money. Most of the three counties have agreed to do that for \$35 a day similar to the DOC price. That's what DOC charges or will pay us and that's what they have agreed to do it for.

Phil Hayes: Okay.

Brad Ellsworth: I'm not sure it's going to take a contract.

Phil Hayes: Electronic monitoring, are we there?

Brad Ellsworth: That will be discussed. We've got bracelets available. It's just making that determination if the judges are comfortable doing that.

Phil Hayes: Sure.

Brad Ellsworth: One thing about that, and I talked to the Council, that's usually the last thing we do at Community Corrections is put them on the monitor so we'll have to determine who is comfortable with that and is the system comfortable with putting them on the monitor early, the home detention monitor, and making that the first thing after they are arrested. So I think that is something this committee can come back and if they are comfortable and the judges are comfortable we've got bracelets so we can do that. You know, there are all kinds of things we're going to have to look at. The Evansville Police Department and the Sheriff's Department, one of the things we'll talk about is citations over arrests in certain situations that, you know, won't be a traditional thing that a police officer has done is cite for certain offenses, but that is certainly a thing to discuss. I think there are things like sobering centers that we can discuss. Just discuss every option.

President Mosby: Exactly.

Commissioner Mourdock: Sheriff, one thing I would suggest for this group, and I say this in hindsight, I think our original committee would have worked perhaps better had we done this, I would suggest that you say the third Thursday of every month at 4:00 whatever that date is. Pick that day and make sure this group mandatorily gets back to it.

Brad Ellsworth: Right. Do you see, and, Richard, you had the benefit of being there, but in emergency situations we may be able to plan that out already to give us the authority to say these are the people we're going to take out first if we have to move them. You know, any situation where we have to meet quicker than monthly. If the numbers spike.

Commissioner Mourdock: Well, I would see that perhaps as a subcommittee of this group with several people there. Obviously, as much as it's a financial issue and I'll use the County Council's example, it is certainly a financial issue how overcrowded the jail is in both the long-term and potentially the short-term if we have to send people to other facilities, but it is the judges and the prosecutor who are ultimately going to say, yeah, move this guy out or whatever.

Brad Ellsworth: Right.

Commissioner Mourdock: So if you can get a small subgroup together. You might

check with Jack Cottey up in Marion County and see how they've got their first out the door policy established.

Brad Ellsworth: Right. It's kind of strange. They called down to me last week and asked some of our particulars on our agreements, so they must be in the same boat.

Commissioner Mourdock: Well, you'll be delighted to know the Sheriff in Marion County has the legal authority to let people out of jail, so if you would like that authority I'm sure the judges would be delighted to let you have it.

Brad Ellsworth: I would just as soon leave that with the judges. You're going to have me kind of tore down here on lawsuits! Thank you all very much. We'll wait for the direction we can come to before naming the meeting. If the Commission would like to set that I would be glad to go along with that. Whatever works.

Commissioner Fanello: I was going to say I think we should go ahead and set the first meeting.

President Mosby: That's fine.

Brad Ellsworth: That's a good idea.

President Mosby: You want to vote on this group?

Commissioner Fanello: I guess if we need...I don't know if we need to vote on this.

President Mosby: Do you feel comfortable with this many people?

Phil Hayes: Lantz, the Public Defender and the Juvenile Court. He has been out of town.

Commissioner Mourdock: And we didn't have Steve Owen or anyone in that position before so as I see him on here and think about it that probably takes care of that same type of position.

Phil Hayes: Jeff, and his knowledge if you want to, but I know he has been out of time.

Brad Ellsworth: I'll be glad to call him and see if he would like to. I assume that, you know, I don't know how we'll run this and who can come in and who can participate. Whether this is the participating group, open public meetings. Open for discussion, you know, to anybody.

President Mosby: As long as you feel comfortable with this many people.

Phil Hayes: They won't all be able to attend.

Commissioner Fanello: Yeah, they probably—

Brad Ellsworth: They won't all attend and I think the people in the decision making process will rise to the areas, you know, and I don't think it would hurt us, you know, the Council to hear what is going on and learning more about what we're doing.

Commissioner Fanello: They may not all be able to attend, so it's probably a good

idea.

President Mosby: And like I say, you can just add Commissioner president or vice president in my absence if I am working.

Phil Hayes: And or...?

Commissioner Fanello: It could be any of us.

President Mosby: And or...really any it could be any of the three of us. Whoever is available.

Brad Ellsworth: Yeah, I think the county attorney as he can make it.

Phil Hayes: The county attorney will probably have a conflict, but I'll give you a little report.

Commissioner Fanello: So when do we want to set the first meeting?

President Mosby: What did you say, Thursday?

Commissioner Mourdock: I just picked one just as an example. I mean, if we said the first Thursday of every month. That wouldn't give you enough time for this first one probably. How about the second Thursday of every month?

Commissioner Fanello: That sounds fine.

President Mosby: Which means there would be a meeting this Thursday?

Commissioner Mourdock: No, the second Thursday.

President Mosby: Oh, second okay.

Commissioner Fanello: Yeah.

President Mosby: The 14th. Is that okay with you?

Commissioner Fanello: The second Thursday of every month?

Commissioner Mourdock: At what, 4:00?

Brad Ellsworth: Four is fine with me.

Commissioner Fanello: And room...what is that, 303 over there?

Commissioner Mourdock: No.

Commissioner Fanello: No.

Commissioner Mourdock: County Council room.

Commissioner Fanello: The County Council room is 303.

Brad Ellsworth: I'll try to arrange that. Or Tammy either one. Tomorrow can you try

to get that?

Tammy McKinney: Yeah, I can call down to Bob and see if that is available. What was the time on that, 4:00?

President Mosby: Four o'clock, Room 303, second Thursday of the month at 4:00.

Tammy McKinney: And if for some reason you can't have that time, it's filled with something else?

Commissioner Fanello: You can probably always come over here.

Commissioner Mourdock: Yeah.

Tammy McKinney: Just put it over here? Okay.

Brad Ellsworth: Thank you.

Commissioner Mourdock: Before you leave the podium, Brad, one other thing and this was in the consent item file, but since you're there and for the sake of privacy I'll leave out the name, but you...actually Eric sent this to us, an invoice for \$999 that DOC took care of one of our people for a while. I just want to know...Eric has the line here that my request is that the Commissioners pay this bill, which nice try, Eric.

Commissioner Fanello: I think I'm going to interject here and say I think that kind of goes along with the amount we asked for from Council in lodging the inmates, don't you?

Brad Ellsworth: Okay.

Commissioner Mourdock: I just want to know how we're going to cover this budget wise. What line item or how we're going to do that.

Commissioner Fanello: Well, I was just thinking the same thing earlier, but it would have to come out of the line item that we asked for at Council last week.

Eric Williams: Let me explain. Chief Deputy Eric Williams. The gentleman that you are talking about is somebody that was ordered moved by our courts because we absolutely could not handle him so the DOC decided to hold him as a pre-trial detainee for us with the condition that they were going to bill us back for that. Really it was sent to the Commission to try to seek some resolution because we don't have a budget for that kind of item either, so more just direction on how do you want us to approach that? If there is inmate patient care that might be an account that you can take that out of because a lot of the other funds...that funds a lot of other things along those same lines.

Commissioner Mourdock: Yeah, that was the first thought, but it didn't seem quite appropriate in the sense that he isn't really a patient.

Eric Williams: It's not a traditional kind of item that would go in there, but I think it would fit that mold.

President Mosby: Would it not be feasible to take it out of the \$20,000 we went to Council for last week?

Eric Williams: That would be your discretion to use. I don't think that was...I don't think this is the intent of that funding—

Commissioner Mourdock: That was purely for transfer, correct?

Commissioner Fanello: Transfer, yeah.

President Mosby: We asked for money to move prisoners. I don't see why this would—

Commissioner Fanello: This is the movement of a prisoner.

President Mosby: If this guy was requested to be moved, I mean—

Brad Ellsworth: Well, he was ordered to be moved.

Commissioner Mourdock: Yeah, he was ordered. I mean, I understand we have to pay it, I just want to make sure we have the right line item. Do you want to make a motion that we take it from that, that's fine?

Commissioner Fanello: Motion to approve and I guess if we want to decide on which line item, personally I would like to take it out of the one we asked for if the Council approves it on Wednesday. If not, we could go to the Patient Inmate Care line item.

Commissioner Mourdock: Okay, I'll second.

Commissioner Mourdock: I have a motion and a second, so ordered.

Charlene Timmons: Can I ask a question before you leave?

Brad Ellsworth: Sure.

Charlene Timmons: I have an e-mail that say you were getting Fed Ex two of those copies of that software contract. Does somebody have those? You have those?

President Mosby: They're right here.

Charlene Timmons: Okay, and can I change the tape?

President Mosby: Sure.

Charlene Timmons: Thank you.

Brad Ellsworth: Thank you.

President Mosby: Thank you, Sheriff.

TAPE CHANGE

Bill Jeffers - Precinct redistricting update

Bill Jeffers: Bill Jeffers, County Surveyor. I just wanted to briefly touch base with you and ask that our office be allowed to continue to come down here every week or two

and touch base with you on the precinct redistricting. Today I would just like to give you an example of what we've looked at. On the first page of the handout is a map of Vanderburgh County divided into census tracts as of the year 2000. The shaded outline used as an example are the four Councilmatic, County Council districts as they exist today. You can see that the lines cross at some of the new census tracts. So we're not able to give you the exact population data because as of today we only have census tract data. We don't have census block data which is the smaller units. Looking at these existing Councilmatic Districts, you can see that the population has moved from District #3 out into Districts #1, #2 and #4. Ten years ago we had divided these up, they were relatively balanced within, you know, 1,000 people per district. So, looking at the second page, and this is just an example, these are actual population figures given. Back on the first page the estimates totaled up to 172,000. We divided that by four Councilmatic Districts. So, we're shooting for 43,000 per district.

Commissioner Mourdock: But the first page is as it exists?

Bill Jeffers: As exists, as is. I can't give you the exact population per district because some of the tracts are split as you can see. I don't know how many live on one side or the other of those lines. The second page, using known census data, we straightened out, actually we didn't straighten out, we just went along the existing council lines and followed census tract lines so that we did not split census tracts. Where necessary we booted out a little bit in District #3 to gain some votes, I mean not votes, to gain some population.

Commissioner Fanello: Was that a slip there?

Bill Jeffers: We're looking at population here, to gain some population. Where necessary we retracted the lines to loose some population. On the third page you'll see what we were doing there because the shaded...the areas are shaded as high growth, moderate growth, stable, moderate decline and high decline. So you can see that, for example, Council District #1, we took some population in the high growth area of Center Township and added it to #1. We split that high growth area between #1 and #2. Then down here in Perry Township there's a high growth area, so that balances out. The only problem we're having is trying to gain enough population in Districts #3 and #4 to offset some future growth. What this population change indicates to you is that the population is leaving the inner and near inner city and moving towards the suburbs, but we're able to come pretty close. We're within 1,000 people of hitting 43,000 in each of the four districts by doing what we did. So that's just an example of how we're working. The problem we're having is acquiring census tract, I mean census block data to do some fine-tuning. The two pages following that map...this is all that's available to us off the Internet. We can't work with that. That's a census tract map that's available in an 8 1/2" X 11" format printed off the Internet. That big dark area is just going to use up toner and what we get down here as census block data is just about useless anyway. So, what we've found today was that there are 29 maps available and the 30th map unit index. These are 30" X 36". They are available from the Internet. They're huge areas of census blocks. The county is divided into 29 areas. The size of each unit is shown over there. These became available between April 24th and April 27th of this year, so they're up-to-date. They're plotted out on 30" X 36" sheets of paper. The only two agencies that are capable of doing that work is the Area Plan Commission and the City Engineer's office. The City Engineer's office balked at having to take the job for 29 of these maps and Area Plan Commission indicated that they would like the request to come to the County Commissioners. Other than that, I wanted to point

out that our Office Supply Maps' budget has \$120 left for the rest of the year and the County Surveyor's Office Supply, which would be pens and highlighters and other things we're using for this project, we have \$191.88 left for the rest of the year. So, I'll be asking you to help supplement this project. Just to copy the maps on to mylar so that they can be used over and over again or distributed is \$180 project for eight maps that the Clerk sent over. Just eight maps at 30" X 36" are going to cost us \$180 to copy. Over a period of time, I mean if the City Engineer would like to participate in that project and supply us with those 29 maps, that would save a substantial amount of money. But I'm going to be asking the County Commissioners to help encourage participation by other departments such as Area Plan and the City Engineer's office.

Commissioner Mourdock: Bill, when you said the City Engineer balked at doing that, tell me again exactly what he balked at doing. Are you simply asking him to download...

Bill Jeffers: I'm asking him to download that data for those 29 maps, plus the 30th one which is an index map, into their files and then their plotter would...

Commissioner Mourdock: Would plot them out.

Bill Jeffers: Would plot those maps out. It's very time consuming. When he thought it was eight maps like the ones that the Clerk sent over he said, "It doesn't sound too bad, we probably have the man power for that." When he found out it was 29 he balked. Now this is the Assistant Engineer, the City Engineer is off on vacation this week. So that's not to say that...

Commissioner Mourdock: And the \$180 a piece that it would otherwise cost us to do this, we would do it commercially somewhere?

Bill Jeffers: That price came from Repro-Graphics. The last time the hard copies were provided by the Census Bureau and I was just talking about reproducing those as clear mylar so they could be reproduced. When someone asked for a copy of them we could reproduce them.

Commissioner Mourdock: But the \$180 would get us per map what the City Engineer would otherwise do, is that right?

Bill Jeffers: No, sir. I haven't been able to get a price from Repro-Graphics if they were to download and plot those out. I would imagine it would more like \$1,000.

Commissioner Mourdock: Per map?

Bill Jeffers: No, for the 29.

Commissioner Mourdock: Oh, okay.

Bill Jeffers: And then they still wouldn't be reproducible, they'd be on paper. What they're doing, they're doing them for about....well, no I mean it's real labor intensive to sit there and man the plotter while these things are slowly plotting out.

Commissioner Mourdock: Have you been working with the Clerk on this as far as the precincts?

Bill Jeffers: The Clerk has been very helpful in transferring data to us, but her data is from 1990. It does have the Legislative Districts overlaid on it and it has been very helpful.

Commissioner Mourdock: But she's giving you all the existing precincts.

Bill Jeffers: All the existing data, yes sir. She has been very helpful in transferring all of the existing precincts as well as some data that will help us combine or divide precincts that are too small and too large. That was something else I was going to ask for some guidance on eventually. What we're looking at is we're looking at precincts in these rapid growth areas that have gotten so far out of hand that the lines are 45 minutes to 60 minutes long to vote even though there's the maximum 1,200 people per precinct because the voter turnout is so high in those areas. In Center Township particularly, there's one precinct that took 45 minutes to get to the door. The precinct is still a legal precinct, it contains less than 1,200 people registered to vote. Yet the turnout was so high that the line was that long. When they closed the polls at 6:00 they invited everyone in line to come inside and some people left. Those that were able to get inside, it took until 8:30 to vote. So, we're going to be looking at precincts like that to divide even though they're legitimate precincts containing 1,200 registered voters. We think that's a disservice to the voters if they can't...or that they even have to wait that long. Whereas there's other precincts that have 400 or 500 voters per precinct and the voter turnout is so low that they should be combined and made into the maximum number of voters, 1,200. We're going to be asking for some guidance on those precincts because we don't...we think that the taxpayers should get maximum bang for their buck on this. It's hard enough to staff these precincts. At the same time, we're going to need some input from various people who intimately know the workings of the precinct as to whether some of the precincts need to be cut in half because voters can't get in the doors.

President Mosby: Is it not feasible just to send more machines out there?

Commissioner Mourdock: I'm not sure that may not be the only answer because I think there are some legalities with the sizing of precincts. You're right 1,200 is the max, if the county had a policy saying that all of them were going to be 700 then they'd all have close to 700. I don't know that you can say in some we're going to go ahead and maximize to 1,200 as you are suggesting, and in others you take that 1,200 and say, just for ease, we'll go 600 and 600. I'm not sure we can legally do that. But putting more machines in there might be an option. You're raising a great point, it's just a matter of how we address that problem.

President Mosby: And I would like to mark these precincts that we're talking about, if we've got that info, the ones it took so long to vote in so that we can...we still can try to make the minimum amount of precincts as possible to cut down on our workers and expense. It's easier to supply two extra machines as opposed to 10 or 12 people. I mean, I would look at when we go to order new voting equipment, if we have to, then let's estimate out how many machines we think we need per precinct.

Bill Jeffers: One suggestion that came in, I've solicited some people for suggestions, one suggestion was that we send out questionnaires to precinct workers or precinct committeemen from both parties asking for that type of data. How did the precinct operate in the last several elections?

President Mosby: We should contact the Inspector and Democrat Judge which is the

two people that bring the equipment back and the ballots and everything. That's who's in charge and we need...

Bill Jeffers: That's who you think we should need to contact?

President Mosby: That's who I would contact because the Inspector is in charge of the precinct and the Democrat Judge, as long as the Secretary of State is of the Republican Party, is the head person for the other side. I would contact them two people and ask for their suggestions. It would be good starting spot.

Bill Jeffers: That's true because a lot of precincts don't have...

President Mosby: A lot of them don't have committeeman.

Bill Jeffers: Committeemen, yet every one has a Judge and an Inspector, that's correct. I just want to ask you if I can come back every week or two and have brief chat. Thank you.

President Mosby: Thank you.

Catherine Fanello - Vanderburgh Co. Capital Improvement Plan

President Mosby: Catherine Fanello.

Commissioner Fanello: I just want to make known, my microphone's not on, make known something that I brought up in the campaign last year and also Commissioner Mosby brought up last year was that the county needed to pursue more long-term planning. So, I'm asking that this board adopt, I guess, the idea that the county do a five year Capital Improvement Plan. I've already had discussions with John Stoll and Ralph Kissinger and Steve Craig about developing one and have given them a copy of the one that the city produces every year at budget time. We have the authority over our departments to do it and I also encourage all the county departments and the County Council to maybe ask the county departments to do a Capital Improvement Plan. But I just want this board to adopt that idea so that we can move forward on it before budget time this year.

Commissioner Mourdock: You will not hear me ever argue against planning. I think it is the fundamental thing that this board needs to do. I take a little offense at the inference there that it needs planning now like there was no planning previously. I'm not going to make a big argument of that, but certainly we've done quite a bit of planning here in the past six years, and you'll note that includes also the two years when I was the minority member.

Commissioner Fanello: Maybe a reference point for planning which we don't have at this point.

Commissioner Mourdock: And that's a valid point. I think the thing that we have to consider when we look at our capital plan especially is on the income side. I think that's the great mystery right now. That's the number that's floating in space that we don't know how that's going to affect us. As you're probably aware just a couple of months back the state's revenue was down \$100 million. Did Jonathan just leave?

Commissioner Fanello: He left when you said that.

Commissioner Mourdock: He sensed this was coming, I guess. The state's revenue dropped over \$103 million in one month. For instance, with Local Roads and Streets the extra \$100 million that was put in the budget there that we've been able to work off of the last few years, that money was not put back in the budget for this coming biannual. So, that total of \$179 million drops to \$79 million which means we're back to funding the Roads and Streets at the level of 1995 and 1996. The base of what we do with Roads and Streets, as Ralph would tell you, so much of it is asphalt based and the price of petroleum now is...well it was 40% in '95 and '96 what it is right now. So, how we're going to get by with '95 and '96 numbers, I think, calls for a lot of planning, everything. Even with what we're looking at budget wise maybe we should look at taking our own COIT estimates for budget and rolling those back to '95 and '96 levels just to make sure we are going to be consistent and conservative. So, as far as doing the budgeting and the planning, I think we need to do that. I think we are clearly trying to hit a small fish in a big barrel because there are so many changes coming down from state funding right now that we're going to have to watch it very closely.

Commissioner Fanello: That's why I suggest putting together this five year document which, you know, would tell us what projects are on the table and we can prioritize as changes come about. I mean, at least Council has an idea of what projects we're looking at because...I mean, I'm not saying that nobody planned before, but since I've been in here I've almost felt sometimes like we just fly by the seat of our pants some days. To me that's not good government.

Commissioner Mourdock: Yeah, there was planning before and that was one reason why we got done so much so fast out on the east side because we saw that as a priority. Again, I'm not going to argue with you over the need for planning, absolutely. That's why I put up on the board back there what I put up the second week of January so that we have something to work from. So, however we need to do it let's go ahead and get started with it and keep everybody advised.

President Mosby: I would like to see the department heads give us their five year range for what they see as capital improvement and I would like to see, and I'm very familiar with the city side as being Finance Chairman over there, nothing started without being funded. And I mean it was funded in the year 2003 or 2004 or 2005. You know, I look at Steve Craig sitting at Burdette Park waiting to fund a Discovery Center. You know where it's coming from? I mean, I don't. But I mean we've got a building started, or we've got the land started but it's not funded. Now, to me that project would have not started had it not been funded to its full extent. But, that's what I don't see happening over here and that's what I'm use to. I wouldn't want to start a project unless it was funded and we knew we were going with it. That's my...what I would like to see from our department heads and truthfully would like to see the county follow it totally and everybody list out their five year priorities. And we can get somewhat of an estimate on what our Riverboat money is going to be and our Local Option Income Tax money is going to be and other sources of income to where behind each project it is going to say either RBT or LIT or whatever. So, that's what I would be looking for, that the county be put on a plan.

Commissioner Fanello: So, I don't know if we need a motion to adopt that idea or we just want to go with it and present it at budget time.

Commissioner Mourdock: I would suggest then that we go ahead and formalize it with a motion that you want five year capital budget plans for all department heads reporting to the County Commissioners.

Commissioner Fanello: Okay, I'll make that motion.

Commissioner Mourdock: I'll second it.

President Mosby: I have a motion and a second, so ordered. Any other discussion?

Suzanne M. Crouch - Live broadcast of Commission meetings via Internet

President Mosby: Suzanne Crouch.

Suzanne Crouch: I'm here to request permission to broadcast the Commissioner meetings live via the Internet. A question had arisen at the last meeting I was at, which was May 21st, about security and that has been addressed by Dave Gumbiner, head of SCT, where there are no security risks or issues with that. Commissioner Fanello and I had a very healthy discussion Friday that was taped. I hope all the questions have been resolved, but I'd ask permission to do that at this time. What that entails is permission for a phone line drop in here.

Commissioner Fanello: Okay. And if you can get with Tammy and get our new form filled out. You weren't here last week, but we did come up with a new form for all of the telephone requests and equipment requests. I'll make a motion that we broadcast live the County Commissioner meetings via the Internet and after that I'll also make another comment.

Commissioner Mourdock: That includes going ahead and setting up the phone line?

Commissioner Fanello: And setting up the phone line, yes.

Commissioner Mourdock: I'll second.

Commissioner Fanello: And also, I mean if we are going to truly be committed to public access then I'm going to ask that this county look at broadcasting these meetings on television and public radio.

President Mosby: Motion and a second, so ordered.

Commissioner Fanello: Oh, sorry.

Commissioner Mourdock: And your comments about doing it publicly, we've already contractually, just by sense of history, we've already contractually provided the way to do that which is through the SIGECOM franchise agreement that was done about two or three years ago. One of the things that they had to provide as a part of that contract that we negotiated into it was public access type channels. They are to set up, when they're ready to roll, they have the contractual obligation to go ahead and do those things.

Commissioner Fanello: Okay, and just to let you know I had a conversation with Dave Dial the other day at WNIN so he would also like to sit down with one of us and talk about possibly broadcasting them on WNIN.

President Mosby: Have you presented this to the County Council?

Suzanne Crouch: I'm on the agenda for Wednesday.

President Mosby: I think you talked with Channel 14 today, so did I. Did you talk to Channel 14? I know they were trying to get a hold of you.

Suzanne Crouch: Oh, today?

President Mosby: Yes.

Suzanne Crouch: Yes.

President Mosby: Okay, I did too. I told them that I'm not against the public information part of it. I would like to see it expanded to the County Council, City Council, Mayor's Office if they want. The one thing that I'm concerned about, and I'm in favor of this, is the repercussion of the voter who does all of the sudden have an interest after seeing this on the Internet that would like to speak to a subject or would like to talk to a subject, but it's going to be done with by the time they have any access to us. We can discuss something here tonight and if it's of any importance to them and they are sitting at home on the Internet, what are you going to give them to access us to let us know—

Commissioner Fanello: Maybe we ought to have them type in questions.

Suzanne Crouch: I think that's a very healthy comment and it's not beyond the realm of possibility to do some type of interactive in the future where people could actually e-mail any questions and concerns. I think that's a very good point.

President Mosby: I just hope you don't stop here. I mean, I hope you keep pursuing this and maybe researching it to where you can come up with something. I mean, they can't come down next week under old business and say that I want to speak to what you voted on last week.

Suzanne Crouch: And revote.

President Mosby: Right, we're not going to be revoting.

Commissioner Mourdock: Let's take that another way. I know currently we do, once our minutes are approved those are available. Are they not?

President Mosby: Sure.

Suzanne Crouch: That is correct.

Commissioner Mourdock: I mean Internet wise?

Suzanne Crouch: That's correct.

Commissioner Mourdock: Why not go ahead with the agendas that we have on Friday and go ahead and put those out on Friday. That way people would at least if they choose to go to the Internet they can at least see what is coming up on the schedule and if they choose to be hear they can and if not maybe they'll sit there and watch their machine or listen to their machine.

Suzanne Crouch: Is that something that the Commissioners would make available over their website?

President Mosby: This is a public agenda, so I don't know why we wouldn't want to make it available.

Commissioner Fanello: Maybe we could make it available on our website, but since the minutes are on...I think they go to your website to get the minutes. I don't know if it would make a difference or if it would be easier to put it on the Auditor's.

Commissioner Mourdock: Put it on both, yeah. Okay, I'll move that as soon as practical we begin to post our agenda on the Internet on both the Auditor and Commissioner sites.

Commissioner Fanello: Second.

Commissioner Mourdock: And that means those would need to be done by 1:00 or so on Friday to make sure we can get them ready.

Suzanne Crouch: And Charlene raised a point, Tammy. I don't know if it is possible to get that agenda on disk, but maybe we can work that out. I know it takes you a while to get it. That would just make it easier for us to upload.

Tammy McKinney: Oh, that's fine. But I think we need to, if we're going to do this, we've got to set a time. I can't have these late things like that dropped on my desk on 3:00 this afternoon.

Commissioner Fanello: Everybody needs to adhere to that time schedule.

Tammy McKinney: I mean, so I know we sent out a memo early that said that Thursday at noon and I'm still getting things at Thursday at 2:00.

Commissioner Fanello: Deny them then if it's not an emergency.

Commissioner Mourdock: Put a little box out by your desk that says "Thursday 2:01 p.m." and if it comes in after Thursday at 2:00 then it goes in that box and we don't see it until the following Monday. That would simplify everybody's life.

Commissioner Fanello: I agree.

Tammy McKinney: So that way I can have it to you Friday morning. If we can get everyone to adhere by the deadline.

Commissioner Fanello: It doesn't matter if it comes in at 1:15—

Tammy McKinney: It's done.

Commissioner Mourdock: That will get away from all these stacks of paper we find on our desks right before each meeting and that would be a welcomed change.

Commissioner Fanello: Yes.

President Mosby: Thank you.

Renewal agreement - Government Payment Service

President Mosby: GPS.

Commissioner Fanello: That was the agreement we put on hold from the last meeting. You were going to look at that and see if that was—

Phil Hayes: I have reviewed the agreement and I find it to be consistent with the standards that the county requires.

Commissioner Fanello: I don't have a copy in front of me.

Commissioner Mourdock: Yeah, I don't have a copy of it either.

President Mosby: It was carried over, I think. I don't have mine.

Charlene Timmons: I have a copy.

Commissioner Fanello: I'll go ahead if everybody is okay with it and make a motion to approve.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered.

Any group or individual wishing to address the Commission

President Mosby: Any other group or individual wishing to address the board under action items? Yes, sir. Okay hold on, I've got two.

Commissioner Fanello: Duel.

President Mosby: Go ahead. I seen you first, then I seen him get up so I'll start with you.

Steve Perry: I've appeared before you so much I'm beginning to think we're family. My name is Steve Perry and I'm with the Evansville Rescue Mission. Prior to the meeting I dropped off a proposal to you. In essence, I know I've been hearing in this meeting a real concern about funding and where you're going to get money to do various things. I guess what I'm trying to say is that our organization is ready to present the county a gift. That gift is described in the first page here. It's a 30 bed juvenile detention/training center that is expandable to 50 beds and is similar in scope to the Hale County Juvenile Facility featured in this proposal. This facility will provide services for male and female juveniles. It will provide private beds. They will be equipped with restroom facilities. They will be handicap accessible. It will provide services to children who are a danger to themselves and a danger to others. This facility will have education, indoor and outdoor recreation, special programming and many other valuable components and we will serve pretrial and, if necessary, post-trial placements. It can also be an alternative to Indiana Boys/Girls School placement. A placement that hasn't been very good in a lot of years, and has resulted in a lot of times these young people going to prison. How will this project be funded? At no cost to the county taxpayers the Evansville Rescue Mission will conduct a capital campaign to cover the purchase of property and expenses of

construction for the proposed juvenile facility. The project's estimated cost is between \$3 million to \$4 million. Major corporations, banks, commercial businesses, civic groups, churches and individuals will be challenged to make a generous pledge toward helping at risk youths in need of attention. The campaign will begin privately for an estimated three months, followed by a public campaign for an additional three to six months. Pledges will be accepted for one year or multiple years. Cash donations, gifts of equities, trusts, contributions and other monies will be accepted for the project any time after the Commissioners give approval. Informal fund raising for this project has already begun. Part of the \$3 million to \$4 million estimated cost is the \$775,000 purchase price for additional land. However, a major donor has committed to pay for most of this acquisition over a period of ten years. Other major donors are currently making commitments. A mortgage will be needed while pledges are being paid. It is anticipated that a line of credit and then a mortgage will be needed to cover building expenses during the time pledges are being met. Therefore interest on the mortgage must be factored into the annual operations budget. So what criteria will we follow to write an annual operating budget? It's the standard set by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention which is somewhere between 30% to 36% of the cost to build the facility. The operations budget will need to be funded by Vanderburgh County for a minimum of ten years at the rate of 26 occupants per day. Any vacancies each day that are not filled by a Vanderburgh County Juvenile Court will be offered to juvenile courts in surrounding counties at a fair market cost per day, but the amount of which will be credited to Vanderburgh County. So what will happen to the Youth Care Center? Upon completion of the new Juvenile Detention/Training Facility the existing Youth Care Center will operate exclusively as a non-secure detention/behavior modification program for both male and female juvenile offenders. Operating in a non-secure capacity was the intention of the Youth Care Center in the first place. The Youth Care Center will work closely with offenders and families to insure the necessary components are in place to give the child a reasonable chance of success once he or she is sent home. It will remain a 60 bed emergency shelter that offers middle and high school education for credit, GED training for clients not enrolled in school, independent living skills and many other important things. It will continue to be a reward for good behavior for those in the new detention unit to leave to go there, especially when clients need more time before they go home. Now, here's another question and that is, is the Evansville Rescue Mission capable of handling a project of this scope? The answer is yes. The Evansville Rescue Mission, having assets of more than \$4 million and a cash reserve of \$1.5 million, is in solid financial condition to begin this project. Furthermore, it has a donor base of more than 17,000 individual family units committed to providing help to needy people in the community. Also, it has an 84 year track record for financing capital projects without cost to the taxpayers. Construction on the new facility can begin as early as January 2002 and be completed to commence operations by the first quarter of the year 2003. In the packet that I gave you there is an ariel view of the main campus of the Evansville Rescue Mission. It's in the center there. There's a parking lot behind it which is in front of what is now our Youth Care Center. To the right of the main building you see an "L" shaped parking lot and next to it at the far right is a building, an office building which has been the OB-GYN clinic since 1962. This is the property that we are purchasing and we've already signed an agreement with Deaconess Hospital for this purchase. We are purchasing it through them over a ten year period at 6% interest. The next slide shows you where the future site of the Juvenile Detention/Training Facility will be placed. It's right in the "L" shaped parking lot. Following that is the Hale County Juvenile Facility diagram that is provided by Gibraltar Design out of Indianapolis, Indiana, a firm that has built any number of

juvenile detention facilities and is currently building the Indiana Girls School in Indianapolis. There is a letter that has been given to me that is presented on the next page that explains that this facility can be placed in that parking lot. In this facility you'll notice it has a gymnasium, cafeteria, classroom, and I say and they say that it is a 30 bed facility but this doesn't mean that all 30 beds will be occupied at once. You have one room that is segregated and you have two rooms that are designated for isolation once the young people are received into the facility. Then the other is a medical examining room. So, probably 26 people maximum will be placed here at any particular time. If you'll look beyond this letter that is written by Don Prichard, you see another diagram that shows the future site of the juvenile facility. But also penciled in red represents areas that can also be utilized for either current or future expansion of that plan, facilities that we already have and facilities that can be incorporated into the model once that model is designed. Now, in order to do that, and especially according to the letter by Mr. Prichard who came down and measured off the lot and the facilities that we have. He says that by vacating this alley, I don't know if you see the alley or not, can you see the alley? By vacating the alley to the dotted line above, the proposed 30 bed facility can be expanded to a 50 bed facility later on. Now, if we use up all of our space then where are we going to park cars? The answer to that question is that right across the street that accompanies this property that we are purchasing, next to Buckner Towers, is a 33 car parking lot. So, I come before you all tonight to share with you this commitment that we have to the young people of this community. We really believe that with the experienced staff that we have and we've been managing the Youth Care Center for 19 years, we feel very confident that there are many more good things left in store to help these at risk youths. We do not approach matters as punitive, but we approach children as if they are children in need of services even though they are facing violations of the law. We believe in gentle, tough love if you will. We don't take our responsibilities lightly. We don't believe in doing anything second class. We want to make sure that they are provided for in a special way so they can grow up in this community and be good citizens. We're ready to go, anytime you give us the word we'll get started on this project. We'll look forward to it, we've been looking forward to it. I want to thank the board members and different supporters of this organization for coming tonight and others that weren't able to be here. We could have filled this place with 1,000 people to tell you what the Evansville Rescue Mission stands for and our heart is in the right place. We don't intend any harm to anybody.

TAPE CHANGE

Steve Perry: I've got one right here. I think I gave –

President Mosby: No, we wanted one for the –

Steve Perry: You want five?

President Mosby: Yeah, we need one for –

Steve Perry: Sure.

Commissioner Fanello: Hypothetically speaking, if we were to go with such a proposal, what would you do if the county could not fund the operation's budget?

Steve Perry: Well, our approach is we're doing this for the county and it's already been determined that to keep people detained, young people, that the standards

have been set, that they need a facility where they can stay, where they can have access to a restroom without knocking on the door or calling some of our behavior techs over and say, would you take me to the bathroom? And currently, that's what they have to do and our staff doesn't mind doing that but we feel like that since the building wasn't designed to do what it's doing, and it's been pointed out by the newspapers that we can't take care of females and that sort of thing, we're doing our children a disservice by not providing those services.

Commissioner Fanello: I don't disagree with you on that and I'm fully committed to having a juvenile facility here but it's something we haven't had before and even, you know, the Sheriff has made the comment about community corrections, if there's not enough money to fund it, you know, we can always stop it. But if we were to get in the juvenile detention facility area and you did that and you want a ten year commitment on funding an operations budget, if for some reason the county runs into some kind of stopping point where we can't fund the operations budget, I'm interested in what you would do at that point.

Steve Perry: I was always under the impression that the county is mandated by law to take care of a situation like this.

Commissioner Fanello: I don't think, I mean, we don't have a detention facility like you're talking about right now, so I mean, if...

Commissioner Mourdock: Yeah, I'm going to take a shot at the questions and I think I know the answer, too, so let me try to put this together. If I understood what you were saying in your proposal here, sort of what Dave was saying earlier, if we don't commit to do this at some level, whatever that contracted level is, you're not going to go forward. Is that correct?

Steve Perry: We're doing this as a service to Vanderburgh County, so there's no other county that's going to –

Commissioner Mourdock: But as far as the new construction, you're not going to go break ground for anything unless we've committed to funding operating expenses at some level, whatever we ultimately negotiate.

Steve Perry: Right.

Commissioner Mourdock: And then, that begs the question, and this is a great start, I mean, we asked you the last time you were here to come back with a proposal and this is a step in the right direction to get us all talking and looking at the specifics. I guess two questions, on the second page you talk about the need for the county to fund a rate of 26 occupants per day, at some point very soon we would need to know what that is in dollars per day. And the second part of that is your reference to the beds being used by other counties, have you had discussions at this point with the other county commissioners in surrounding counties to get –

Steve Perry: No, we currently do business with Posey County, but we haven't talked to other counties about this. We have sent brochures from time to time of our services that are available.

Commissioner Mourdock: And the business you are doing with Posey at this point is simply on a per dollar/per day delivered service?

Steve Perry: For the same basis as it is with Vanderburgh County. At the 26 bed occupancy figure, surprisingly, because the Mission is willing to raise the funds to build the facility, there's not going to be too much difference in what the actual per diem rate is.

Commissioner Mourdock: From –

Steve Perry: From what it is currently.

Commissioner Fanello: Have you spoken with the Sheriff about this idea?

Steve Perry: Nothing other than seeing Brad here at the meetings from time to time.

Commissioner Fanello: Because I'm sure there would have to be some, if we did this, there would have to be some coordination with...

Commissioner Mourdock: And Judge Niemeier.

Commissioner Fanello: And Judge Niemeier.

Steve Perry: Right, sure.

Commissioner Mourdock: And I think Judge Niemeier is largely supportive of the concept at this point. I've heard him make that comment.

Steve Perry: And Judge Niemeier is doing a great job keeping our current facilities open and running well.

Commissioner Mourdock: Well, that's a great point, too. How has that number changed since the first of the year?

Steve Perry: It's changed dramatically.

Commissioner Mourdock: From what to what?

Steve Perry: Well, we've had, actually, there have been times we've had more young people in the facility than what we were able to occupy.

Commissioner Mourdock: Don't overcrowd or the ACLU will come.

Steve Perry: We've had as many as 21, I think, and maybe even 22 in there at some point, but it's been about 18 that we've been keeping on an average.

President Mosby: I've just got a couple of questions and I read what you're saying here about cooperation. I mean, have you actually talked to some of these people? I mean, is there commitments there? I notice you go off of about a six month timetable and I'm just wondering how far into this are you and positively sure that this could come about?

Steve Perry: I don't have any doubt that we'll be able to raise all that we need to raise and –

President Mosby: I'm not doubting your word but I've sat before and had people come up and tell me, you know, we can raise that money if you'll go with the idea

and you get out there and you make a commitment and the next thing you know –

Steve Perry: I know, and I've never–

Commissioner Fanello: A good example is the ice rink.

President Mosby: It's happened several times in mine and I'm gun shy now. And then I would go further on to the next –

Steve Perry: I wouldn't be standing before you if it wasn't going to happen.

President Mosby: I'm just going to take for granted, though, you've really not talked to anybody yet since you –

Steve Perry: Oh, I've talked to a lot of people.

Commissioner Fanello: But do you have firm dollar commitments from those people?

Steve Perry: I haven't asked for firm dollar commitments.

Commissioner Fanello: I mean, there's a –

Steve Perry: And the reason I haven't is because I'm waiting for you all to say yes.

Commissioner Mourdock: Knowing a lot of the members of the board, –

Steve Perry: Cause I may have some other projects to ask money for later and I don't want to ask them for something and it's not going to happen.

Commissioner Mourdock: I have no doubt in my mind at all, knowing the members of the board that are sitting back here, they wouldn't come here if they felt they had any doubt in raising this kind of money. I know they can do that.

President Mosby: And then I guess my other question would be, is where you talk about a mortgage and I guess that's anticipated on the fact that you're going take pledges and you've got to wait for that money to come in, so what happens then when the money doesn't come in? Somebody goes out of business, pulls their support, where does that money come from?

Steve Perry: We've never been in that situation. The money has always come in. We've always made it.

President Mosby: You need to sit in my seat for a while.

Commissioner Mourdock: I think you just said it right, you need to run county government.

(Inaudible – several speaking at once)

Commissioner Fanello: Have you thought about running for County Council?

Steve Perry: It's always come in. I mean, that's why we're still here.

President Mosby: I mean, I've sat through some of these over in the city and people

make pledges but it doesn't happen and that's what I'm wondering, what happens then?

Commissioner Mourdock: Well, my question I guess is to David and Catherine here at this point. It would seem to me based on our last presentation that Steve and his group gave us, we asked them for a proposal and they've come back to us with this, it seems to me now that it is incumbent upon us to get back to them within a fairly reasonable time frame as to what we think the county would be willing to commit to, if anything. I'm not making any presumptions, but on how many beds a day or what sort of dollar amount would we be looking at? Obviously we need to work with the County Council to do that.

Commissioner Fanello: And I would want the Sheriff to sit down and have a discussion with everyone about this, too. I would have to look at – we started off this year with this jail project and in talking about juvenile and community corrections and doing these projects as one project in order to save money. And granted, they would be building a facility, but I would just want to go through and look at how much we would be spending in operational costs at another separate facility versus what we would save having all three facilities together.

Phil Hoy: I just came to the mike, Phil Hoy, County Council, to make a suggestion since we handle that budget for young people, which last year counting adoption costs, foster homes and institutional placements, is \$11,000,000. We would like to see the plan – you know, we're interested in seeing the plan, we're interested in any options and we are, obviously, interested in – I think I can speak for the majority, if not all seven of us, we're interested in more than just dollar amounts. We're interested in quality of service and what happens with young people. So I think it would be very wise for this presentation to be made to the County Council also. I'm not going to raise any questions about it tonight. The questions that I have, I know Steve very well, I know his organization. Whether or not you want to do this or we want to do this or the Sheriff wants to do this, as far as raising money is concerned, I will tell you one thing, if there's any organization in town that can do it, they can. I would never doubt that for a minute. That's not the concern. I think we need to look at operational costs, and things like that since operational costs are what did they tell us, 80 - 90% of your long term costs and that's what we want to look at, too, and also what kind of service that's offered. So I'm sure that Mr. Bassemier, who is the President, would welcome an offer from you to come to present.

Commissioner Fanello: Which board members are here tonight? If they would just stand and introduce themselves.

(Inaudible – board members did not come to the microphone to introduce themselves)

President Mosby: Any other questions?

Commissioner Fanello: No, I think, like I said, I'd want the Sheriff to sit down and have a discussion with you and see what his viewpoints are.

Commissioner Mourdock: Is it reasonable to set a timetable here of, I don't know, six weeks or something to say that both to get the Council involved with a presentation from Steve and his board to that group, for this group to talk about it to get the input from Judge Niemeier, the Sheriff, whomever else we need to bring to the table, I mean, these folks, again, I emphasize they've done what we asked them to do and

I think we need to get them a response of some sort.

Commissioner Fanello: I would think the earlier the better, since we are going to be in negotiations with the jail design team.

President Mosby: I would say, I'll get a hold of Judge Niemeier and maybe get him and the Sheriff, Eric, Mr. Perry, and sit down with them and look at this proposal, come back to him with an answer, but I wouldn't, and before I would commit to this, I'd have to see some type of fund raising started and some commitment on your board's part that we're not going to get – that we're not going to get into this project and then all of the sudden say we can't do it when we've already got the jail being designed and the community corrections being designed, then we have to stop and go back and try to design juvenile, so I mean, yeah, I'd be more than willing to get back with them in four weeks. And then put the ball back in your court again.

Steve Perry: Great.

Commissioner Mourdock: Then, just formally, I'll move that the President of this board determine a meeting date between the Judge, the Sheriff and whomever else is deemed appropriate from the County Council, plus Mr. Perry to discuss and we'll get back with a formal presentation about a month from today, which would be what, the –

President Mosby: It might not be – and I don't know if this board would want to include other counties but I've had contact with Posey, Warrick, both, and talked to them already and they might be interested in doing something with us. I didn't talk to anybody from Gibson.

Commissioner Mourdock: I think Gibson is contractually tied in to Knox County in some way, but I'm not sure on that.

Steve Perry: They may very well be, I'm not sure.

Commissioner Mourdock: Yeah, you don't get many folks from Gibson, do you?

Steve Perry: No.

President Mosby: But I have talked with Jack Pike, Bobby Deig, Martin Redman, so these guys are all interested.

Commissioner Mourdock: Yeah, you know, and if we can have some cost shifting through the negotiations to get them to carry more of it, let's do it.

President Mosby: Sheriff, would you have a problem with tying in Posey and Warrick?

Brad Ellsworth: That's no problem with us. I think we have a letter and I know Pike forwarded it to you all from Warrick County expressing their interest in getting with us. I haven't had any contact with Posey but we got a letter of interest from Warrick County that they be included in some kind of talks.

President Mosby: Was it from Jack Pike, the president up there?

Brad Ellsworth: It was the president or community corrections advisory board.

President Mosby: Yeah, I had a long conversation with him in Lafayette and matter of fact, Martin Redman and Bobby Deig from Posey were there, too, when we were talking. So we'll get with them.

Brad Ellsworth: We'll work with anybody you want.

President Mosby: Okay, I'll get a date with him and Judge Niemeier and then we'll get back to you.

Steve Perry: Alright. Anything else?

Commissioner Fanello: That's it.

President Mosby: Thank you very much.

Steve Perry: Thank you.

Richard Helzerman - Jail overcrowding
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President Mosby: Mr. Helzerman, you were coming up and I had to stop you.

Richard Helzerman: My name is Richard Helzerman and I'm here to speak to you about the problem of overcrowding in the Vanderburgh County jail. First of all I'd like to thank Commissioner Mourdock for writing a letter to Stan Levco and to two heads of the courts. Stan Levco met with me two times for 45 minutes each, the judge of the Circuit Court, Judge Heldt met with me for a half hour during his lunch hour and hasn't given me the other half hour. Judge Pigman has given me, I've met with him once for over an hour and once again a second time. All of them do not take ownership of the problem of the overcrowding of the jail. And when I present some issues to them, they always say I don't have control over that, somebody else has control over that. And they, in particular, Stan Levco says that he deliberately sets the bail higher than the people can make when he wants to keep them in jail before they've been proven guilty. Judge Heldt also said and he said I know the constitution says that the person should have a reasonable bail, but the law of Indiana allows us to set the bail higher than that. And he said that he deliberately sets the bail at a level for these people so they will not be able to be let out. I didn't talk particularly a lot with the Superior Court because I had another issue with them. It's still not resolved and I don't want to talk to you too much about that until we get resolved this issue. Suffice it to say that if I'm right on that, if the Superior Court would make one simple change in their procedure, the overcrowding in the jail would disappear within three months but I still haven't convinced him of that. But I appreciate your support and it has been very helpful. I learned a great deal talking with them. I'd like to say that in the last three weeks, the population in the jail has gone up very high and you've exceeded the agreed limits of 329 or whatever it is, and so technically you are in violation of your agreements with the federal court and are subject, presumably, to contempt of court citations and other kinds of things. I think it's clear from – there was an article in the paper that said that Judge Trockman asked the Council to form a committee to help them decide who to let out and so the judges themselves are looking to you for an answer. They do not know, I mean, they put the people there they think should be there and there's too many of them and they've come and asked you for guidance and now forming a committee is nice but if the committee only meets once a month, that isn't going to be too helpful because the thing goes over. Now, the first point I want to make about it is the jail population

going up over its limit is not an accident and if you'll look in the packet that I have, the first graph shows the population of the jail for this year. The jail population jumps up and down continually. That's the nature of any random type of activity. But there will be an average or a trend line and if we look at the – and to do that, that's called a regression and so I've set up two regression lines here. And if you'll notice, from the first of the year up through the twelfth week, the thing goes up and down but that yellow line is a regression line, that's the least square's best fit of the population of the jail. Now the coefficient on that line is -1, which means that the average every week, the average population of the jail dropped by one person. But something happened ten, eleven, twelve, you know, toward the end of March the beginning of April, there's a change in the regression line. And the regression line that fits the second half of this plot is the blue line and you can see that that is growing and in fact it's growing five a week and while the numbers go up and down, they're going up around a line that's going up five a week. And so the population of the jail, it's not just that it happened to pop up high to this level and it's going to pop back down. It is, in fact, there is a real trend there that this line will match and it will require some change in policy procedure, some action or it's going to keep going up and up and up. And the Sheriff showed me a graph that he's keeping, this is a weekly graph because that's the only data I have, but he has the daily data and you can see on the daily data that it's jumping there also. And so I am here to urge you to continue your efforts to try to get this down. Now the reason the jail is overcrowded, again, is because of the pre-trial felons and the second thing in your packet there is the last page of one of the weekly jail reports. There are 332 people in the jail this week, 181 of them are pre-trial felons. Now that's almost two-thirds. Most of the year it's been half, they've been half of them but the percentage of pre-trial felons is growing as the population of the jail goes up. And we have a constitutional right to have a reasonable bail and if these pre-trial felons had a reasonable bail they would not be in jail and you would not have a problem. If this number was down along with these other numbers, the rest of the parts of the system are working fine, but the pre-trial felons are not working fine and that is where the problem is and that's where the solution has to be. Now the third graph I have for you shows the population of the jail for this year, the pre-trial felons is the reddish line, you can see it's about half our pre-trial felons, and you can see when the pre-trial felons goes up the population of the jail goes up and when it goes down. Now the pre-trial felons consists of two groups of people: one are people who can't raise their bail, in other words, the only reason they're in jail is because they're too poor to raise their bail. And that is the yellow line, it's around 100 people consistently all year. There's 100 people in the jail that are simply there because they're too poor to be out and if you took those 100 people out, the population of the jail would be 220 instead of 330 and so the problem is, again, with the failure of the judges to set the proper bail. Now the second item of the pre-trial felons being too many is the failure to get a speedy trial which again is a constitutional right, guaranteed by and there you can see that there's a little more than 50 or under 50 and it's rising also. And those 50 people, if you drop those 50 people, in other words, if everybody got a speedy trial, the population of the jail would be close to its rated capacity. Either one of those two things. Now I believe the law of Indiana allows for the jail to charge prisoners \$35 a day for being in jail and I think that if you would pass some kind of a resolution that would say, if a person is in jail over the 70 days, if it's the judge's fault that he hasn't scheduled a trial, that the \$35 a day after the 70 days that he should have had his speedy trial, if the court, the justice system got docked out of their budget money, \$35 a day and it went to the Sheriff to run the jail, and if it's the cause of the public defender's office that they haven't gotten around to giving the guy his trial in 70 days, that \$35 a day be deducted out of their budget and given to the Sheriff to run the jail and if the Prosecutor is at fault for not aggressively prosecuting, the \$35 a day comes out of

his budget, I think that you could – it's all county money that you would be budgeting and passing around, but then they would have a tangible incentive to get these trials speedily done and I think if you would adopt some kind of a policy like that in the budget, that you would give them incentives that would match your particular incentives. Now I have here a list of all the pre-trial felons who could be released if they could raise their bail: Robert Orr, \$400; Sean Crawford has been in jail 33 days for want of \$500; Laquita Johnson, 26 days for \$500 bail; Brian Brock 25 days for \$500. If you look at number 26, Timothy Foster 181 days in jail for \$1,600 bail.

Commissioner Fanello: But what did they do?

Richard Helzerman: Okay, that's a good question. What did they do? I'll get to that, okay. But from a constitutional point of view and you have here the previous Sheriff admitted to stealing \$150,000 and did not spend one day in jail, but to get to what they did, to get at what they did, I'll get to that in a minute, okay? To answer your question about that. And they go down. Now there are over 100 people here and if they could raise their bail you wouldn't have a problem with the overcrowding in the jail. The next list is a list of people from this current week's report that have been in jail over 70 days and they have failed to get their speedy trial. Now if –

Phil Hayes: Excuse me just a second. Legally, there is no one there who has not waived that right. They can demand, but the rule is and I think the Sheriff will confirm, if they had been held in excess of 60 days and they have not either made the motion themselves or have stipulated to a motion that it will exceed 70 days, then the court is going to order their release. On a motion, the failure to try results in their release. They can be re-indicted and recharged, but they're released. So I think, I know you don't wish to be inaccurate, but the fact is that almost, in fact, every one of those people have waived right to speedy trial. It's a standard waiver and I might add to you that most arrests, statistically, result in a conviction of a crime, which is a good result. It's a nice country, because like in other countries, we wouldn't want a 40 or 50 percent result. That would be a bunch of bad arrests. So there is method in the madness of waiving one's constitutional right to speedy trial under the theory that time heals all and it might heal a lot of problems, witnesses drift away, people quit worrying about being robbed, so a deal can get cut. People forget about you. The longer you stay, lots of times, the better off you are. It might be malpractice on the part of the public defender that asks for the speedy trial. So I just want to lay that foundation from a legal standpoint, because I know you don't intend for any of the body here to get the wrong impression about this, and I think that that is the correct impression that should be had. The record will reflect that what I am telling you is the case. Those speedy trials have been waived, there's no constitutional rights being violated in that respect or in any other respect that we know.

Richard Helzerman: All due respect to yourself, rule four of the trial, rule four regarding speedy trials, the defendant must – he doesn't have a defaulted right, he must insist upon a speedy trial.

Phil Hayes: No, that's not the case. He can make his demand for a speedy trial when he is incarcerated. If he is not incarcerated, then he has no requirement to do speedy trial. If he remains incarcerated after 70 days, he has not made the motion or he has positively waived and when you say can't default, that is correct. Each one of those records will have one of two things, either a waiver or, in fact, it will have a trial. And that's why you see civil cases being bumped on the docket and criminal cases being imposed on a speedy trial basis as they called it. It's adhered to and I can assure you that after 34 years of being in this atmosphere, that it happens and predictably,

almost every time. I've held my breath, but I've never lucked out with a client. So I can assure you that you will see a positive waiver on that. I don't want the record to reflect and give the – you don't want to give the wrong impression and I'm not trying to lecture – far from it. I'm simply stating what indeed is the – if we had that situation in our jail, we would have another lawsuit besides that and I want the record to be clear that that's not going to occur, not intentionally.

Richard Helzerman: Again, I have sat in court many times and listened to all the cases that came up while I was sitting next to a fellow who attends our church that is in trouble, I have never heard – I have heard the judge tell them they have a right to a speedy trial, but I have never heard the judge ask them, are you going to waive your right to the speedy trial. Never once.

Phil Hayes: Okay, when they make the motion –

President Mosby: We're not here on a speedy trial. We need to move forward with this because we've got all these department heads and everybody else, so –

Phil Hayes: I'll make a deal with you, I'll put myself on the list of getting together if you'd like to investigate that and when – I'm going to do a quick legal report and when I do it, I'm going to give you a couple pieces of information about a side project that we're trying to document. The Prosecutor is helping us out and meeting with Chief Williams and others to try to select other people. So we're not just depending on a huge committee. We've already started that process of documentation. And let me share that with you and if we can do it so that we can move the meeting on, and if you want to address this issue with me, I'll be more than happy to do that.

Richard Helzerman: I want to make it clear for the record that I do not agree with what you're saying.

Phil Hayes: I understand that, and I think it would be appropriate for, that being the case, in good faith, I'd be more than happy to show you that and to show you how that proceeding works, and I think you'll find that what I am representing is consistent. The courts and the Prosecutor and Sheriff and the justice system in this county don't routinely violate the constitution by denying the right to speedy trial. Any defendant may demand it and it will happen. It will happen. And believe me, there will be huge crowds of people waiting for trial who will get out of the way gladly to let that guy go first if he wants to go first. They will sure let him go. And I'll be glad to meet with you privately and do that and we'll go ahead.

Richard Helzerman: I can name you at least one person that requested a speedy trial and it was not given.

Phil Hayes: Then in that event, he's a free man.

Richard Helzerman: Well, he's already served his time. And well, okay, now the next report I have is one that I prepared with the intention of giving to the committee to help them select who should be released. And this report shows the name, the days they've been in jail, the bail amount, and is sorted by bail amount because basically, the lower the bail, the more likely they are to get out. But it also shows the highest level of charge against them, if it's a class D felony, class C, class B felony. It also gives the total of the years that they would be sentenced if they were found guilty of all the charges and there were no mitigating or – in other words, it's the middle thing. For each felony there's a set time and they can make it longer or they can make it

shorter. This is the middle time. So in particular, this week there's 332 people in the jail, the cap is 329, you've got to pick three people, you should pick three people, you committed to Mr. Faulk that you would let three people out or get them out of the jail.

Commissioner Fanello: No, not that we would let them out.

Commissioner Mourdock: Transfer them to another jail, not let them out.

Richard Helzerman: Well, you –

Commissioner Fanello: And if we're working off this list right here, I can't find anybody I would let out.

Commissioner Mourdock: And we have been doing that, Mr. Helzerman. The several times we've gotten over the 329, we have transferred prisoners to other jails to relieve the overcrowding.

Richard Helzerman: Okay. Well...

Phil Hayes: We'll take your information–

Richard Helzerman: Thank you very much. I appreciate your efforts.

Phil Hayes: Reverend, let me give you a phone number and you can call me. You're welcome to call me tomorrow and I'll be more than happy to talk to you and if you'd like to make arrangements to have any of your data sent to Mr. Faulk, we're getting to be real chummy, so I'll be more than happy to pass that along to him and I respect your viewpoint from speaking purely on a legal basis, and I know you don't want to have the wrong data and I'll be glad to assist you tomorrow or the day after to get appropriately updated on these requests for speedy trial and how it works. I'll be more than happy to do that.

Richard Helzerman: The problem – I'm happy to meet with you and I appreciate that and I will. The other thing that I'd like to say is that I'd like to – it would appear that at least two of you are Christians and I don't know about the third, but since there was an article about Commissioner Fanello –

Commissioner Fanello: But I'm very tough on crime, so I'm not much of a bleeding heart.

Richard Helzerman: I'm tough on crime, too, but I'd also like to point out to you that the United States just lost a seat on the United Nations Commission on civil rights and this is a civil rights matter and this is the thing, as a Christian, we have the principle that we are supposed to treat other people that way we would like to be treated ourselves. Now, you in your position are walking mine fields and you could break some kind of a law very easily and if for political motivations one of the judges or one of the Sheriffs or one of the state police or something, decide to run a vendetta against you and they made some false charge against you and the judge puts your bail up higher than you can meet, you would be in the same position as these hundred people. And you would not like it to be that way and if you would treat people the way – you would not want the judge just to put extra high bail on you just because he doesn't like the way you look or something. And that's what we have here with these hundred people.

President Mosby: But I'm not going to drop their bail just to let them out, either, just so they can walk the street.

Richard Helzerman: Right –

Commissioner Mourdock: I'll respond to part of that real quickly. On the Christian part, Mr. Helzerman, if there were one person on that list, one person, who was in jail, who couldn't meet their bond and it was the first time anything had ever happened to them, I would understand your point of view and be more sympathetic to it because clearly, and I think I've said this to you before, when the Blue Ribbon Committee first met, I was very much of the opinion that there were a lot of "poor people" in the jail who were poor people and they just could not bond themselves out. I went into that process with my prejudice, if you will. As I've been involved with this thing for a number of years, I've come to recognize that the people who are in the jail consistently are the ones where time after time, as Catherine was starting through the list a minute ago, on a lot of them it's failure to appear, failure to appear. And granted, the crimes appear to be relatively insignificant. I mean, we're not talking about mass murderers here, but we're talking about people who consistently have been accused of crimes and failing to appear and failing to appear. And that's why they're there. And that's why my Christian duty, I will also extend in other direction which is, I think I better serve the community by having those people in jail than having them perpetrate other crimes on other people, which is what they've consistently done.

Commissioner Fanello: I like the Old Testament, eye for an eye.

Richard Helzerman: Well, I like the Old Testament, too, but in the law of Moses, there was not a single crime that was punished by jail, not one.

Commissioner Fanello: I think they just took punishment into their own hands.

Richard Helzerman: No – that brings up another point, though, the justice was carried out by a council of the elders. A person was accused of a crime, was brought before them, there had to be two witnesses to the same effect and so they had a standard of evidence which our standard of evidence is way below that. And the punishment was carried out immediately, but right now, the equivalent thing to that council of elders is the jury. Now at that time, the Old Testament times, everything was lay. There was lay counsel that did it, there was lay people bringing in accusations, there were lay people defending themselves, they didn't have professional anything. Now in our system, we have a professional prosecutor, we have a professional judge, we have professional defendant lawyers, we don't have professional jurors, and I think they could have – I would like to see USI have a program to educate people to be jurors, people who are retired go to class and learn how to be a juror. You have a professional juror class so that you could have a trial basically instantaneously by calling the retired people in for the jury. Right now it takes two days of process on each trial to get the jury. But anyways –

President Mosby: Thank you.

Charlene Timmons: Can I change the tape?

President Mosby: Yes, go ahead.

TAPE CHANGE

Don Burton: My co-partners, LaDonna Ford and Bill Carroll. We want to commit uh, to petition the Commissioners for the Mill Terrace Subdivision which is Westchester Drive and Wittman Drive for the Barrett Law for street repairs. I have a—

President Mosby: Thanks, we just happen to have the County Engineer here.

Don Burton: We have been talking to him for months.

President Mosby: Good. Okay, tell us. Westchester is in North Park?

Don Burton: It is right across from the County Garage, off of St. Joe Avenue.

John Stoll: West side.

Don Burton: West side.

President Mosby: Okay, is it gravel now?

John Stoll: No.

Don Burton: No. It is concrete and it was a subdivision that was started in 1967 by a developer, Corbitt, Bill Corbitt, under Bufco Corporation. The streets were never brought up to county code and we didn't find this out until approximately 21 years later. So, which we found out, the homeowners are responsible for it. We have 32 homes, 33 plots and we are needing to get this fixed real bad because it is sinking in quite a bit. So, we have been talking with Mr. Stoll and the former county attorney on this project, so we have petitioned the neighborhood. We needed at least 60% for it to pass, is what we were told, we ended up with 77%. So, I have a petition, I think, that we have given one to John and do I need to give this to them?

John Stoll: (Inaudible - not at the microphone.)

Commissioner Mourdock: I apologize for stepping out, which neighborhood are we talking about?

Don Burton: It is Mill Terrace Subdivision. It is a horseshoe street.

Commissioner Mourdock: Whereabouts is it?

Don Burton: Westchester Drive.

Commissioner Mourdock: Okay, I know where.

Don Burton: Part of it is Wittman Drive.

Commissioner Mourdock: Right close to the highway garage.

Don Burton: Correct.

Commissioner Mourdock: We had prepared, and, Phil, I don't know if you have received them, but when people came to us looking for a Barrett Law process we had prepared a packet of information. Did Joe Jr. give you those?

Phil Hayes: The packet itself I don't know. What I have instead is the transcript of

one of the Barrett bonds and the form of petition I did go ahead and after talking with John about this, I forwarded it to bond counsel to review and just get the elements and get a set of procedures together. So, it is the same thing as it is one of the transcripts that Joe had prepared and he sent that over to me.

Commissioner Mourdock: Just by sense of history, we ran into a period of time where we had several of these coming over the period of several months. They are quite complex.

Phil Hayes: Right, they do become.

Commissioner Mourdock: So, we put the packet together so when people came forward we had basically, here is how you do it.

Phil Hayes: I don't think that we will have any trouble developing that. I am sure that there is maybe a packet all ready to go and otherwise we can go ahead and replicate what we have and I think get that done. Set it up on the proper schedule.

Don Burton: We have copies of the Barrett Law. The neighborhood is aware of what the procedures are and how payment would be if this is passed by the County Commissioners to the Barrett Law. I guess the county would actually bond us, they would get the money from the state, the county would—

John Stoll: Local banks.

Phil Hayes: Local banks.

Don Burton: Local banks, oh okay. I was under the impression that it came from the state and then we paid you over a ten year period, if we prefer, or we can pay you right up front for the lump sum of each home.

Phil Hayes: Fundamentally correct, yes.

Don Burton: Everybody knows about that, the ones that want to go in on it. The ones that doesn't want to go in on it, the other twenty something percent.

Commissioner Mourdock: Just for the other board members, this is where these get to be touchy, because we are talking about making an improvement in an area and typically we have done this with sewer systems, we did one street project as well—

John Stoll: (Inaudible - not at the microphone.)

Commissioner Mourdock: But there are always people who don't want to participate and this board mandates if we accept this, that they do participate.

Phil Hayes: Yes. If I could?

Don Burton: Out of 32, 33 property owners, we only have 32 homes but we have an empty lot and we had 27, I think, is on that list that is willing to go for it.

Commissioner Mourdock: Refresh my mind from the history and I know this has come up before but with the streets that are there, they are in very poor condition—

Don Burton: Very poor.

Commissioner Mourdock: Yes, is the basis of what we are doing here, were they built width wise to county standards and it was just not constructed to county standards, that they were not taken over? Or, where they never done to full width of standards, John, do you recall?

John Stoll: The width appears to be adequate but construction wise—

Commissioner Mourdock: It was just the actually materials.

John Stoll: Just bad concrete or (inaudible). I haven't seen any papers on it so I am not sure what the thickness of the pavement was but they basically deteriorated like they said.

Commissioner Mourdock: Obviously, that is what we need to verify to make sure that if this is resurfaced, if it was repaved, that once that is done, otherwise, the county standard would be.

Don Burton: Well, actually this is going to have to be completely torn up. We have, I already had an engineer to look at it.

Commissioner Mourdock: I don't doubt that. But, my point is for the board to act we need to make sure that when this is completed that it is going to meet all of the county standards. For example, if there was not currently sufficient right-of-way, people would have to grant more right-of-way. I don't think that is the case, I am just using that as an example.

John Stoll: I believe there is a 50 foot right-of-way out there. In all of the estimates that we did, as well as their consultants, we are all estimating the total removal and replacement of the entire streets because it has deteriorated to the point that there is little to anything that can be salvaged.

Commissioner Mourdock: I will move that we take this under advisement and pass it on to the county attorney and have him review it and begin the process to make a recommendation to the board.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered and we will get back to you.

Don Burton: Okay, thank you.

John Stoll: Can they proceed with working with the consultant to start preparing plans or should they wait?

Phil Hayes: I think the intention is to wait until we have gone through the package and then we look at the preliminary estimates. The preliminary estimates are finished up, correct?

John Stoll: Correct.

Phil Hayes: So, if we have those, then I think we can see a per homeowner basis and determine, and there may be, your other neighbors that haven't at this point, seen fit to join you on the petition, they may want to review that and take a look at it as well

and perhaps then be persuaded to join you.

Commissioner Mourdock: Just for the record, if you do go forward and make some commitment, to anybody, be it a consultant or whatever, for the record, you are doing that at your own risk until this board has gone all the way through this process.

Phil Hayes: That is why I would like for you to not commit further professional fees, I think, until the Commissioners have had an opportunity to see what the entire package would look like and what kind of money we are talking about.

Don Burton: I have the estimate from the engineer that we have put on hold, if you would like a copy.

Phil Hayes: If you have a copy of it, why don't you forward it to Mr. Stoll.

John Stoll: I already have copies.

Phil Hayes: If you do, then that's great. He will get that to us then. So, I will get with Mr. Stoll and go through this process with him and give a recommendation then to the board.

Don Burton: Okay, thanks.

President Mosby: Any other group or individual wishing to address the board? Department Heads, County Engineer.

John Stoll - County Engineer

John Stoll: The first item that I have got at the meeting on May 21st a Notice to Bidders was signed for the Boyle Lane Bridge and at the Drainage Board meeting that same evening, Bill Jeffers brought up a DNR permit and we did not apply for a DNR permit because we had some old paperwork that basically implied that the bridge wouldn't take a permit, so because of that I contacted Madelyn Grayson and had her withdraw the Notice to Bidders, so it was never advertised. I will bring back another one once we have obtained all of the proper permits. The second item that I have got is a reimbursable utility agreement between Vanderburgh County and Vectren for the electrical relocations out on Burkhardt Road between Interchange Road North and Lynch Road. This agreement amount is \$15,655.00 and that is approximately 10% of the gross total relocation costs. Basically, the reason that this 10% is reimbursable is that there were easements, some of their facilities were located in easements. The balance was all located in right-of-way which we don't reimburse them on that. But the agreement format has been reviewed by Phil and approved and it is recommended that this be signed.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: A motion and a second. So ordered.

John Stoll: The next item that I have is also on Burkhardt. This is for the construction inspection for that same area of Burkhardt Road up to Lynch Road. This is with Bernardin Lochmueller and Associates and it is for \$350,495.00. This is for all of the

construction inspection services and those won't start until this fall when the project is out for bid except for one item and that would be the staking of the right-of-way so the utility relocations can be done. So, that is the only reason why the agreement needs to be signed now. It is recommended that this be signed.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I have a request for storm sewer acceptance in Carrington Estate Subdivision. This is located on Petersburg Road, north of Boonville New Harmony. There is a grand total of 3,269 feet of storm sewers located outside of the right-of-way and the developer has paid the \$2.00 per foot fee for a grand total of \$6,538.00. It is recommended that these storm sewers be recommended for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion is seconded. So ordered.

John Stoll: Next one to get an approval is getting price quotes submitted for two projects. First, would be for the rehab of a culvert structure on Roesner Road on June 11. That project basically would be replacement of beams on the existing structure. This is immediately south of Hogue Road. The abutments are in good shape we just need to replace the beams and we will notify the contractors and then they will submit their price quotes for next Monday.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion is seconded, so ordered.

John Stoll: The second project would be for the removal of debris that is accumulating on the Stringtown Road bridge. Basically, there's going to be a log jam on the upstream side of that bridge and we need to get that removed and we will finalize some specs on that and get some quotes submitted for that project on June 18.

President Mosby: Is that not something that we can do ourselves?

John Stoll: The problem with that one is that the access to the site. You almost need a crane or—

Commissioner Mourdock: It takes a long stick crane, from past experience, which we didn't have.

President Mosby: Okay.

John Stoll: If we have sufficient right-of-way on the sides of it to where we could access down to the creek better we could also do it with our own forces. But, because of just the way the bridge sits relative to the creek, it takes a crane to do the

work.

President Mosby: Okay.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion seconded, so ordered.

John Stoll: When we write the specs on that we will try and limit the road closure time to where it interferes with traffic as little as possible and things like that. But we will try and leave it open to where the contractor has some options on getting the work done. The next item I've got is the indemnification letter from NFH Incorporated on their proposed crossing of Burkhardt Road in order to provide fill for the Lynch I-164 interchange. I also have in here a copy of their certificate of insurance and I ran this letter, this indemnification letter past Phil and he approved it as to form so I just want to submit this for the record. I believe that was approved last time subject to getting those two items so I think that everything is ready to go.

Phil Hayes: Yeah, John, is there any reason, do you want a countersigned, they don't need a countersigned letter I don't think, just the minutes of this meeting accepting?

John Stoll: I can just send them a letter saying that it's approved.

Commissioner Mourdock: I will formally move the acceptance of the letter of indemnification.

Phil Hayes: Yes.

President Mosby: I have a motion.

Commissioner Fanello: Second.

President Fanello: Second, so ordered.

John Stoll: Okay, I will send him a letter. Next, I wanted to let you know that in regard to the railroad crossings out on Boonville New Harmony Road, St. Joe Avenue and on Mill Road, where we have always had problems with the crossing surface being in terrible shape. I had sent a letter to the railroad back in January. Phil followed that up last month and I received a phone call from a Mr. Alan Brown of Indiana Southwestern Railroad. He called and proposed that if the county would buy the precast concrete panels for the railroad crossings that his company would install the panels. I told him to put that in a letter that I could bring to you for your review and potential approval. I don't know what the cost would be but that would be his way of trying to address the situation. He said that they don't have enough revenues to do all of the repairs themselves since that is just a short haul line. I told him likewise that the county doesn't have the money budgeted to go out and do railroad repairs that the railroads are obligated for. So I told him to submit a letter and we would see where we could go with it. But I will keep calling him if I don't see the letter here shortly. I just want to let you know that they have at least responded which is a plus compared to years past. The last item that I've got is in regard to the request that Mr. Maasberg made at the drainage meeting last month, which was subsequently discussed and determined that it really needed to just be a Commissioners issue.

Basically, what we found is the area where the water is ponding out next to Armstrong Road was not supposed to drain to the north as was requested with Ralph and his crews, where Ralph was asked to install a pipe to drain the area to the north. This is the current Armstrong Road and that is where the water ponds. You can see, here we have a house that sits right in the corner, and basically he was wanting the water to be drained across the road and directly towards this house. Well, when I met Ralph and Mark out there, it looked like the rain should drain out to the east. In talking with Bill Jeffers today, he was able to find out that Kneer Ditch is where the water was supposed to go and he found out that this is where the water ponds. He said that his property is actually assessed on Kneer Ditch instead of on Hoefling Ditch which is to the north. This is the 1968 planometric map that shows the contours do imply that it was supposed to drain east. So, from what we have been able to find, there is no reason for county highway crews to install a pipe that would drain the water to the north. Ralph was saying that by putting a pipe in here would help drain off this standing water, but it would drain basically this way as opposed to going across the pavement. We only have 25 feet of right-of-way out there so it is kind of limiting us to what we can do. Everything we have found shows that it should go to the north.

President Mosby: Okay, so what are you proposing that we do?

John Stoll: That is something, I guess, that Ralph and I need to get with Mr. Maasberg with because at one time, Ralph had discussed Maasberg buying the pipe and the county could put it in (inaudible). Mr. Maasberg wasn't interested in buying the pipe.

President Mosby: Well, tell him it doesn't go the other way.

John Stoll: Well, we hadn't discussed that one yet, I was just giving you an update on it, I will let you know where it goes from here. That's all I have unless you have any questions on any other thing.

Phil Hayes: Is that it? Didn't we have one other?

John Stoll: Those easements for University Drive.

Phil Hayes: Yeah, do you want to do that?

John Stoll: I don't have all of that. I will bring all of that next Monday. Thanks for getting back with me on that.

Ralph Kissinger - Superintendent of County Highway

President Mosby: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. Basically, you have my report. I do have, Phil Lawrence from Purchasing sent me this last week and he had looked over the bids that Phil had opened at the last meeting and his recommendation that Freightliner was the low bidder on the step van and I move—

Phil Hayes: The amount?

Ralph Kissinger: Yes.

Phil Hayes: Do you need your sheet to read the amount?

Ralph Kissinger: I've got one here. There are two bids on the project. Freightliner of Evansville bid \$44,446.53 and Ruxer Truck bid \$50,900.00 and Phil Lawrence recommended that Freightliner be awarded the bid.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and second, so ordered.

Ralph Kissinger: I have one more question pertaining to what the property owners in the Westchester area, if there is a Barrett Law to do the project will that mean that the roads be accepted by the county and maintained by the county afterwards?

Commissioner Mourdock: Yes, that would certainly be a condition of what we would issue to them in agreeing to work with them for the bonding.

John Stoll: In the past Barrett Law projects that we have had, when the plans are developed by the consultants, they are submitted to my office for review. We make sure that they do comply with county standards and then we have an inspector on site while the project is being built and that way we can make sure that it is being done properly and we accept it after that.

Commissioner Mourdock: When it's bid, do they bid the price of that inspector as well?

John Stoll: No, they don't.

Ralph Kissinger: The reason that I ask this is that we have a lot of, right now we are replacing a lot of concrete, especially in the Green Acres areas where the hills and dales and the concrete streets are. The water gets under them and undermines the streets and I just, you know, make sure that when we do these projects that they are up to code.

Commissioner Mourdock: No concrete roads.

Ralph Kissinger: If they are concrete they need to be sub-based with something besides mud. That is all I have, thank you. Any questions?

President Mosby: Thank you. County attorney, do you have anything.

Phil Hayes - County Attorney

Phil Hayes: Yes, a couple of items. One is that the matter of the settlement on the jail litigation with the ACLU has been stipulated and submitted to the court for approval to extend finalization until July 13, and that is a motion pending before the judge. On June 11, we will have a telephone conference with the court and part of the attorneys appearing here in court in order to give the judge a progress assessment on entering into the final settlement. Mr. Ahlers, for the County Council, will be submitting his recommendations to the County Council, I think in an Executive Session, and we'll have the results of that plus a couple of changes that have been

discussed here in meetings that we have had on it. When I say changes, they are not necessarily changes. I think they were phrased more in the sense of making sure that there were not untoward consequences of part of the proposal or part of the proposal and what to do about pending cases and that kind of thing. So, in a general statement, I think I could say that the parties are coming close. I think that maybe we have four items that we want to get taken care of and I know Mr. Bodkin talked to the Sheriff about a couple of changes. So, we hope to see something probably by the end of this week or the very first of next.

Commissioner Mourdock: That July 13 date that you mentioned is the date by which we are all agreeing to have those final four things resolved?

Phil Hayes: Correct. That is correct.

Commissioner Mourdock: To include the dates.

Phil Hayes: And to include the dates that are necessary to fill out or to otherwise amend the previous court's order. I think that the parties are all satisfied that all of that can be done. The plaintiffs, of course, need some reassurance considering the population numbers that they have been seeing and I am not really sure how that is going to be addressed but I think that Tom is going to be talking to the Sheriff about some items that can be put into the agreement. If that is satisfactorily vague, I will end my report.

President Mosby: Okay..

Phil Hayes: I could make it vaguer, I think.

Tammy McKinney - Superintendent of County Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have a late consent item from Sandie Aaron. It was one of your pieces of paper on your desk. Their request to go before County Council on Wednesday, this Wednesday the 6th, for a transfer from, I think, their water line item into their gas line item for the utilities bills.

Commissioner Mourdock: I will move addition of the two items to the consent file.

Commissioner Fanello: Second.

President Mosby: Second and so ordered.

Tammy McKinney: Roger Lehman gave me a GIS work plan that goes along with his agreement that he presented tonight, just like a time schedule. He just wanted me basically to read into the minutes and say that he will be giving an update to the Commission before budget time.

President Mosby: Okay.

Tammy McKinney: That one and the one before.

President Mosby: Okay.

Tammy McKinney: That's all that I have.

Commissioner Mourdock: Tammy, on your work reports can you give us, and it doesn't have to be minute by minute I am just curious, how many hours you have got listed there all of the different tasks that are being done at the Old Courthouse? How many man hours is that taking per week? You don't have to answer right now. I would like to keep track of that as well because that is obviously going to be part of our ongoing cost at some point. So, if we could start tracking those hours that would be helpful.

Tammy McKinney: Okay. Well, that is between John and I and that's not saying that we basically open and close, but—

Commissioner Mourdock: But I meant all of the things like polishing the brass handrail and installing the toilet paper and whatever hours we have manpower wise being spent there.

Tammy McKinney: Okay.

President Mosby: That would include your work release, too.

Tammy McKinney: Here lately he has not been getting any.

Commissioner Mourdock: Okay, well that is the kind of thing that I would like to keep track of.

Tammy McKinney: Okay. He lets me know, I mean, on his report to me, you know, if he does have Community Corrections or not.

President Mosby: Include Ralph's like cutting grass and stuff like that, so that we know how many man hours are there.

Tammy McKinney: Okay.

President Mosby: Burdette Park.

Steve Craig - Burdette Park

Steve Craig: Steve Craig, Manager of Burdette Park. All of our pools, all four of them, are full and operating and all of the repairs have been done and taken care of. Everything was running good when I left. When you have a 40 year old pool, you don't know if it will be that way in the morning. Everything looks good and is running good right now. We have had good crowds in the park. I mean, the park has been packed on the weekends and stuff and we have crowds during the week, but of course the pool has been slow. It is nothing that we did, but the weather has been kind of dictating the pool. Other than that I have my worksheets and that is about it. I think that I have some other things to say but I forgot.

Commissioner Mourdock: In the minutes that you submitted, there was a comment in there about some discussion about buying that Austill property that we always lease. I presume from that you really don't need to, we just renewed the lease a week or so ago.

Steve Craig: Correct.

Commissioner Mourdock: Was there any real adamant discussion? Was Austill wanting to lease it or is that something that the board just wants?

Steve Craig: No, what Mr. Austill is doing, that was a point that I wanted to bring up, he owns 13 ½ acres approximately on the far side of our baseball diamonds and he is going to sell them. He wanted to give us first opportunity to buy all of the property, part of the property, yeah, and there is approximately three acres from the center of the creek to the ball diamonds that we do lease for the \$400 a year for parking for our baseball. He said that he would sell us that small portion off and then sell the rest to other people. But, he was giving us the option of buying all of the property if we saw fit that we could use it in the future at Burdette.

Commissioner Mourdock: So, are we suppose to formalize and again the notes from the board meeting were clear, other than they thought we ought to pursue it. Has there been any discussion with Mr. Austill as far as we start to work with him to come up with a price.

Steve Craig: He had come and talked with me and I told him that the starting point with me would be to get an appraisal on the property and we would work from there. At the time that I talked to him, they hadn't even brought it up at the board meeting yet. He had just proposed that to me and I brought it up at the board meeting and I was going to bring it up with you guys tonight. He had asked me what we was willing to pay for it and you need to get an appraisal by an accredited appraiser and they would start from there. He was going to give us the option of buying all three. One side of the creek there is probably one place where you could build two or three chalets or buildings and that's on the high ground. Once you get below the creek it is farm ground, which a suggestion had been made that they could be made into soccer fields. I don't know if that's...if they can or not. I don't know the layout of the ground exactly and then the third parcel, of course, is what we use or lease from him to use for parking right now. So, I mean we could buy three acres or we could buy seven acres or 13 ½ acres or we could not buy it at all. But I would like to buy the parking area in case the new person that would buy it would start charging us a lot higher rent or not want to rent it to us and make it not accessible to the park no more. But the other property would all be debatable.

Commissioner Mourdock: I guess this is a suggestion here to the board and I couldn't go out and put my finger on this property, but I know that we have leased it year after year which means there is a sense of importance to it. Maybe we should go ahead and hire our own appraiser and have somebody go out and take a look at it so that we are ready to move fairly quickly if in fact we want part of this.

President Mosby: I do know what part he is talking about.

Commissioner Mourdock: You do know?

President Mosby: Yes. (Inaudible - microphone not on.)

Steve Craig: Yes, sir.

Commissioner Mourdock: I will move that the Superintendent of County Buildings contact an appraiser so that we can get that property appraised.

Commissioner Fanello: Second.

Commissioner Mourdock: And just to clarify, I think that we ought to look at all of the property. We may not want all of the property, but at least look at the whole thing.

President Mosby: (Inaudible, microphone not turned on.)

Steve Craig: Okay, thank you.

Soil & Water Conservation District/Ozone Officer reports

Commissioner Mourdock: I will move approval of the reports filed by the Soil and Water Conservation District and the Ozone Officer.

Commissioner Fanello: Second.

President Mosby: Motion seconded, so ordered.

Consent items

Commissioner Fanello: I will move approval of the consent items.

Commissioner Mourdock: Second.

President Mosby: Motion and seconded, so ordered.¹

Old business

Commissioner Mourdock: The only bit of old business that I have is that several weeks ago we sent a letter to Steve Utley with the Building Authority. He did respond and I would suggest that either the three of us schedule a time to sit down and talk about that, the plans that are presented or otherwise move somehow onto the documents that he has given us to see if we can find some way to get some new court room space.

Commissioner Fanello: Um, what did you say? I don't know what you said.

President Mosby: (Inaudible - microphone not turned on.)

Commissioner Mourdock: Phil, you can give us some guidance here?

Phil Hayes: I don't think I know what letter you are talking about.

Commissioner Mourdock: That's all right. The letter isn't the issue for the guidance. It is imperative that the Commissioners talk about this series of documents we have. We can certainly do it here in this room, do it openly, do it publicly, whatever, but we have to have some form of discussion. It is not necessarily something that is necessarily pertinent or would need to be done in a regular meeting. But do you have suggestions as to how we can do that?

¹ See listing of consent items on Page 53.

Phil Hayes: The docs being the?

Commissioner Mourdock: What Steve Utley has prepared to us.

Commissioner Fanello: He gave us a drawing.

Commissioner Mourdock: Using a floor plan possibly coming up with more space for the courts building. He gave us several sets of floor plans and suggested that this could be done differently, this could be done differently and this could be differently.

Commissioner Fanello: So we need to sit down and come to some consensus on how we want to allocate space.

Phil Hayes: Well, offhand I really don't know the distinction between that and the, you know, plan for having title companies come in and do business with the Recorder's Office. I mean, I truly don't.

Commissioner Mourdock: I mean in the sense of open door.

Commissioner Fanello: It is because we are talking about all three of us meeting at the same time.

Phil Hayes: Right and it is allocations of space in the courts building and over here.

Commissioner Mourdock: Under the broadest readings of open door it could be an Executive Session because it is about space we lease and real estate, which that is under the broadest reading, but I would really rather not go that way.

Phil Hayes: I don't think so. I think it's because it is from the Building Authority.

Commissioner Mourdock: Yeah.

Phil Hayes: Yeah, with all do respect to the need to recognize sensitivities, I have a feeling that the rule that it is simply public business about where to move the furniture is what it amounts to because we are stuck here. I don't think that there is any option. If we were going to an option to go out to the private market place, Old National Bank or any of the landlords, I think that would be where the executive aspect of this would bite in. But I fee confident that this a matter for public deliberation, I think.

Commissioner Mourdock: Okay, if we were to say, and I will just make up a time, that at 3:00 on Thursday that the three of us were going to meet in this room to talk about that, what does that mean?

Phil Hayes: You would notice, you would need to advertise.

Commissioner Mourdock: Okay, what time works, folks?

Commissioner Fanello; Let's see, what day are we talking about?

Commissioner Mourdock: How much advance notice do we need to give?

Phil Hayes: May I ask, is there at this point, do you intend to take final action or is it necessary for everybody to meet on it?

Commissioner Fanello: I don't know that we'll take final action.

Commissioner Mourdock: Okay, that's a great suggestion.

Phil Hayes: It really comes down to whether or not you get comment on it or whatever. But if the three of you are going to meet it is definitely going to be a public meeting.

Commissioner Mourdock: Okay, how about this. How about if we advertise that we will meet at 4:30. Next week we have Solid Waste at 5:00. We would advertise that we will meet at 4:30 to talk for a half hour, I guess, as a special meeting to discuss the floor plans and where to move the furniture.

Phil Hayes: Sure, that is what it amounts to.

Commissioner Mourdock: I will make that a motion.

Commissioner Fanello: Second.

President Mosby: Motion and a second, so ordered.

Charlene Timmons: Can you please tell me how soon you need that in the paper in order to make it legal?

Phil Hayes: Well, 48 hours, 48 hours notice.

Charlene Timmons: Is somebody going to draft it?

Phil Hayes: I don't know that you need to get it in the paper. I mean you are talking about a special meeting, aren't we?

Commissioner Fanello: For that specific purpose?

Phil Hayes: Yeah.

Commissioner Mourdock: Yeah, for that specific purpose.

Phil Hayes: Advertisements call for it, is it...I think it is our option as to whether we want to advertise it or not. I think that we can. We just had these same matters recently. We had a meeting on a single issue, what was that just recently, didn't we, Charlene?

Suzanne Crouch: Oh, the jail issue in February.

Phil Hayes: And I drafted—

Suzanne Crouch: We did advertise that.

Phil Hayes: But that as a...it was an advertisement for a convenience rather than a legal requirement, I think we decided.

Tammy McKinney: Can I not just send out a fax like I do when you have an Executive Session? Would that work?

Phil Hayes: That's different. That's a different kind of notice in regard to that. This is a matter of setting an agenda. I would go ahead and advertise it if you're going to do that. Let's just advertise it and end the process because we do have an agenda, it's a single issue agenda, but we have it.

Commissioner Mourdock: I'll move then that we have an advertisement for 4:30 next Monday for the sole purpose of talking about floor space allocation.

Commissioner Fanello: Second.

Phil Hayes: You going to have time to do that?

Charlene Timmons: Are you going to draft me a notice?

Phil Hayes: Sure.

Charlene Timmons: If you put it in the paper on Friday is that enough notice?

Phil Hayes: That will be a total of...boy, that's 48 hours. No, no it's not Monday. It's going to be...it should be 72 hours. Well, let's go with it and I'll talk to you in the morning. I'll go look at my handy trusty handbook.

President Mosby: I have a motion and second to advertise for a meeting for Monday at 4:30, so ordered. Any other old business?

New business

President Mosby: New business? I have a letter (inaudible, mike not on.)

Commissioner Mourdock: He has been a very good board member.

President Mosby: (Inaudible.)

Commissioner Mourdock: Pardon? Oh, right I had forgotten he had even done that.

President Mosby: (Inaudible.)

Commissioner Fanello: We still need to make a Park's Board appointment, too.

President Mosby: Any other new business? Anything else?

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: So ordered.

The meeting was adjourned at 8:40 p.m.

CONSENT ITEMS:

Employment Changes:

German Assessor	Voters Registration	Circuit Court
Pigeon Assessor	Prosecutor	Sheriff's Dept.
Burdette Park	Recorder	Community Corrections
County Council		

Travel Requests:

Health Dept.	County Assessor	SCWD
Perry Assessor		

County Clerk:

Monthly report

Treasurer:

Monthly report

Sheriff:

Community Corrections request
Weekly jail information and reports

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne M. Crouch	Tammy McKinney
Charlene Timmons	Roger Lehman	Brad Ellsworth
Eric Williams	Bill Jeffers	Jonathan Weinzapfel
Steve Perry	Richard Helzerman	Don Burton
John Stoll	Ralph Kissinger	Steve Craig
Others unidentified	Members of the media	

APPROVAL:

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**Vanderburgh County
Board of Commissioners
June 11, 2001**

The Vanderburgh County Board of Commissioners met in session this 11th day of June, 2001 at 4:30 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order a special meeting of the Board of Commissioners of Vanderburgh County for space allocation. Where do you want to start? I guess anybody that's got any comments. Everybody should have their stuff from the Building Authority.

Commissioner Mourdock: Yeah. I will just make a comment or two as far as what my, maybe, optimistic hopes are as far as what we might accomplish today in a half hour, and I emphasize a half hour because we do have a Solid Waste meeting at 5:00. We did have the Building Authority...I met at one of their meetings with Steve Utley and his board and asked them to do a review of what the available floor space is in both this building and the Courts building, with the objective to be seeing, if at least for the short term, if we could find some additional courtroom space and additional office space in that building. I've taken a tour over there, as I think both of you have at one time or another, and seen how jammed up the space is, especially some of the people in the...would it be the second floor of that building? The first floor of that building down in the lower right hand corner on that map. They have got very small areas to work in, and if we could get more courtroom space, obviously, that could have some implications for us as far as getting trials moved through more expediently and, hopefully, have some affect on our jail space. So, I go into this with no preset notions as far as we absolutely must do this, or we must do that, I don't know, but I am open to anything and, as I say, I hope when we get done we will have some direction and we can send Steve out so that he can some more study to see if we can start getting some cost estimates.

Commissioner Fanello: I've got a first recommendation if we want to throw them out that way.

Commissioner Mourdock: Sure.

Commissioner Fanello: I think that we ought to...and I'm glad...Marsha is in here right?

Commissioner Mourdock: Yeah.

President Mosby: Marsha is here.

Commissioner Fanello: The Election Office and Voters Registration, if we could somehow combine those and move those to the Old Courthouse, is that a feasible?--

Marsha Abell: It's feasible to me.

Commissioner Fanello: Thank you.

Commissioner Mourdock: Okay.

President Mosby: Is everybody going to be that cooperative?

Commissioner Mourdock: As far as the mechanics of that, do you have an idea, and maybe Tammy and you have discussed it as to when that could happen or how quickly they could be up to speed over there? I don't think they have any special computer wiring required?

Commissioner Fanello: No, we might need to...we would have to have that checked out, but, uh, I think Tammy had—

Tammy McKinney: As far as just the space allocation and, um, it could be done within a month. Basically, the cosmetic changes that need to be made and Marsha and I can get with that, and go back into the rooms and re-evaluate and let you know exactly what you need for us to have done that will enable you to move in.

Commissioner Fanello: I am assuming that you would have to probably work with Computer Services to go over there and make a guesstimate of what wiring and stuff we would need.

Marsha Abell: Well, yeah, we would do that. That is not nearly the problem. The two people that need to sign off on this would be the two Party Chairmen. So, that would be, the Republicans need to talk to the Republican Chair and the Democrats need to talk to the Democrat Chair.

Commissioner Mourdock: Yeah. I don't think on our side, I'm not going to speak for Bettye Lou Jerrel, but I don't think that she is opposed. I think that she would be supportive of this. I think that the only question is not combining them, but where they would go.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: I think that she is certainly in favor of combining them. I don't know where...if she has any thoughts at all about where they need to go, but still where they need to go would still be our decision.

Marsha Abell: I have always been in favor as you know of moving the Election Office. I have always thought that it was just taking up too much space here. This would be a really good year to do it since we don't have an election until May. It would be a really good time for us. So, yeah, I am in favor of that.

Commissioner Fanello: Thank you.

President Mosby: Thank you.

Commissioner Mourdock: If we did that, Steve, how much space would we be gaining in this building? What is the floor space within, that would be gained, if both of those were combined and moved out?

Commissioner Fanello: Looks like you have 4700 square feet, was your estimate.

President Mosby: Yeah, 2177 and 2523.

Commissioner Mourdock: Okay.

President Mosby: So, yeah, 4700 square feet.

Steve Utley: If you are just going to combine, then all that is going to net is 2700.

President Mosby: No, we are taking them out of here and combine them together and put them into the Old Courthouse. So, it would be both offices, 4700 square feet.

Steve Utley: Yeah, correct.

Commissioner Mourdock: Okay, you are on a roll, Catherine, that was one easy one.

Commissioner Fanello: That's the only easy one that I have today.

President Mosby: Before we get too far into this, is there anybody in the audience that wanted to say something, before we get too far into this? Anybody got any comments that they want to make? Okay.

Commissioner Fanello: The Health Department, do we know when for sure they are going to make their move? Does anybody, do you have any idea on the Health Department? Have they said anything to you about when they are going to move out?

Steve Utley: I only know what was in the newspaper.

President Mosby: I didn't attend their board meeting, but my understanding is that they have voted on something and I don't know what it is.

Commissioner Mourdock: I would be grasping at a date, but I think it is 24 months out is my guess.

Commissioner Fanello: Okay.

Commissioner Mourdock: Just working through Steve's list for a moment and again I don't want to suggest that Steve is putting this list before us as something he is recommending, these are just observations. So, the comment about Solid Waste. I thought was an interesting one. I hadn't given thought about moving them out. It is not a real large space down there at 886 feet, but, if there is something suitable or similar over at the Old Courthouse, might that be something that we want to consider.

President Mosby: That is one that I have marked.

Commissioner Mourdock: Do you know, Tammy, is there something fairly immeniable to what they have currently?

Tammy McKinney: Who was that?

President Mosby: Solid Waste. It looks like they got 886 square feet which would be somewhere around 1,000.

Tammy McKinney: Yes, I have a couple that are around 1,000 and I have one that is open that is very nice that is 920 square feet.

President Mosby: That's real close to what they've got.

Commissioner Mourdock: That's real close.

Tammy McKinney: In fact, the tenant just moved out last month. I mean the carpeting is excellent.

President Mosby: I thought about bringing it up to the meeting at 5:00—

Commissioner Mourdock: Good idea.

President Mosby: —to see if that would be something—

Commissioner Fanello: Okay, there was a recommendation here and since we have several Judges in here, to move the Probation offices, I am not sure, let's see, was that a suggestion to move them to a different space in the Civic Center or out of the Civic Center?

Steve Utley: Do you want me there?

President Mosby: Yes, please come to the mike.

Steve Utley: No, that was simply just grabbing at space that I have. I have no-

Commissioner Fanello: I see.

Steve Utley: I have no idea how much communication the Probation Departments have with the Judges in any sense of the word. But, I saw office space and I saw spaces that could be converted and know that there is an awful lot of probation exercises that go on in that building. I don't know if they require security, I don't know if...we just went through and on those drawings...you can see on the second sheet, all of the areas that are taken up by that probation exercise.

Commissioner Mourdock: And again, that was your mission, Steve, not to necessarily check into how much interaction there is between those groups but to just look at the floor space. Any of you from the courts wish to comment on the point that Steve just made as far as the amount of activity between probation?...and, Steve, maybe you can point on the floor plan up there and just show us the space that we are talking about.

Judge Pigman: I am Bob Pigman, Chief Judge for Superior Court. I haven't seen a copy of the report yet so it is hard for me to comment on all of this. Probation Department would interact with the courts on a fairly regular basis. Probation Officers come to court and are present at most court hearings when felony court is in progress. They come for the petition to revoke hearings that are set and advise the Judges as to the allegations contained in the probation notification proceedings. So, there would be a fair amount of travel. There is a fair amount of travel between the regular Probation Officers and the courtrooms, if you attend hearings regularly. Again, I haven't seen Steve's report and I wondered can we, can I get a copy of that at some time to use?

Commissioner Mourdock: Sure, it is not a report, it is simply a letter.

Judge Pigman: Well, letter. Whatever it is.

Commissioner Mourdock: Tammy?

President Mosby: Same thing that you read in the newspaper.

Commissioner Mourdock: Yeah.

Judge Pigman: Also, Felony Probation Officers are supervising, obviously, felons, who are not in jail but have been given suspended sentences, or are coming out of jail or coming out of the Safe House and onto probated sentences. My thought would be that there would be a fairly high need for security for those offices often. I think it is still the case that they see these people after hours or at least late in the afternoon. I would think that the security would be a necessary part of any kind of probation complex that's set up there.

President Mosby: While you are there, Judge, I wanted to ask you a couple of questions. What would be the feasibility of moving the law library over to the second floor break room?

Judge Pigman: Well, that is something that we have talked about and discussed. The Judges have, and there is not unanimous agreement on this issue at this point. The current location of the library is very convenient where it is now. It is directly across from Circuit Court, which is about as ideal a situation as you can get for those folks. So, they are real reluctant to move it. It is fairly well situated for the Superior Court Judges who are upstairs. My office used to be right down the hall from the law library and I found that was very convenient. I know that there is some resistance from the Library Board to it moving and, again, I'm not sure exactly what that is, I haven't had a chance to discuss this report with them. I understand that there is some reluctance from the Bar to move it from it's current location because of it's convenience, of its close proximity to the courts. So, it's not an idea that is universally acceptable at this point.

Commissioner Mourdock: Let me just state my opinion here, or maybe observation. Of all the floor space that Steve has reviewed for us, it certainly almost jumps off the page to me that as far as meeting the two objectives I stated earlier, finding additional court room space and office space, that bit of space is the low hanging group that is going to be the easiest thing to pick. If it...how do you think that most of the officers of the court would react, and Judge Knight feel free to jump in here, and Judge Tornatta-

Judge Pigman: Go ahead.

Commissioner Mourdock: I am here and I read in the Bar Association report that I have back there on my desk the need for floor space or office space where there can be some level of privacy. It's a work issue, it's a professionalism issue, it's almost a security issue and then we have this big space there holding a bunch of books, not that they aren't important books, but it seems to me that would be a small trade off. If we put that in the second floor break room to otherwise gain all of those things that the Bar Association is telling us you need.

Judge Pigman: Well, I think there are a couple of questions there, a couple of issues there. First of all, is it big enough to make a substantial difference in what we need, and I don't know that. I don't know how much space we will be getting there.

Commissioner Mourdock: Let me answer that, and what Steve has drawn up, and this is, obviously, not written in stone, just magic marker. There are one, two three offices in that area, a secretary, two reception secretary areas, and two hearing

rooms within the Law Library. The hearing rooms are 18' x 26', the offices are 12' x 18' and one office is 12' x 15' and one is 12' x 14'.

President Mosby: Looks like 2200 square feet according to the space allocation.

Judge Pigman: Well, it does solve a number of problems that the court faces at the current time. What we desperately need is two hearing rooms. So, to the extent, two fully functional adequate hearing rooms to be incorporated into that space, that would solve a large part of the problem, the immediate problem facing the court. The office space that I heard you reference there is still woefully short of what is needed throughout the complex.

Commissioner Mourdock: That's only referring to that one space.

Judge Pigman: Right. Maybe, and I don't mean to put Judge Knight on the spot here but he has been a member of the Library Board much longer than I have. I have only been on that board for a very short time since I was elected Chief Judge, and maybe he can better articulate their feeling about that. I do know that there is some fairly strong feelings that they not be moved from their current location. But, a move to the place that you suggested doesn't seem to be extraordinary on that either, and you talked about putting it downstairs, like where we are right now basically. I know that's basically it.

Commissioner Mourdock: Is that the same space that you defined in your memo, Steve? To move the law library to the?--

Steve Utley: At the time, there was some...probably a year ago, someone and I don't know who actually did the research, but they felt that with what they felt they could get rid of the law library in the way of old books, and I don't know how many that is, and with, if that moved that, what was in the law library now over to that area and use then they, use the second floor break room and the ladies lounge in the back of the ladies restroom there.

Commissioner Mourdock: You are talking about the second floor over there?

Steve Utley: No, the second floor right below us.

Commissioner Mourdock: Okay, alright.

Steve Utley: Moving over to this building, that it would fit. I might want to say here that the recommendation or when we were talking about the Waste Management square footage, I think in a letter it states that would only be necessary in my mind if there was more space needed for the law library for administrative, for the copy machine. I know that is a big item, they have the machine inside of the office. So, that's why I recommended the Waste Management. Someone along the line said that what came out of the law library would fit into the space on the second floor lounge. We talked about cutting different holes into the wall and making-

Commissioner Mourdock: But, not solely within the current Solid Waste space? You are saying that would just be an auxiliary space.

Steve Utley: That's correct.

President Mosby: I guess that my other question was, I had read on it, how feasible

is it to take any of the four court rooms on the first floor and divide them into two?

Commissioner Mourdock: Before, we go to that one, did you have any other questions? I don't want to get away from that one.

Judge Knight: My name is Doug Knight, Judge in the Vanderburgh Superior Court. I am not speaking for the court. What runs into my mind in thinking about that law library space is there is some responsibility on the part of the Circuit Court Judge to maintain a library. He might be, perhaps, the better person to receive direct comments from concerning that. But, obviously, the opinions and input of the other Judges is equally critical. The courts and lawyers use that space during the trial and try to take a recess to look up a question of law and that is why it is so handy to the actual court rooms themselves. There will be a complication of getting across the bridge, especially as we tighten our security net and there will be a limited number of those keys, so that may make access difficult. It's also...when I was in private practice, I used that library at night often, and after business hours, and even into the early morning. Wherever it is, I think that we have to consider that access. Then it is also a library that is used by the general public, maybe not as frequently as Central Library, but certainly any given day you can go there and see a number of non-lawyers utilizing that area.

Commissioner Mourdock: But, is there anything in those last couple of remarks, Judge, that could not be done in this building?

Judge Knight: Probably not. Then there is one last point, and that is that our librarian, Helen Reed, is just coming back from a trip to South Bend or Ft. Wayne where their law library was moved, and I am not sure if it was out of the court building or to a remote location in the court building, and I think that she was going to gather some information concerning that transition and what were some of the pit falls. Perhaps there were not pit falls and it was a successful transition. I have not spoken to her since her return. She just got back a day or two ago, so I would like to hear her comments to supplement the record.

Commissioner Mourdock: As far as the way the courts work today and the way you see them working in the future, when that attorney who has to consult with something in the middle of a trial goes into that law library, with everything that is out there today on Lexis and West Law and all those things, if there were a computer terminal and some copying facilities right there, would that not take care of that need most of the time?

Judge Knight: Most of the time it probably would.

Commissioner Mourdock: Okay, and please don't misunderstand, and I have heard about the need for the copying machine over there, I am not suggesting that it not stay in the building somewhere and certainly what we need, as far as terminals, I don't want to say that those need to be over here either, I am just looking for some raw floor space so that we can solve some of these other problems. Okay, thank you, Judge.

President Mosby: Any other comments on the law library?

Becky Kasha: Just quickly, I am Becky Kasha, president of the Bar this year. Last year I was on the Law Library Foundation Board and we talked about this and one of the things that hasn't come up yet, and it is not a major item but I think it needs

to be considered, that there is a conference room in the library room also and that is the only one that there is upstairs. It used for depositions, frequently, probably more frequently it is used for mediation and housing witnesses who are waiting to testify or children and there is no where else to put people when you have a trial or a hearing up on the second floor. So, that conference room is really very important for a variety of reasons. So, that is something that I would hope would be thrown into the mix if that were moved somewhere else.

Commissioner Mourdock: In looking at the floor plan here, it seems to me that you might actually be gaining on that aspect with what has been proposed in the sense of having again one, two, three, four offices plus two hearing rooms. Some of those might be available when you need them for that purpose.

Becky Kasha: It could be, but it just becomes a matter of scheduling them and not knowing from time to time when that would be open. That is just a place where we drop people and it's convenient for that purpose.

Commissioner Mourdock: Okay, well let's go to your question then because that is a key one.

President Mosby: Anybody else want to speak to the law library? My other question, I mean, it is to any of the Judges, I am, the feasibility of taking any of the four courtrooms on the first floor and dividing them into two to create more court space?

Judge Pigman: I think it is an excellent idea, and I think it is one that we had considered for a while. We only have three jury rooms on the first floor, so we only have three court rooms that are jury ready. The fourth court room on the first floor, the one at the far end of the building down there is referred to as Division IV and every morning it runs the divorce calendar for the first couple of hours for routine matters. Then there are scheduled contested hearings in that court room for the rest of the day. Dividing that in half is not a bad idea assuming that...now I had been told that there were mechanical problems and difficulties with that with the way the heating and air conditioning was set up and that kind of thing and it would be a difficult thing to do. But, we can, depending on the configuration, we could run our divorce calendar and our criminal calendar perhaps in there. The problem with running the criminal calendar in there, however, is that it is...we have, Superior Court has an additional problem with the size of lacking space, Circuit Court has the lack of space problem, we have the security problem in Superior Court. The court rooms downstairs are not designed to accommodate bringing felons into a court setting. There is not holding space. They come through across the public hallway through a public corridor. The deputies are having increasing difficulties getting and keeping the public away from the prisoners as they are being transferred to and from court. When they are in court they are actually sat in an actual jury box and the lawyers can converse with them there because there is no holding area downstairs. It is not an ideal situation. So, we would need some...to the extent that we are moving that situation further away from where we have now, we use the closest courtroom at the end of the hall for our felony hearings. To the extent that we are moving away, I am sure that the Sheriff will have real security concerns about that, because he is not and we are not real comfortable with the security arrangement that we have right now on our regular felony docket. But, dividing that in half is certainly an idea that I think most of us would be willing to sit down and seriously consider, and a possibility that we could make work. I would want to hear from the Sheriff and get his input, because it is his guys that would be transporting these felons. In the morning, it is not unusual to have a string of them, hand to hand, arm to arm, six,

eight, ten or twelve that they are bringing into court, and you have all of the attending family members are there, and right now there is no secure corridor that we can really bring them through. We just sit them out in the courtroom, so it is not an ideal set up.

Commissioner Mourdock: Say it again, Judge, if you would, currently when you have that group of six or eight tied together coming in, they are coming in on the second floor to Circuit Court through the hallway?

Judge Pigman: Well, Circuit Court has their own criminal docket and they run about 12 or 1300 felony cases a year and we run a little over 1,000. Ours are brought down the back stairway that comes behind juvenile court, across the hallway that runs from this front door to the back door and they cross that public hallway. They come into the judicial corridor and go into the very first courtroom there on the right where they are taken in the back side door where the jury exits and set into the jury box, and they sit there and the duties call their names and they come out, do their case, and go back. It is not a secure situation, not a very good situation, actually.

Commissioner Mourdock: Okay, if you could look up at the chart that we have up there, you can see, I think from where you are at, what Steve was presenting as far as taking the two court rooms on the first floor and cutting them in half. Are there any particular demands that you would see that the court would need if we were to do that as far as entrances or anything else? I heard your comment earlier about HVAC and those kinds of concerns but anything other than that?

Judge Pigman: I don't...that is just something that I have been told. I don't know and certainly wouldn't pretend to be an expert on that. Obviously, if we are going to do that, I think that cutting the closest one would be better. Now, that one has a jury room in back of it.

Commissioner Mourdock: The closest to which, to what?

Judge Pigman: To this end. So, then we don't have a problem with moving those fellows through that hallway and the women too, through that hallway. The jury rooms are attached to the first three and not to the last one but that's a minor inconvenience that bailiffs would have to deal with during the trials.

Commissioner Mourdock: Does it make any sense? The thing that I am looking at is Superior Court Room One labeled and Superior Court Two labeled. Does it make any sense to divide those in half as well?

Judge Pigman: I don't think so.

Commissioner Mourdock: Either one of them?

Judge Pigman: No, I think if we are going to...just off the top of my head, and just having seen this for the first time today, it would make more sense to do the one closest to the doorway and the hallway so that we can get the jail prisoners in and out as quickly and expeditiously as possible. I mean, we do need to have three full jury ready court rooms. I don't think that there is any question about that. So, we wouldn't want to go below that. The need right now...we run two full...for instance, we run two full divorce dockets every day. That means...every...the Judges assigned to that division and the magistrate assigned to that division has a full calendar everyday of contested hearings. One for each of them. If it happens to be

that we have two jury trials going on, which we do now, we struggle to find a spot for the second divorce group to get their cases heard, because in the regular Division II, most of the morning is taken up with the regular pre-trial felony matters, and then in addition to that, we have all kinds of other hearings, pleas, sentencings and probation ramifications, and all other kinds of stuff that tie up that court room for most of the day, and make it essentially unavailable. The current configuration, we would still need additional hearing room space, because we need three. At a minimum we need three jury trial rooms that we can use for jury trials.

President Mosby: So, I don't know if I caught you right here. You are saying that we could only divide one or we could divide two and keep two?

Judge Pigman: No, I don't want to divide one. We need to keep three of those rooms. We have three jury trial rooms and we need to keep three court rooms in my opinion, as jury.

President Mosby: If we divide one, could we still not use that for jury trial?

Commissioner Mourdock: Yeah.

Judge Pigman: I don't know.

President Mosby: I mean, that is my thought, I mean I am not saying that we won't use it for a jury trial, I mean, I am looking at dividing two of them and still being able to divide one and use it for two jury trials. So, that you would have four.

Commissioner Mourdock: Yeah, it is no one's intent to reduce the number of courtrooms that are fully jury ready. I guess, the question that I have goes right along with that, looking at Superior Court Room 1 and 2, realizing that we need rooms available for jury trials, is...can we divide those in half and have instead of two ready, have four ready? That is where I would like to go.

Judge Pigman: I don't know if you can do that or not.

President Mosby: I am looking for any of the Judges to say something.

Judge Pigman: Typically, in a jury trial, you would call 40 members of the public, for perspective members of the jury, and there would be a few other people there to watch. I mean, the victims family or the defendant's family and witnesses typically have to wait outside. But, we need seating, we would like seating to be able to seat at least 40 people at any one given time. I don't know, if you can figure that in.

Commissioner Mourdock: So, that is the critical number as far as you see it?

President Mosby: How many people does one of them jury rooms seat?

Judge Pigman: Right now they seat, what do they seat, 42?

Unidentified: Forty-two.

Judge Pigman: Forty-two, I think.

President Mosby: Okay.

Judge Pigman: But you can put some in the box, I guess. We really need, we really need to be able to seat forty, so that the bailiff, when they get there and sit down, the bailiff can go through the list to make sure everybody is there and keep track of it.

President Mosby: I am just looking for input from anybody. I don't want to do something-

Judge Pigman: This is the first that I have seen this, so I am not.

President Mosby: Okay, we can have another hearing because we are running out of time anyway.

Commissioner Fanello: I just have one more item that I would like to ask, it is going to probably Judge Pigman that answers this, so I don't know. A suggestion was made at moving the entire juvenile court system out of the court building and possibly into the administration building. Does anybody have any thoughts on that?

Judge Pigman: Is that juvenile and probate?

Commissioner Fanello: Yes. Juvenile court and juvenile probation.

Judge Pigman: Oh, and probation?

Unidentified: Probation but not the probate area?

Judge Pigman: I don't know how much space that would free up or what?

Commissioner Fanello: Right here it says juvenile court and juvenile probation occupies 3310 square feet.

Judge Pigman: They are as cramped as anyone in the building. I think that Steve was referring to that, is that the one jury over there, they are probably as cramped as anybody in the building. Again, there is a need for security in juvenile. A lot of them would be brought into juvenile court at times some pretty serious things, sometimes violent things. I think you are going to need, to find that there is a very strong need for security wherever that is located.

Unidentified (inaudible - not at microphone).

Commissioner Mourdock: That is a good point.

President Mosby: I know that it is 5:00 p.m. Judge Pigman, if you could, make copies of that and spread it to the other judges?

Judge Pigman: I certainly will.

President Mosby: If you will do that for us? We will try to have another meeting in a couple of weeks, and hopefully have the sheriff here, so that he could go through some of the security issues with us that we are concerned about that we don't know.

Commissioner Mourdock: Judge, here is a copy of the floor plan as well, the same as that up there. I will give you my copy.

President Mosby: Go ahead.

Judge Lloyd: I will be very brief because I know that we are beyond time.

President Mosby: That's fine.

Judge Lloyd: Maggie Lloyd, Superior Court Judge. Thank you. Something that, I just got out of Division IV, which is divorce court and some observations that I made about the court is from 8:00 a.m. you have uncontested hearings. These are people who are just initially starting the divorce process, they haven't set contest hearings to decide who gets what or custody issues. So, sometimes they will come into court and basically set hearing dates. Other times you will have people who have agreed on everything and they will recite their agreements in court, but one thing about the court is this, a very high volume of people at 8:00 a.m. and I wouldn't say that it is all misdemeanor but there were days in there where every seat was packed. A lot of times on some of the non-harmonious separations, it was a good idea to have these people at separate ends of the court too. Just in consideration in regards to divorce court into splitting it, something I observed this, a lot of times, space was good for that court and a lot of times it is a lot of people in there on a regular basis daily. There was many times when we would have a full court room. Thank you.

President Mosby: Thank you.

Commissioner Mourdock: With it being 5:00 p.m., I guess maybe I will formalize these as motions if you feel that is appropriate? First thing I would do is to move that we confer, the President of the commission, confer with the two County Chairman to see if they are in agreement with combining the Election Office with Voters Registration and moving them to the Old Courthouse.

Commissioner Fanello: Second.

President Mosby: I have a second and a motion, so ordered.

Commissioner Mourdock: Second thing, I would move that we have the Superintendent of County Buildings confer with the Solid Waste folks to see if, in fact, the space at the Old Courthouse would be appropriate for them.

Commissioner Fanello: Second.

President Mosby: I have a motion and second, so ordered. Can we just not (inaudible) our meeting in two minutes?

Commissioner Mourdock: We will probably do that there to, yes.

President Mosby: They are standing the hall.

Commissioner Mourdock: But, Tammy won't be there for that. Last, I guess, I won't make this in the form of a motion, but it is certainly my feeling that we need to move the law library as Steve has recommended. Perhaps the best way to look forward to that is to put this subject on our regular commission meeting in a couple of weeks and we can revisit all of these things at that point, but somebody is going to have to do a lot of arm twisting on my part, to me, to make me feel that something other than that is appropriate, because I think that is a great first step. Also, same with at least cutting up at least one of those court rooms.

President Mosby: I guess, that if we are going to do that, then I would ask Steve to get with the Judges and try to make this as convenient as possible, coming through the tunnel.

Steve Utley: I'll leave that up to security.

President Mosby: Maybe there is a way that we can take the secured doors and move them. It might require a lot of construction, I don't know, to where they wouldn't have to come through the doorway and come into the break room in another entrance. If it is possible, if we can do that with the Judges and then we will hear it in a couple of weeks on our regular agenda. But, I mean, it is one space that jumps out at you, that if you are looking for more space over there, I mean it is just one that if we could bring it over to this corridor at the end, then we could possibly have the Solid Waste area to deal with too. So, if they are committable in moving, Marsha, you wanted to say something?

Marsha Abell: I just wanted to point out one area, if you are looking, I know that they want to keep a copier there because they move my files to copy and I don't particularly want them carrying them all over the building. My child support division could move over to this office, or this building, because it is a stand alone computer system. Actually, if my child support division were closer to the Prosecutor's office it would probably be better for the general public anyway. Most of the women that come into my Child Support office end up in the Prosecutor's child support office anyway. So, it may be, more better for them and it does have it's own entrance and it is walled off from my office, so it would be an easy space to adapt. It would be large enough, it has one private office in it already, and then a large area that could be, you could have terminals set up and a copy machine. So, if you are interested, I would be willing to entertain moving that if it helps you out some.

Commissioner Fanello: Does that assist us in any way with the computer or terminal or whatever we had down in the Election Office for the Child Support? Wasn't that something?

Marsha Abell: We already took care of that. We put that in SCT, we have put that in SCT, we found room for it in SCT's building so it is not in the Election Office anymore. That never was put in there actually.

President Mosby: Thank you very much.

Commissioner Mourdock: How much space is in that office that you would be vacating?

Marsha Abell: I am not sure, but I can show you where it is on here.

Commissioner Mourdock: Please excuse me while I look.

Marsha Abell: It is this particular piece right here, that has it's own door and it is walled off.

Commissioner Mourdock: See.

President Mosby: This one here?

Marsha Abell: Yeah.

President Mosby: I can't tell. It says Support Office, but I can't tell which one that is. Okay? Is there anybody else that has anything to add?

Commissioner Mourdock: I move that we continue this discussion at the regular commission meeting on June 25th.

Commissioner Fanello: June 25th?

President Mosby: Do we want to have another special meeting to bring the Sheriff in to talk about any of the issues outside of the Law Library?

Commissioner Mourdock: If we wanted to do it, we could do it before hand that night.

President Mosby: Why don't we look at doing it then on June 25th, a meeting at-

Commissioner Mourdock: At 4:30 again?

President Mosby: At 4:30 again and have the Sheriff here and then-

Commissioner Mourdock: So moved that we advertise for a special meeting at 4:30 on June 25th.

Commissioner Fanello: Second.

President Mosby: Motion and a second. So ordered. Thank you all for coming and thanks for your cooperation. This meeting is adjourned and will reconvene at our regular Commission at 6:00.

The Vanderburgh County Board of Commissioners space allocation meeting ended at 5:07 p.m.

Board of Commission Meeting Resumes

The Vanderburgh County Board of Commissioners meeting for Monday, June 11th, 2001 resumed at 6:05 p.m.

Introductions and Pledge of Allegiance

President Mosby: I would like to call to order the Board of Commissioners meeting for June 11th, 2001. First we have with us tonight Tammy Mc Kinney, Superintendent of Buildings; Tom Bodkin, Corporate Counsel tonight; Commissioner Fanello, Commissioner Mourdock; myself; Suzanne auditor or Suzanne Crouch, Auditor, Suzanne auditor; and Madelyn Grayson, Recording Secretary. If we could, please stand and say the Pledge.

Approval of Minutes

President Mosby: First, I need a motion to approve the minutes of the June the 4th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Mr. President, before we go to the next issue, I would just like to make the point that last week we spoke when we determined that we would put our agendas on the Internet on Fridays that we had a drop dead date of, is it 1:00 on Thursday, Tammy? The last that information would be received to go in the packets—

Tammy McKinney: Actually the deadline is noon. Noon on Thursdays.

Commissioner Mourdock: Okay, noon on Thursdays. Once again, we've got a number of things that came in after noon on Thursday. I think that if we don't start setting these things aside for a week, this is going to continue, and I would really like to get away from this. So, I would ask that the several items, I know the Auditors thing on the Kronos she is willing to carry that forward to next week, and any of these other items that came in late that we put off one week and send them back to the departments and let them know of the deadline.

Commissioner Fanello: So we've got the pink slips that need to be held? So, those didn't come in until today.

Suzanne Crouch: The pink slips might be the only exception, because it is difficult for us to make payroll without them. I don't know if you all want to consider that as an exception.

Commissioner Fanello: It seems like every Monday, though, I get this. That's got to stop.

Commissioner Mourdock: I agree. I mean, if we want to accept this one—

Commissioner Fanello: We will do it this time, but—

President Mosby: I would say let's accept them this time because we have a lot of, I think, Burdette Park's got a lot of people on here and I'm sure they are already operating, we probably need to get these through.

Commissioner Mourdock: I think all of the one's from Burdette were in the original packet, so they are not the problem.

Commissioner Fanello: It's the others.

Commissioner Mourdock: Alright, well, again, let's make everyone aware that we will accept these tonight, but, Tammy, noon on Thursday is the end. It's closed. Scotch tape the packets.

Tammy McKinney: I know, um, there is a travel request that wasn't necessarily late, um, and why I put it in tonight's meeting, um, even though they are not traveling until July, I need a blue claim signed in order to, for registration fees, that's why I added that late.

Commissioner Mourdock: Okay.

President Mosby: Well, like I said we will go ahead and accept these tonight, but this is, hopefully, fair warning to everybody that, uh–

Commissioner Mourdock: Let it be a shot across the bow.

President Mosby: –that we want them in by noon on Thursday.

John Stoll: Quotes VC01-06-03 & Bids VC01-06-02

President Mosby: The first thing I am going to do is have John Stoll, you have opening of quotes and bids, uh, we will give the Counselor time to go ahead and open them–

John Stoll: That works out fine.

President Mosby: –as soon as he is done with that we will come back to you. I want to bring Marsha Abell up, she says she need three minutes to run through something, so–

Commissioner Mourdock: You need to formally give the attorney the authority to open the bids, so let me move that we go ahead and open bids VC01-06-03 for Roesner Road and also VC01-06-02 for the repair and repaving of various roads.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Marsha Abell

Marsha Abell: Marsha Abell, County Clerk. I'm here because we are sort of on a deadline. We...in the courts we were working on our budgets, the Judges were working on theirs and I was working on mine, and we see a great deal of duplication over there on things that I put in my budget that the Judges use, and we don't know sometimes where to break that up. For instance, the computer system, we all use the computer system, so for it to be under one budget probably makes more sense. What we are proposing is that one budget be sent up that is a judicial budget and that it be either under the Council or the Commissioners and not under us, and that we jointly get together and present it to whoever it gets put under. Does that make any sense to anybody? To pull it away from us being individual on joint items that we use collectively.

President Mosby: Okay.

Commissioner Mourdock: So where would they go?

Marsha Abell: Well, it would either be under the...we surmise, this is just....we don't know how you all set up your budgets, you know, either under the County Council or the County Commissioners and it would be Circuit Court, Superior Court and the Clerk, and it would be items such as the Court View package and the upgrade of that system, replacement of hardware. They are looking at starting the replacement of the hardware, and then we could decide which office we think needs all of the

hardware replaced and it may, you know, obviously, I put in for all of it to be in my office and they are going to put in for all of it to be in theirs, and we are not all going to get it replaced in one year, so if we worked as one unit and presented a budget for that particular thing aside from the Clerk's budget and aside from the Judge's budget, but we don't know how that can be set up in a line item...I don't know if you need to pass any kind of an ordinance, we don't know. We are just proposing that as an easy way for everyone to see how much we are trying to spend.

Suzanne Crouch: I'm thinking in the past, has that not been in SCT's budget, I believe?

Commissioner Fanello: I think so. That's what I was I going to—

Suzanne Crouch: I think Court View was.

Commissioner Fanello: I mean, you've not had a specific line item under your budget for it have you?

Marsha Abell: No.

Commissioner Fanello: Okay, so that has been with the SCT budget, I think, Suzanne.

President Mosby: Does this—

Suzanne Crouch: I believe that's the way it has been done in the past, but, I think, the idea of everyone putting down what their needs are and then working with the Commissioners and SCT to prioritize.

Marsha Abell: We are a little bit concerned with it being...we don't mind that it is in SCT's budget, we are just not sure that it's getting very much attention. We asked for this to be in the budget last year, and it was ignored. They put in...we are on the third upgrade of our court system and we have yet to purchase the first one.

President Mosby: If I understand you right, I guess, and what you are saying is that this is a Capital Improvement item, and, basically, I think that this is what we talked about the last week or two—

Commissioner Fanello: Uh-huh.

President Mosby: —is trying to come up with a five year long range plan, so that we know what page everybody's on and how much money we've got going out each year. I don't disagree with what you are saying.

Marsha Abell: We also have training issues. We have had that system in now for two years, we've not had them come back and retrain, and we have had a lot of new employees. What is going to happen and what has happened in the past with the court package is that the people that have bad habits are now teaching the new employees their bad habits, and nobody is learning the proper way, and the training is very expensive to get those people back here to train the court personnel and my personnel.

President Mosby: Well, the Commissioners have asked each one of their department heads to come up a five year Capital Plan. We really asked that the whole county

throughout, all elected officials, and everything, come up with a Capital Plan.

Commissioner Mourdock: But this is more than Capital. When I hear the word Capital, I think of it in the business world sense of Capital Budget meaning hard asset type items. Is that what you mean when you say Capital Budget?

Commissioner Fanello: It could be a little bit more than that though. I realize what you are saying.

President Mosby: What we did over in the city is this went over into the five year plan. I mean, the Fire Department had a computer upgrade—

Commissioner Fanello: What she is talking about, we put in our five year Capital Improvement Plan.

President Mosby: Yeah.

Commissioner Mourdock: In the city you did?

Commissioner Fanello: Uh-huh.

President Mosby: Uh-huh.

Commissioner Fanello: Because they were not your everyday expenditures.

Marsha Abell: We don't mind doing that, we just don't know exactly the mechanics of what we need to start right now to get this accomplished.

President Mosby: I would think that the County Council would want to do this, so that they know exactly what departments are looking at how much—

Marsha Abell: Do you have to give them the authority or do you have to give us the authority to come in with a new?--

President Mosby: We were going to ask them to adopt a five year Capital Plan.

Marsha Abell: Uh-huh.

President Mosby: To me this is something that ought to go in it.

Commissioner Fanello: Just to add to that, if she wants to go ahead and kind of know what line item it's going to be put in for next year.

Marsha Abell: We are actually saying that we want to be a new group.

Commissioner Fanello: Uh-huh.

Marsha Abell: We want to be a condensed group, because right now what we are is three separate groups, we are Circuit Court, Superior Court and the Clerk's Office, and, you know, a simple thing is like the copier in my office, all the courts use my copy machine and every year I am having to put a new copier or paper or whatever in my budget, and it's not really reflective of what is happening over there—

Commissioner Fanello: Uh-huh.

Marsha Abell: –because all the offices are using.

Commissioner Fanello: What David is saying, that definitely goes along with it, because I met with Dave Gumbiner today from SCT and we talked about some long range projects, so if you will...my suggestion is that we allow her to do this and make it a part of a Capital Improvement Plan, and part of our regular budget.

Marsha Abell: Okay.

Commissioner Mourdock: Sounds to me like this board needs to act to create this, or suggest this as a line item to the Council.

Commissioner Fanello: Uh-huh. I will move that we direct our President, I guess, to go to Council and ask for the line item.

Marsha Abell: Make up some cute little name for it.

Commissioner Fanello: I think, Suzanne, why don't I just add that to the budget request that we turn in on Friday. Just add the new line item. Okay.

Commissioner Mourdock: With that being a motion there somewhere, I will say second.

Commissioner Fanello: Somewhere in there was a motion.

President Mosby: I have a motion and a second. Motion by Commissioner Fanello, second by Commissioner Mourdock. So ordered.

Commissioner Fanello: Can you send me the information, do you have the information put together already?

Marsha Abell: Pretty close.

Commissioner Fanello: Okay.

Marsha Abell: I can get it to you tomorrow.

Commissioner Fanello: Okay.

Marsha Abell: Thank you.

President Mosby: Thank you, Marsha. Thank you for your cooperation earlier too.

Marsha Abell: Your welcome.

President Mosby: I appreciate that.

John Stoll- Opening of Quote VC01-06-03 Roesner Road

President Mosby: John Stoll. We'll go back up and pick up B and C. B being opening of quotes for VC01-06-03 Roesner Road culvert #563.

Tom Bodkin: Mr. President, we have three quotes. The first is from Deig Brothers

Lumber and Construction Company. The Deig Brothers quote is \$53,628.40. Five three comma six two eight point four zero. The second is from Southwest Engineering, Inc. Southwest Engineering's quote, \$39,825.00. Three nine comma eight two five point zero zero. The third quote is from CCC of Evansville, Inc. The quote is \$41,163.54. Four one comma one six three point five four. Those were the three with regard to VC01-06-02.

Commissioner Mourdock: I will move that we take the bids under advisement.

Commissioner Fanello: That was 02 or 03?

Tom Bodkin: I'm sorry. You are right, that was three, 03.

Commissioner Mourdock: I'll move that we take the bids for VC01-06-03 under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to take bids under advisement. So ordered. Sue Hartig.

Commissioner Mourdock: Wait a minute. We've got the second bids.

President Mosby: Oh, I'm sorry, second bids, hold on just a second.

Tom Bodkin- Open bids for VC01-06-02 Repair/Repave Various Roads

President Mosby: Open bids for VC01-06-02.

Tom Bodkin: We have two, Mr. President, the first is from JH Rudolph and Son, and they are actually two different proposals, road #1 the bid is \$111,555. One one one comma five five five point zero zero. Road #2, \$11,366. Eleven comma three six six point zero zero. The total of bids one and two, \$122,921. One two two comma nine two one point zero zero. The second is from E&B Paving, Inc. E&B's bid for road #1, \$112,337.70. One one two comma three three seven point seven zero. Road #2, \$10,538.50. One zero comma five three eight point five zero. The total of bids one and two, \$122,876.20. One two two comma eight seven six point two zero.

Commissioner Mourdock: Competitive market out there. I will move that we take those bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Okay, Sue.

Sue Hartig- Legal Aid Society- Voice Mail Request
--

Sue Hartig: Good evening, I'm Sue Hartig, the Executive Director of the Legal Aid Society. I am here to ask permission to proceed with obtaining voice mail for the office.

President Mosby: Okay.

Commissioner Fanello: You are willing to pay for it out of your own budget?

Sue Hartig: Yes, we have seven lines, we have a fax line, but that won't be part of it. It's our understanding it is something in the neighborhood of \$10 to \$15 a month, and if we don't have that in the telephone line item now, we can do a transfer. So we will not be asking for additional money.

Commissioner Fanello: I will move that Legal Aid Society be allowed to obtain voice mail.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Sue Hartig: Thank you.

President Mosby: Your welcome.

Phil Hoy-SWCD Report

President Mosby: Phil Hoy.

Unidentified: He just stepped out.

Tammy McKinney: I'll get him.

President Mosby: Did he leave?

Commissioner Mourdock: You can come back to him under department reports—

President Mosby: Yeah.

Commissioner Mourdock: —that's really what it is anyway.

President Mosby: He probably wants...Councilman.

Phil Hoy: Councilman Phil Hoy and I am representing the Soil and Water Conservation District. I am chairman of that board and as soon as I sort these papers, I thought I had them sorted. The major thing that I would like to report on tonight is in this letter, um, you all asked me the last time that I reported, excuse me, if we had been working with Burdette Park, and Steve is here, he can say more about this, but this is the thank you letter, uh, Mr. Wathen virtually took the lake apart, I think, didn't he and rebuilt it, uh, and you can read the details here in this letter. This is the kind of good interaction that we have with City and County departments when it comes to Soil and Water issues and I won't read that letter, that's why I made you a copy, but I thought that you would like to have that. The second very important thing has to do with the filling of a vacancy. As you know, we have a vacancy in the position of the Water Quality Specialist. I came to you before, you voted on a process, which was to advertise, which we have done. Receive resumes, which we are doing until July 2nd. Then once that closure date comes of July 2nd, we would like then to sit down and make a choice. The last time we went through this process, um, we used a committee, a sub-committee from the district, and since then I have appointed a personnel committee. We felt as a board, and I

see Commissioner Mourdock smiling because he knows, he's had a connection there and he knows that we have needed this, so we know have a personnel committee, and with some actual duties listed for this committee. What I would like, what I want to propose to you tonight is that you all appoint someone from your body, if you would, to as you did last time to meet with that committee as we go through the selection process. Which would not begin until July, but I know how time gets by and how busy we are with many, many things, including budgets. So, Mr. President, I will leave that in your hands since you are President, but this is a formal and official request for that.

President Mosby: Okay.

Phil Hoy: If you will communicate that decision to me, I will appreciate it very much, and then we will set our meetings. We are excited. We have about 30 resumes in. A whole lot more than we had last time, and some very, very good ones. Do you have any questions about that so far?

President Mosby: No, I don't.

Phil Hoy: Okay, I'll just reference the reports, uh, you can see Mr. Wathen's report. I am happy to report that there are no complaints this month. He dealt with some angry neighbors on the west side, and dealt well with them. We think that he does well in those kind of situations, in conflict resolution and we do have conflicts as you can well imagine. I would also note since I noted the work with the lake at Burdette Park, that we as a department have been working with Mesker Zoo. Mesker has a lot of water quality problems. The drainage there is very old, and frankly it meets almost no standards. So, we will work with that. I will tell you that is not going to be an easy task, and unfortunately, and I know that I am talking to the county and not the city, the city is not probably going to be real happy, because what we are working on there is not something that is glamorous, but it is very necessary. In fact, I would say that probably most of our work doesn't fall in the glamour category, unless you like clean water and good soil, which I do, because I like to drink and eat. That is Mr. Wathen's report, and finally you have the one page report, Erin Breetke's last report before she went on. We are sorry that she left us, she just presented her graduate research at a national meeting and was very well received and, I guess, maybe we were too hopeful that she would stay with us for a long time. If you have no questions, that is my report.

Commissioner Fanello: I was just going to say that I think we should just go ahead and appoint somebody to go sit in on the interviews, and I will make a motion to appoint Richard, if you would like to do that because you are knowledgeable about that.

President Mosby: I will second that for you.

Commissioner Mourdock: I was even at the meeting and I still got the appointment, that's a new one.

Phil Hoy: I think that was a diesel train.

Commissioner Mourdock: Yeah, yeah. Okay, that's fine. I will need to work with you to make sure as much as possible that those meetings take place on Mondays and Tuesdays, so—

Phil Hoy: We will. We'll work with you.

Commissioner Mourdock: –those are my restrictions.

Phil Hoy: Okay, thank you very much. I appreciate it.

President Mosby: I have a motion and a second to appoint Commissioner Mourdock. So ordered.

Phil Hoy: Just as an addition to what you were discussing earlier about a plan. Again, rarely do I speak for seven people, as you know, but speaking for myself I think that planning for the future is a very good idea.

President Mosby: Possibly if I could get with you and another member or so of the County Council, I think that it would be something interesting if we would sit down and look at the long range–

Phil Hoy: Sure.

President Mosby: –because, uh, there are just so many things that I see happening that they are not funded and we are getting behind.

Phil Hoy: One of the things, excuse me, that we deal with, as you know, we work different from the city, and that is that we are dealing with a whole host of elected officials that are not appointed, and so we have to work a little harder towards cooperation and coordination of things, but I think it's a good idea. The other thing that we have is the...even in our case with our office and your office we interchange with each other using the same copier, um, you know, which is fine, you know, but then you have to say, well, how do you manage all of these cooperative efforts. I think, Mrs. Abell has a good handle on it over in that particular section of county government. I made a note of it, and we'll talk things–

President Mosby: I'll get with President Bassemier and see if we can work something out.

Phil Hoy: Great, okay, thank you.

President Mosby: Thank you.

Tom Bodkin- DADS Renewal of Lease
--

President Mosby: Phil Hayes is not here, the DADS program.

Tom Bodkin: I've got that covered, Mr. President.

President Mosby: Okay.

Tom Bodkin: Mr. Campbell is here, I think, Mr. President, with the lease agreement. Perhaps you would like to recognize him.

President Mosby: Mr. Campbell.

Bill Campbell: Thank you. I've often heard that timing is everything. When I read in

the paper about potential relocation of county offices, I decided that it might be a good idea to look at the lease. It had expired. Now there is an upside to that, now other than part timers. The other side is that I have been the Director for 25 years, and I have been in this facility for about 19 years. The lease has not changed, nor has the price per square foot changed, nor will it ever change. That is the agreement we have there, and the landlord has always been most amiable, helpful, and frankly there has never been any negotiation on the lease, so, therefore, I'm afraid that with other things on my mind that did slip. It was not a paramount issue until tonight. If possible, I would like to present that lease, and a schematic there on the back. It's for 2700 square feet for approximately \$4.20 per square foot. We've been there, again, for 18 years. We've been certified for confidentiality by...the whole program has been by our certifying body, the Indiana Judicial Center, and computer lines placed in, and, frankly, the older one gets the more difficult one finds it to change—

President Mosby: To change.

Bill Campbell: —and I do accept that as a flaw in myself, but wisdom does, or age does force a little wisdom on us whether we want to accept it or not.

President Mosby: I will start out first by saying, no offense, and I know that change is hard, but I would like to see you at the Old Courthouse. It's a building that we now have responsibility of and we need to maintain and put some tenants in, and before I would like to see us give county money to another facility, we need to fill our own. So, I for one, would like to see the DADS program moved into the Old Courthouse. I do not speak for the other two Commissioners.

Commissioner Mourdock: My comment would be, I think, at the very least we need to take this under advisement to see, since the lease is already expired, I guess, tomorrow isn't any worse than had it gotten here yesterday, but we do need to take this under consideration. I do agree with David as far as having the Old Courthouse as valuable space to us and, I think, as we use it we are going to become better stewards of the place. So, I would move that we take this lease agreement under advisement at this point, and notify the landlord that we are reviewing our options.

Commissioner Fanello: I would like to have a chance to talk with you and just see what your concerns are about moving.

Bill Campbell: I appreciate that very much.

Commissioner Fanello: So, I will second that.

President Mosby: I have a motion and a second to take the DADS renewal lease for Mr. Campbell under advisement, so ordered. Do you want it back on for next week, or do you want two weeks?

Commissioner Mourdock: Two weeks would probably be better if that's alright.

President Mosby: The 25th we will have it back on the agenda.

Bill Campbell: That would be fine.

President Mosby: Thank you very much, Mr. Campbell.

Commissioner Mourdock: Just to do the follow up work here to send the letter to the landlord, Tammy or Tom, whomever, one of you please do that.

President Mosby: Tammy, if you would go ahead and put that down for the 25th, putting him back on the agenda.

Tammy McKinney: Sure.

President Mosby: Thank you.

Jim Hughes- SRI Presentation

President Mosby: Jim Hughes.

Jim Hughes: Thank you, Commissioner. I was here in Mid-May, and, uh, I left our credentials as to what we do for counties in Indiana. The, uh, proposal to you was to assist you in your sales of property that has gone through tax sale, and you have, or have the opportunity to take title to that property. It is a fairly complicated and legal process that has to be done with care. I have talked to Tammy, and she would welcome the help. I've talked to the Auditor, and, as far as I know, there is no problem with the Auditor. This would be a matter of taking these properties and bringing them back to the tax roll after they have failed to be purchased for a lien on the Treasurer/Auditor Sale. Do you have any questions on what we do, how we do it, or whatever? Because I do have more specifics of what I could do. Okay. Let me suggest to you, you have a copy of our contract—

Commissioner Mourdock: Uh-huh.

Jim Hughes: —what I would like to do is before both of us absolutely commit, is to get just a little bit more information. I would like with your authorization to get all of the information about the properties that are available today, and the status of all of these properties, and see when they could be brought to sale.

Commissioner Mourdock: Do you already have that information from the Auditor, Jim, is that what you are saying?

Jim Hughes: No.

Commissioner Mourdock: Or that you would like to get that?

Jim Hughes: I would like to get that. The process in every county is somewhat different, and, certainly, Vanderburgh is no exception to that. We work in many counties, in 70 counties, as a matter of fact, but Vanderburgh certainly is subject to being different, and I want to make sure with the County Attorney, that with the legal process that we deal with in other counties, and it's not always the same, but I want to make sure that we are following the legal process that you are guiding the Commissioners to do. So, I would want to do that also. I would like to come back to you with a set of objectives that, I believe, is to get these properties returned to the tax roll, but to give you some policies on how we do that. I think that there is a mean way of doing it, and there is a soft way of doing it, and I certainly recommend the soft way. We don't need a community uproar, putting people out of their homes. So, we have to be careful with that, but you have to enforce the law too. To be fair to all of the people that do pay their taxes. So, I think to give you some suggested

policies on that. Also, we want to know exactly what you expect from us, and I want you to know what we expect from you. So, I would come back to you with a detailed plan of what would happen based on the information that I am able to get, and I would say in the next 30 days, come back to you with a specific plan of how we would do this, what we expect to achieve, and how many properties you have to process. In doing that, we would set up a schedule as to when we could do this work. The detailed plan is extremely important, and I would like to suggest that you authorize us by conditionally signing a contract tonight that when we bring this work plan back, if it isn't to your satisfaction and we can't change it to your satisfaction, that the contract is null and void. We don't want to be here if we are not doing it right for you. So... I was hoping that wasn't mine. My pocket is ringing. So—

President Mosby: That is you.

Jim Hughes: It is. Sorry about that. I usually turn it off, and in sales I ask people to turn their cell phones off, so I am absolutely guilty. There is something that I would like to mention to you about the cost of the contract. We were successful in getting amendments both to the lien sales statute and the Commissioners sales. In the past, some attorneys, some County Attorneys have interpreted that the sale of a single property, the cost of the sale can be removed by the Commissioners, but then the balance has to be distributed to the tax unit where the property is located. We were able to get an amendment to the law that says that we can take all of these properties, take the income from all of the properties, pay the cost of all of them, but we have to settle up at the end of the fiscal year. So, we have to be careful with that. Our plan would be developed, so there would be money there to pay the cost, and that any money would be distributed to the units, but only after you have all of your costs, so that it would not cost the county anything for selling these properties. If, uh, the properties do not bring the full cost of the county's, then there would be a cost to the county, but that is the only way. So, I guess, I would request your approval of our contract, conditionally, on your acceptance of a final work plan, and if you don't like it, just say no, and you go your way and we'll go ours. We never want to work for anyone where we do not have a receptive environment and work closely with the elected officials.

President Mosby: Questions or comments?

Commissioner Mourdock: Not so much a question as a comment, and as you said, Mr. Hughes, at the start of your remarks tonight, and I think that you said it last time, this is a very complex subject, and I am not in any way going to be claiming to be an expert here. I guess, before I would see us going forward even with the conditional contract, I would like to have some report from our County Attorney as far as where he sees the values in what we are going to do. I was pretty well with you going through what you were describing as far as how you would work this up, and do all this, and do all that, and then come to us, until that work conditional contract got in there. I thought that we were headed the right direction, or your comments were headed in the right direction to give us a better feels as to both the process and the product. If we can get there, I would appreciate that, but I think that you do need to do that through the County Attorney.

Jim Hughes: I will spell that out with your County Attorney during this 30 days, and, again, anything that we don't come to a complete agreement on, we just won't do it. You are not obligated.

Commissioner Mourdock: Right, and I would encourage you to go ahead and have

those discussions short of us signing that kind of conditional contract, because I am just not—

Jim Hughes: Okay.

Commissioner Mourdock: —conditional contract to me, and I am not an attorney, but it is an oxymoron, I mean, it's simply a piece of paper that's committing somebody against something, and I'm not quite sure what at this point.--

Jim Hughes: Well--

Commissioner Mourdock: —So I would need more information.

Jim Hughes: —obviously, you understand that I have an investment to come down here and develop that work, and I just want a little more assurance that we will move forward if we come up with a plan that will meet your—

Commissioner Mourdock: Yeah, and I do understand that, and I certainly assume that you have a bit of a marketing and sales budget, as well, to do these types of things. I just want to make sure in representing the county's side of it that we are getting something that we truly need and that it is of value. I suspect it is, but I want to be able to understand that as well.

Jim Hughes: Yeah. The reason for the 30 days, and, uh, allowing me to go ahead and get that because there is a certain amount of authorization that I need before I can go into any office and say, I need these records.

Commissioner Mourdock: Uh-huh.

Jim Hughes: I know that they are all public, but still—

Commissioner Mourdock: Sure.

Jim Hughes: —we need a spirit of cooperation. We are all working for the same thing. So, I really do need some authorization, some official authorization from the Commissioners.

Commissioner Fanello: I mean, can we just move that the Auditor work with Mr. Hughes—

Jim Hughes: I think she will. I think she will, I don't think it needs to be specific to the Auditor. I think that it is just a matter of let's set the tone to get this job done, and to get it done in a way that fits your policies and your objectives—

Commissioner Fanello: Well—

Jim Hughes: —and that it's legal.

Commissioner Fanello: Uh-huh. The other problem with us even accepting an unconditional, or a conditional contract tonight is Tom is one of our contractual attorneys and he is not our regular County Attorney, so—

Jim Hughes: Okay.

Commissioner Fanello: –without having a discussion with Phil first, that is going to be kind of hard tonight.

Jim Hughes: Okay.

Commissioner Mourdock: Yeah, I would like to get some input from the County Attorney.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: As far as all of the nuts and bolts of this, because it is complex enough I don't have that understanding at this point.

Jim Hughes: It is. Believe me, it is, and the one thing that you will always get challenged on, if there is a challenge, 95% to 99% would be on, I didn't know, I didn't get notice, the law says that you have to notice me. That is what it is. We do have to tell people, and the way that we do that, when we get to sell it, we put a sign in the yard. This baby is for sale.

Commissioner Mourdock: Uh-huh.

Jim Hughes: So, I understand your need to talk to your attorney–

Commissioner Mourdock: Why don't we do it in a two step process. How about this? If you were to give Mr. Hayes a call, and I know that you have spoken with the Auditor, Suzanne, already. If you gave Mr. Hayes a call, worked through some of these issues and he started to feel comfortable with it, if, in his opinion, if it would be productive for this board to look further, then at that point you might make the commitment to come back, excuse me, come down, meet with him again on a Monday, if you could work out some things then, perhaps, come to us Monday evening and we might be ready to at least hear what Phil has to say.

Jim Hughes: Why don't you talk to him and have him call me and say look, let's go ahead and get the plan, uh, I just want some level of commitment–

Commissioner Mourdock: Sure.

Jim Hughes: –I am coming into a real busy time of the year, and I'm trying to get prepared for that, so, uh, I'll work with you.

Commissioner Mourdock: Sure.

Jim Hughes: I'll work with you the best I can.

Commissioner Mourdock: Thank you.

Madelyn Grayson: Excuse me, David, can we make a quick tape change?

President Mosby: Yes.

(Tape Changed)

President Mosby: Okay, back on the record. Tammy Mc Kinney.

Tammy Mc Kinney- Reimbursement of Law Books Stephen Owens

President Mosby: Start with the law books.

Tammy McKinney: Okay, someone from the Auditors Department gave me a blue claim that Steve Owens is requesting reimbursement for some law books. The way that I understand it, these are law books that he had in his private practice and he has brought with him over to the courts building and everyone is using them.

Commissioner Fanello: So, this is out of the Public Defender budget, though? So, I guess I'm not sure why we have to approve it.

Suzanne Crouch: It's unusual--

Commissioner Fanello: Okay.

Suzanne Crouch: --to have reimbursements like this when someone has purchased something for their personal use, and then they are wanting to bring it into county government and be reimbursed for it. The State Board of Accounts told us in this particular instance the Commissioners would have to approve it.

Commissioner Fanello: I don't suppose he has any documentation as to the original?--

Tammy McKinney: He has an appraisal--

Commissioner Fanello: I guess I'm not looking (inaudible).

Commissioner Mourdock: I think that's the question, if you want to accept that as documentation or as something representative there.

Tammy McKinney: Right. There is a letter from the West Group with an appraisal value of \$1200, and he is asking \$637.50.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: With some hesitancy, I will second. It's not a huge item, but I, the process is one that worries me here a little bit.

President Mosby: And these books will become part of the county, I guess.

Commissioner Mourdock: Yes, which means they may well be housed right next to the new law books, or the new law library.

President Mosby: Just the way (inaudible).

Commissioner Mourdock: Which would be duplication, of course.

President Mosby: These will become part of the county.

Commissioner Fanello: Well, now as long as they are going to keep them in their office, which, I assume, they are keeping them in their office.

Commissioner Mourdock: But, that is my hesitancy, because, first of all, it is reimbursement, which, I realize, he is an unusual situation, he has just come on board with the county, he is bringing this stuff with him, which is nice, and in most cases I would just say sure, let's do it, but, then again, we talked earlier about moving the new law library, or the law library over into this building and it seems to me that there is some duplication, but--

Commissioner Fanello: These might be more updated.

Commissioner Mourdock: I did second.

President Mosby: I have a motion and a second. So ordered.

Tammy Mc Kinney- Proposals for Concrete work at Old Courthouse

Tammy McKinney: Are you ready for the?--

President Mosby: Yes.

Tammy McKinney: Okay. Next I have some quotes for some concrete work that needs to be done at the Courthouse. Especially the steps. I believe you have all of the bids in front of you, and what I would like to do is to just take these under advisement.

Commissioner Mourdock: Yeah, and I will move...they are in somewhat of a varied form having looked through them, and I am not sure that A equals B, and B equals C, so--

Tammy McKinney: Right, they are kind of hard to decipher the way that they were--

Commissioner Mourdock: --if we take them under advisement, will John Stoll be looking at them, or who's going to be trying to decipher all of them?

Commissioner Fanello: I think that Ralph helped put them together, didn't you?

Ralph Kissinger: Yeah. I have done some work on that.

Commissioner Mourdock: But your comment, your hand written comment at the end, Ralph, was, I kind of interpreted it as throw them up and whichever one comes down first is the one we want.

Ralph Kissinger: Well,--

Tammy McKinney: Just to let you know, Ralph, that Empire did--

President Mosby: Yeah, their bid is in here.

Tammy McKinney: --put in a bid.

Ralph Kissinger: I called several contractors and asked for quotes and most of them were reluctant to give quotes because they said they had given so many budgetary quotes in the past and never gotten any work, and I assured them that this project on the rear entrance had to be done because there is an emergency situation there.

So, the three that I looked at, the two that I looked at, I'm sorry, were Deig Brothers and Phoenix. They were pretty close to being together, so I thought they were probably competitive quotes, I don't know. I tried to spec some....somewhat some specs that would cover—

President Mosby: Did Phoenix quote every entrance?

Ralph Kissinger: There were alternates on that, and Deig said that he was just going to quote the rear steps for now. As you and I talked, and Tammy there were some other concrete spots that needed repair that could be done later, so I told them to look at it and give me all of their prices on those. Deig elected not to, they said they would just like to quote the rear steps for now, and if we decide to do any more work in the future they will come and give quotes.

Tammy McKinney: I know that we spoke about the one set of steps that need repairing ASAP—

Ralph Kissinger: It's the south entrance, yes.

Tammy McKinney: Right, and also during the recent rains I wanted to add that the entrance, the ground entrance on the Fifth Street side, I believe, when I opened the Courthouse one morning I had a nice quantity of water.

Ralph Kissinger: Leaking through the plaster seal?

Tammy McKinney: Yes, so I would like to put that—

Ralph Kissinger: There is some sealing that needs to be done and there is some calking or sealing that needs to be done to those steps. That is what is causing the plaster underneath in the basement hallway to come down.

Tammy McKinney: Right.

Commissioner Mourdock: For the issue at hand, obviously, these need to be reviewed. When you go out for bids, or go out for prices opposed to actually formally bidding it, you tend to get what you have here. I would note that with Phoenix, for example, they gave us two pages with two different prices on several of the same items. I don't know if that was a clerical error on their part, I assume we always take the lowest price—

Ralph Kissinger: There is some running out of sewer drains, and after talking to Ben who was the old maintenance—

Tammy McKinney: Right.

Ralph Kissinger: —he said that in the past they had those sewer drains rodded several times and, apparently, they over the years have led to nowhere, there is no sewer to rod to, and he said it is just a waste of money rodding them now. I called and told them just to forget about that.

Commissioner Mourdock: Okay, well, I move that we take these under advisement. Please report back next week.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Take bids under...or quotes under advisement for the Courthouse.

<p style="text-align: center;">Dorie Lo Bue-Tri State Workforce Initiative and Jonathan Weinzapfel- SW Indiana Economic Development Resolution</p>

President Mosby: Dorie Lo Bue and Jonathan Weinzapfel, I guess we will do this together.

Dorie LoBue: Sure.

President Mosby: I guess, what was discussed at last week's meeting, Jonathan had come forward on the Economic Development District Resolution, and you have been here on the Workforce Initiative, the Tri-State Workforce Initiative, excuse me. We want to make sure that the two don't overlap, and we want to make sure that we are not spending money twice and just getting service for one.

Jonathan Weinzapfel: Basically, we are... Dorie Lo Bue's efforts were, basically, already accomplishing one of our objectives without having actually formally organized. So, we are one down, five or six more to go. Actually, I think this is a very complimentary effort, it is one of the goals that we outlined as important for the region. The Chamber working with the Workforce Investment Board, obviously, is moving forward on that. If this Economic Development District was in place, let's say a year ago, I would hope that we would have been one of the entities that they would have come to first, and would have helped them organize and worked with the different counties in our region. I think that it is a complimentary effort.

Dorie LoBue: About five, there's about five of core group, Jonathan, that's your Executive Committee and maybe three of them, two or three of them are involved in the Tri-State Workforce Initiative already. We might need to plug in the rest of his Executive Committee just to make sure that they are active in all sectors of it.

Commissioner Mourdock: Part of the plan having you both come here was, Dorie since you were not here last week, was just to make sure that kind of thing when that plugging in needs to happen that everybody is aware of who else is out there doing the other similar things.

Dorie LoBue: Part of my soap box for this whole Initiative is that there isn't an overlap of efforts. That we are leveraging off of each others resources and talents and time, and part of the problem in the past in various Workforce Initiatives is that different areas across the region didn't know what the others were doing ,and the basis for this whole thing is to keep an open line of communication so that everybody knows what everybody is doing in all six regions—

Commissioner Mourdock: Uh-huh.

Dorie LoBue: —or all six counties. So, I agree with you.

Commissioner Mourdock: Okay, and the other part as presented last week was sometimes on the Commission I've found that we fund a certain group only to find out that they take as part of their mission the funding of other groups so that we give them money and they give to somebody else.

Dorie LoBue: I'm not sure I followed that process.

Commissioner Mourdock: Okay, let me say it again. We will grant some organization, call it group A, a certain amount of money, and then under their task, group B will be out there and they will say why don't you help us. So, group A writes a check to group B, and at the same time, group B is coming back here and saying why doesn't the county fund us? Well, we already are, because we are funding you indirectly through group A.

Dorie LoBue: Just to clarify the \$55,000 that we are budgeting for the whole process, now we are only asking \$5,000 from each county—

Commissioner Mourdock: Right.

Dorie LoBue: —for two years, which is \$10,000 total, but what that is to pay for is just operating expenses. Operating expenses which included technical assistance from maybe the Hudson Institute which has helped us. The Hudson Institute isn't going to come to the county. The Workforce Investment Board is helping to fund part of this, so they are not going to come to you for this funding. So, I don't foresee that happening.

Commissioner Mourdock: Again, my perception would be...it would be more likely that you looking for funding would go to the Southwest Indiana Economic Development District. Do you see that happening?

Dorie LoBue: No.

Commissioner Mourdock: Okay.

Dorie LoBue: No, I see us...I can even give you an update on the six counties that I have asked for funding and what the status is on each of them, plus the state of Indiana is giving money through the Southwest Indiana Workforce Investment Board—

Commissioner Mourdock: Aha!

Dorie LoBue: —so, no I'm not going anywhere else.

Commissioner Mourdock: There it is. So the state is doing what we are trying not to do.

Dorie LoBue: They are matching funds that we raise locally—

Commissioner Mourdock: Okay.

Dorie LoBue: —is what they are going to do.

Commissioner Mourdock: Gotcha. Okay. My concern locally has been addressed. I want to make sure, I think, that both of the efforts are reasonable efforts, uh, again, I just didn't want to make sure, or did want to make sure there was not overlap unnecessarily, and that we were not spending money twice in effect.

Dorie LoBue: Yeah. Well, this has taken up an incredible amount of my time, and I don't want to do anything else that somebody else is already doing. In any way,

form, or fashion I will be very cautious that that doesn't happen in the future.

Commissioner Mourdock: Okay.

Dorie LoBue: And I can—

Jonathan Weinzapfel: I was just going to say that, I mean, obviously, this was one of the goals that we identified that we had. There are numerous projects and challenges that we can undertake as a region, surely we are not going to do anything that is already...that some organization is already working on. I mean—

Commissioner Mourdock: I know you—

Jonathan Weinzapfel: —there are enough other things out there for us do.

Commissioner Mourdock: —I know that you would never do that intentionally. It's not the intent that I worry about. It's just that if you are not communicating, and it sounds like now you are. That if you weren't communicating there would be that duplication. So, mission accomplished.

Commissioner Fanello: I will move that we go ahead and approve the \$5,000 for two years...\$5,000 each year for two years for the Tri-State Workforce Initiative.

Commissioner Mourdock: Second.

Commissioner Fanello: And then I will move that we form the Economic Development, what do you call it, your whole term there?

President Mosby: Southwest Indiana Economic Development District Resolution.

Commissioner Fanello: There you go, and that was a cost of....I don't have my paper in front of me. Is that 30?--

Jonathan Weinzapfel: I want to say \$30,000 (inaudible).

Commissioner Fanello: And you are wanting that \$30,200 for each year, and, I believe that can come out—

President Mosby: It's \$30,300.

Commissioner Mourdock: I was going to take the \$200.

President Mosby: Well, that's rounded. It's \$30,282.25, rounded off to \$30,300.

Jonathan Weinzapfel: Right.

President Mosby: So—

Commissioner Fanello: Well, I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to approve \$5,000 for two years for the Tri-State Workforce Initiative, and \$30,282.25, if you want to call it that, for the

Economic Development District.

Jonathan Weinzapfel: Thank you.

President Mosby: So, a motion and a second, so ordered.

Jonathan Weinzapfel: There was a resolution in your packets last week—

President Mosby: It's right here, yeah.

Jonathan Weinzapfel: Is that something that you can sign tonight, or?--

President Mosby: Do we have a copy of it, Madelyn, to sign? I've got mine right here if we don't.

Commissioner Mourdock: We have it in the packets from last week.

President Mosby: We have it.

Commissioner Mourdock: I'll move that we formally sign the resolution as well.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to formally sign the resolution. So ordered. Thank you. Appreciate it.

Dorie LoBue: Thank you.

President Mosby: Any other group or individual wishing to address the board under action items?

Commissioner Fanello: Can...I...I did ask Jonathan to address one more item real briefly, and that was the voting machines, because we had had a conversation on the phone about it. So, he just had a couple of comments that he wanted to offer, and that was about the—

Jonathan Weinzapfel-Quantity Purchasing Agreement
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Jonathan Weinzapfel: Oh, I thought you just—

Commissioner Fanello: No, I wanted you to let the board know what we talked about as far as the Quantity Purchasing Agreement, and some of the specifics about the voting machines.

Jonathan Weinzapfel: Basically, this is a bill that I authored which passed the General Assembly and which Governor O'Bannon signed. There is \$4 million in the budget to help counties replace voting systems, and the bill also requires counties to get rid of punch card systems. The mechanism that is set up is that the state is going to work with various election vendors, election system vendors and put together a quantity purchasing agreement. The counties would make application to the state budget agency by January 1, 2003. Now, there are a couple of things that the county can and should be doing right now, and the first is trying to figure out what type of voting system you want here in Vanderburgh County. The second, of course,

which is what you are already doing is putting together your new precincts and you are going to have to finalize that before you know how many voting systems that you are going to need county wide. Obviously, those are two things that you could move forward on, the thing that is probably going to keep you from signing the contract in the near future is waiting to make sure, or waiting to see which vendors the state enters into these Quantity Purchasing Agreements with. Because, in order to be eligible for the matching funds, well actually for the reimbursement funds, you would have to, the county would have to contract with a vendor who has entered into a Quantity Purchasing Agreement with the state. Is that clear as mud?

Commissioner Fanello: Yes.

President Mosby: Clear as mud.

Commissioner Mourdock: Jonathan, correct me, um, I understand part of that legislative package is sort of a trip wire out there between the \$4 million and the \$5 million, does not something come into effect if the funding level reaches \$5 million? Am I correct on that?

Jonathan Weinzapfel: Well—

Commissioner Mourdock: Or do we get that all back?

Jonathan Weinzapfel: —the, this is uh, one of the compromises that I had to make with this legislation, and actually I think that it is bad policy, but it's what the Senate sponsor of the bill wanted to see. There is a...the bill, basically, says that you can't use punch card ballots after the 2004 election if \$5 million has been allocated or appropriated to this reimbursement fund by July 1, 2003. There is \$4 million in this budget...I mean, the idea was to make sure that the state was going to live up to it's 50% commitment, however, with an expected total state cost of roughly \$9 to \$13 million there doesn't seem to be much of a symbolic difference between \$4 million and \$5 million. We would expect that the state in this next budget which we put together in...begin putting together in January 2003 will at a minimum come up with an additional million to put in that fund. The idea is to by having the counties apply to the fund by January 1, 2003, we are going to know exactly how much is going to be necessary for the state's 50% reimbursement, so that we can figure that into the next budget.

Commissioner Mourdock: What is the current number? I think that it is 38% of the people in Indiana vote punch cards? Is that right?

Jonathan Weinzapfel: There are—

Commissioner Mourdock: Give or take a point or two.

Jonathan Weinzapfel: --I think that there are 33 or 34 counties using punch card ballots.

Commissioner Mourdock: Okay.

Jonathan Weinzapfel: The fund...any county that is operating or expanding existing voting systems is eligible under the fund. So, that would also bring in counties that are also using lever systems such as St. Joe and Marion who would also be interested in upgrading to a newer technology system.

President Mosby: Inaudible.

Jonathan Weinzapfel: It also would bring in...let's say Hamilton County which has a significant growth in population which is going to probably add, as an example, ten different precincts would also allow them to apply to the fund to help pay for voting systems for those additional precincts.

Commissioner Mourdock: With that being the case, isn't \$4 million like spreading a jar of peanut butter over a golf course? How thin can you make that? I mean—

Jonathan Weinzapfel: The idea is that we don't have to do it all in one budget. Why fund it all up front when we can do it in the next budget. We are not even going to know what the state reimbursement is going to be until January 1, 2003, and that is plenty of time to...actually, we are demonstrating our commitment in this past budget, very tight economic times, showing our demonstration, or our commitment in this past budget putting \$4 million in it, and then planning to provide the remainder in the 2003 budget.

Commissioner Mourdock: The key words there being tough economic times, I mean, watching from the county's perspective as a county official, all of the other things that the Association of County Commissioners went after that didn't happen this year, I guess, I have more concerns now than before we started to speak, and as far as will that funding be there to get us where we need to go. We are in a situation and we talked about when we started our redistricting process to reduce our number of precincts, which certainly will help us in the total cash outlay that we have to have, but, I guess, I'm starting to have some second thoughts as to even is 2004 are we rushing faster than we need to rush perhaps?

Jonathan Weinzapfel: Well, I don't know how fast you are rushing.

Commissioner Mourdock: Well, the 2004 is the date from your legislation or somebody put that date in you said. We couldn't use punch cards after 2004.

Jonathan Weinzapfel: Right, right. That is why this is...the counties have asked us to spread this out. They didn't want to have...there are a lot of people advocating that we have this in place by the next Presidential election and, you know, that makes a lot of sense, but what we heard from counties is that they are going to be struggling putting money together and entering into contracts, why not let the first election that they test this on be an off year election and would be the primary 2006. So, obviously, there is plenty of time...one for the state to provide the money, but, obviously, for the counties to...all they have to do is show an intent to enter into an agreement by January 1, 2003 in order to qualify for the reimbursement.

Commissioner Mourdock: It will be interesting to watch it unfold. So, going back to the number of...what was your term master service agreement? Do you know at this point, or has the state pre-qualified those people to know who they are? Are they the same people that we have otherwise already looked at for this year?

Jonathan Weinzapfel: I would assume that they are going to talk to existing qualified vendors, I mean, the State Election Commission puts together a list of voting systems and vendors that are approved for use in Indiana—

Commissioner Mourdock: Uh-huh.

Jonathan Weinzapfel: –I assume that they are going to go and talk to those people and see what kind of prices they can negotiate with them, but then I would hate to run...to have the county enter into a contract tomorrow with a vendor not knowing for sure–

Commissioner Mourdock: Right.

Jonathan Weinzapfel: –whether they are going to be on that list.

Commissioner Mourdock: Yeah, because I did not know until, again, that you spoke in here that that reimbursement was only going to be applicable if you went off the master services list. That is an interesting twist too. One last comment on it, in your legislation, was there any discussion at all in any of your hearings regarding how funding might be applied to cleaning up voter lists?

Jonathan Weinzapfel: Um, yes, actually that was a different bill. There was, uh, I believe, a total of maybe \$5 million allocated to that effort.

Commissioner Mourdock: But did it...yeah–

Jonathan Weinzapfel: I'm sorry.

Commissioner Mourdock: What was the status? Did it ultimately pass?

Jonathan Weinzapfel: Yes.

President Mosby: Any other questions? Thank you, Jonathan.

Jonathan Weinzapfel: Thank you.

President Mosby: Any other group or individual wishing to address the board?

Any Other Group or Individual Wishing to Address the Board

Richard Helzerman: My name is Richard Helzerman, I've come to talk to you about the problem of overcrowding in the Vanderburgh County Jail. The populace of the jail exceeds it's rated capacity because there are too many prisoners classified as pre-trial felons. As of June 6, 2001, there were 319 inmates according to the inmate report, and 318 according to the confinement report. Which, I think, is the first time that I've seen a difference between those two reports. Of those 318 or 319, 174 or 55% are classified as pre-trial felons. If any of you or any of your close relatives were charged with a non -capital crime they would not be sitting in jail you or someone in your family would bail them out until their trial. Of the 174 pre-trial felons, around 106 of them could be released on bail. If these 106 were not too poor to raise their bail, the population of the jail would be 212, which is far below the 329 ICLU cap, it's below the 268, the rated capacity, and below 220, the number that the jail can hold practically. Of the 174 inmates classified as pre-trial felons, 71 have been in jail over 70 days. The Constitution of the United States of America states that it's citizens have a right to a speedy trial. Indiana Law trial rule law 4A defines a speedy trial as one that takes place within 70 days after arrest. If the pre-trial felons regularly receive the speedy trial, these 71 would not be classified as pre-trial felons, and they would either be released, they would be in the Indiana Department of Corrections custody, or awaiting transfer. The population of the jail would be 247,

which is 82 below the ICLU cap, and 21 below the rated capacity of the jail—

President Mosby: Mr. Helzerman, I am going to stop you. Where are we going from here? Where are we heading to? This is the same thing that you have spoke with us about week after week. I mean, I have heard this same information over and over, and I guess, I am maybe just trying to skip to the back page here and find out what the jist of this is.

Richard Helzerman: Well, the only thing that I'm trying to establish—

President Mosby: I mean, I am not going to let anybody out of jail. I think that we have had that conversation in this same room four, five, six times, and you keep saying if we will let them out of jail because they don't have their money or whatever, they are poor, they can't raise their bail, I'm not going over there and let anybody out of jail. They are there for a reason, and they are going to stay there until they either have their trial date or they come up with their bail. It's that simple. So, I mean, without you having to read seven pages here, I think it's the same thing glancing through it that we have been through time after time. I don't see anything any different in here.

Richard Helzerman: Okay, skip ahead to page two the third paragraph then, that is where the new material begins. Last week I spoke to you about the failure of the system to provide a speedy trial. Your attorney was kind enough to introduce me to several of the key players in the system. All of them agreed with your attorney that a defendant who requests a speedy trial will be given one, but they also indicated that the defendant must request a speedy trial and that there is not any formal waiver of the right to a speedy trial required of the defendants. Mr. Hayes introduced me to Allan Henson, the head of the Probation Department of Circuit Court. When I raised the issue of pre-trial conditional release programs, he said that the county used to have such programs and that he administered them. He said he did not know why they stopped the program, and, again, if these 174 pre-trial felons, if there was a meaningful conditional release program they would be on the release program and not in jail, and you wouldn't have the problem with the overcrowding. The previous Commissioners paid close to \$100,000 to have a criminal justice system surveyed. All of the key players in the system signed an agreement to implement the recommendations of the analysis, one of the recommendations of the study was to strategically implement conditional pre-trial release programs. It has been nine months since this recommendation was made, and yet there are very few pre-trial felons on any kind of conditional release program. Skip to the next, the bottom paragraph there, Mr. Henson also said that many years ago that whenever the number of inmates in the jail got uncomfortably high, he and the Prosecutor and the Chief Judges of the Circuit and Superior Court would have an informal meeting and go over the cases of the inmates and determine which ones could be released on their own recognizance. He did not remember how or why this informal program to relieve the overcrowding stopped functioning. Mr. Hayes also introduced me to Stephen Owens, the chief Public Defender. We three had a short meeting and later that day Mr. Owens met with me for about three hours. He looked at my list of pre-trial felons who could be released if they could raise bail, and he indicated that my method of computing the amount of bail was not correct and that I was making the amounts too large, and also there were inmates that I had left off the list that could be released on bail because the underlying charge was an infraction instead of a felony or misdemeanor. So, the errors that I was making were in the direction of making it harder to get people out of jail instead of easier. In other words, I was putting \$450,000, when the true bail was only \$50,000. Mr. Owens furthermore

indicated that one of the main reasons that the pre-trial felons do not receive a trial within 70 days is that it takes 30 days before his office receives a case file from the Prosecutor. This unnecessary delay consumes almost half of the 70 days. He further indicated that the policy of the courts that one Public Defender be assigned to the court for one week, and all the new indigent cases be assigned to that person and the policy of the courts to assign trial dates nine weeks in the future makes it so that the Public Defender would have too many trials assigned at the same week, and it would be impossible for him to prepare so many trials at once. He has nine Public Defenders assigned to Circuit Court, each one is scheduled to be in court one week out of every nine. Any time a date is changed for a court hearing it tends to get moved in to the next ninth week. This means that if a poor defendant does not get his trial in nine weeks for any reason, it will be rescheduled 18 weeks after his arrest instead of whatever the delay would demand, because of and that's a procedural problem that causes overcrowding in the jail that could be changed with a piece of paper or a resolution or some kind of a simple change in procedure.

President Mosby: Okay, this is something that, I mean, you said it back here a minute ago, the Judges, the Courts, the Prosecutor. Not me. If they want to let them out, that's fine. You are talking to the wrong person. I have no jurisdiction over the Prosecutor, he's elected. I have no jurisdiction over the Judges, they are elected. So, I mean, what you are saying here...and Steve Owens the Public Defender, this is who you need to be talking to.

Richard Helzerman: Okay.

President Mosby: I am just telling you the truth.

Richard Helzerman: Well, I would like to tell you some of the other things that I learned by talking with him.

President Mosby: I mean I've glanced through it, but, I mean, you are never going to convince me to go over and let anybody out of jail. I mean, that's—

Richard Helzerman: I am not trying to convince you of anything.

President Mosby: Okay.

Richard Helzerman: Okay.

President Mosby: Well, I mean—

Richard Helzerman: I am here to give you information that can help you with a problem.

President Mosby: I have no jurisdiction over the Judges and the Prosecutor.

Commissioner Mourdock: I think your underlying premise, Mr. Helzerman, on the next to the last page, on the next to the last paragraph on the next to the last page, last sentence:

The institution of the Commissioners is the head of government and is the only body with the responsibility, authority, respect and authority to make the system wide changes that are required to solve the problem of overcrowding.

That is absolutely incorrect. All of the rest of this is based on the premise that that is a correct statement. The fact that you have met with these folks and that they have gotten good information is, uh, I think, good and as the comments from Mr. Henson lead to, and I think that the comments from Mr. Owens lead to the group that is now meeting, Eric, is it weekly or whenever the numbers exceed 329?--

Eric Williams: Inaudible- not at microphone.

Commissioner Mourdock: --to review those numbers, that is part of what, hopefully, might reinstate a couple of these issues from what the Henson comments were, and the Owens comments. Again, what they do, even though they are meeting, is beyond the authority and beyond the control of this board. All we can do is try to drive the process forward to end the overcrowding situation in that physical sense, which is what we have been trying to do in discussions about a new jail, or new facility or whatever it is we are going to do. By signing the agreement not to let people out of jail if it goes over 329, but to make sure that the number doesn't go above 329 by, unfortunately, moving people to other jails. Now, if the folks on that committee decide that rather than move some of them we can do, as you are suggesting, let them out on pre-trials or pre-trial conditional pre-trial release programs, I am all for it. Again, that is their call, not ours. It is not ours. The only place that I know of in the state of Indiana where it is switched to be someone other than the courts direct responsibility is in Marion County, where Sheriff Jack Cottey under court order has been given the authority, the mandate to release people from the county lock-up if numbers get so high. Which is really a bizarre situation when you think of it that the county Sheriff has that mandated authority, but he has it and I'm sure he wishes he doesn't, but he does.

Richard Helzerman: I would like to comment on one other thing. In a recent article in the local paper Susan Taylor reports that Steve Utley sent you a letter on May 22, and I would simply like to say that in any of this shuffling around business that you do, I would like to remind you, and I said this once before, but I still hear these proposals made, the Indiana law says that all of the courtrooms and the offices of the court Judges, at least for the Superior Court are to be in one building, in the court building. You can eliminate a lot of these other things that you are thinking about doing or you are being proposed to do if you keep that in mind.

President Mosby: We just had a meeting this afternoon at 4:30, and we had four or five of the Judges sitting here, and we were talking about trying to make more courtroom space and trying to divide a couple of the courtrooms over there into two so that we would possibly come up with eight instead of four, possibly six instead of four. We are doing that to try and help the Judges with more space and more courtroom space. These are things that we are doing, that is within our jurisdiction.

Commissioner Mourdock: Are you suggesting that if we put courtrooms in two different buildings that would be a bad thing even if it would alleviate jail overcrowding?

Richard Helzerman: Yes, it's illegal. I'm just trying to tell you that it is illegal.

President Mosby: We didn't propose that.

Richard Helzerman: Okay.

President Mosby: We did not propose that, I mean--

Commissioner Mourdock: We have had trials over in the Old Courthouse before.

Richard Helzerman: Yeah, there were two, yes.

President Mosby: We proposed possibly moving the law library down into the canteen on the second floor, the break room.

Richard Helzerman: The law library is fine.

President Mosby: Okay.

Richard Helzerman: I support moving the law library from the courthouse building into this building.

President Mosby: There are just some of the things that we are trying to do that we can do. It's just that I am not going to let people out of jail.

Richard Helzerman: The point that I am trying to make is that there are proposals to put a courtroom in the jail, and I am against that and I think that it's illegal.

Commissioner Fanello: Hearing rooms are not illegal in jails because several jails across the state have some type of hearing room, I don't know if they are actual courtrooms, but they have hearing rooms.

Richard Helzerman: The fact that it is done does not mean that it is legal—

Commissioner Fanello: I don't think that the jail inspector, or I don't think whoever inspected the jail would let something illegal like that take place. If it was illegal.

Richard Helzerman: Well, this particular law is specific to Vanderburgh County.

President Mosby: Well, we will ask our design team if it's illegal, and if it is, we won't put one over there.

Richard Helzerman: Okay, because when you have a problem to solve, the first thing is to analyze the problem what is really the cause of it. When you go to solve a problem, there are all kinds of possible ways to solve the problem. Any kind of a rule or procedure that will cut off some of the procedures will help you make a better decision. The law is IC33-5-43-10. It says the Vanderburgh Superior Court shall hold its sessions in the Vanderburgh County courthouse of the City of Evansville, state of Indiana or its replacement. The Board of County Commissioners shall provide and maintain in the courthouse in the courthouse singular suitable and convenient courtrooms for the holding of the court together with suitable and convenient jury rooms and offices for the Judges, secretaries and official court reporters.

President Mosby: Okay. Any questions?

Richard Helzerman: Okay, one other thing that I would like to say is that part of the answer, you are under Federal, three Federal cases and there have been at least two agreements with the court or your plaintiffs that the County Commissioners have entered into, and I read through all of the answers that were issued and not one of them said that we as the County Commissioners are not responsible for the overcrowding in the jail. Now, if it is true that you have no authority to relieve the

overcrowding in the jail, then there is no point in anybody suing you because you have not, you wouldn't have control. It's not fair to sue somebody over something they have no control over. Two of these things—

President Mosby: I might have to provide a bigger jail. Maybe that is my job. I have to provide a jail, but, I mean, I'm not, I can't say how many people are going to be in there and I'm not going to go in there and let 30 or 40 people out just because they put too many in. So what we will do is provide a bigger facility, and that is what we are in the process of doing.

Richard Helzerman: I support that.

President Mosby: Okay.

Richard Helzerman: But there is still, now in your answer you said, you and your predecessors have said that the jail...there is a jail handbook that is given to every prisoner when they come into the jail, and that the jail is run according to that set of handbooks. Now two weeks ago, or last...a week ago last Saturday this jail handbook and the procedures say a minister is encouraged to visit the jail at convenient times. Not last Saturday, but the Saturday before I was denied access to your jail. Even though the procedures and the handbook says that I am encouraged to come there and visit.

President Mosby: I would have you talk to the Sheriff about that.

Richard Helzerman: I talked to the Sheriff about it.

President Mosby: Okay.

Richard Helzerman: Last Monday, and I went to visit this Saturday, and they let me in but I had to do a lot of arguing and make an ass of myself, and they harassed me and didn't want to let me in. It was a completely baseless thing. I have two people that say they never got their copy of the thing and I just want to let you know that the statement that you made in your answer to those Federal courts can be disputed. Now I do not think that the Federal courts have any business telling a county how to run their thing, and I don't want to make any...to strengthen their hand in any way or whatever, but you need to know that. I hope that you are able to settle it out of court and it never comes to a case where you have to defend these things that you put in your answer, but you need to know that the things that were in that answer are not necessarily true and at least there is a, you know, there's some dispute to them. You are in default of the cap you promised...if you have no control over it, why did you promise to the ICLU and to the Federal court that you would keep it under 329. It went up to 350. Now, now you should not commit to something that you cannot deliver on.

President Mosby: I didn't.

Commissioner Mourdock: If you want to make—

President Mosby: I didn't commit to that. I started January 1. That was committed to before me. I am committed to building a facility and that is what we are in the process of doing.

Commissioner Mourdock: I just want to formally state that the board in signing no

document ever stated some fact that we knew to be untrue. Which you said a moment ago that there were things that we agreed to that weren't true. I will tell you at no time did this board ever agree or state anything that we knew to be untrue. Period end of story.

Richard Helzerman: I'm not saying—

President Mosby: We went to the County Council last week and we asked them for \$20,000 to move prisoners. We have no intention of letting it go over the 329, and when it gets to the 329, the Sheriff and his Chief Deputy are making us aware of every day of what the population is. That's why we were at the County Council asking for money to move prisoners. Now, maybe you want to go talk to them because they denied the money. They feel it's okay. So maybe you need to pop in over there on the last Wednesday of the month or the first Wednesday of the month and talk to them because we are trying to do everything that we can to relieve the problem over there.

Richard Helzerman: Are you telling me that you are not bound by these agreements that your predecessors made?

President Mosby: I really don't know. You just said I signed it, and I'm saying I didn't.

Commissioner Mourdock: Mr. Helzerman, an agreement is in place to take care of what the Constitutional responsibility of this board is, which is to see that the county has a jail that is capable and systematically and routinely allows prisoners to be kept in a humane condition. That is what it is about.

Richard Helzerman: You are certainly not doing it.

Commissioner Mourdock: That can be your opinion, sir. The number 329 that was agreed to last year and has since been ratified by this board as we have gone through processes with things as recently as last week as this board talked about what happens when we exceed that number, is part of the process that we are doing to make sure we do have a humanely run jail. Now it may not meet every standard that you would like, and I'm certain it doesn't meet every standard all the people in it would like, but that is what this board's obligation is. Regarding the funding of money to take people out of this jail, the \$20,000 David referred to a moment ago, I don't think the question at the County Council level or their interpretation, I'm not going to say disagreement, they certainly want to see and that is why they are also a party to the signing of this agreement, they want to see that we have a humane jail, they just want to make sure that we don't in essence give the courts a blank check so that permanently we are set at 329, while we are permanently shipping people to other facilities. I think that they just want to keep a lid on that number, they are going to pay for it when it is required, they just don't want to throw some big lump of money out there as a line item and then constantly have someone tell us well there is money in the budget so we are not going to release anybody, we are just...or we are just going to keep shipping them. That's coming back to it, that's our responsibility is humane jail facility. That is what we are trying to do.

President Mosby: Yes, I am committed to what my predecessors signed. That is why I went to the County Council. That is why we've got a design team on board. That is why we are moving forward with building a facility.

Richard Helzerman: Okay, what I—

President Mosby: We are committed to seeing that this county don't get in trouble.

Richard Helzerman: Okay, what I want to be on record as of notifying you of is that you are in default of the agreement. One of the agreements is that you will separate the prisoners according to their (Tape Flipped) status as felony or misdemeanor as far as—

President Mosby: We are doing the best we can.

Richard Helzerman: But you are not doing it.

President Mosby: Well, we are doing the best we can.

Commissioner Fanello: Okay, we can sit here and argue all night who is doing what, but that is not getting us anywhere so—

Richard Helzerman: Okay, well—

President Mosby: I'm sorry that you don't agree with me.

Richard Helzerman: I...let me make it perfectly clear that I appreciate what you are doing—

President Mosby: Okay.

Richard Helzerman: —and I support building a new jail, and I am 100% behind you on that. I think that \$35 million is completely inadequate to build a jail unless you make some of the kind of changes that I am talking about. I think that you made a vow when you took this job to support the Constitution, and the Constitution says that people should have a reasonable bail, and I don't think that they are getting a reasonable bail. I don't mean to argue about that but—

President Mosby: Yeah.

Richard Helzerman: —I want it on the record that you are not fulfilling the agreement of the County Commissioners to separate, segregate the prisoners according to the categories, and the third suit that you got...you've got three suits against you, if you had obeyed that first agreement, and separated the violent from the non-violent, that person that got beat up, his eyes knocked out, his collar bone broken and simply because...and a week before that the Judge refused to lower his bail, you wouldn't even have that third lawsuit if they had obeyed that condition.

President Mosby: I don't set the bail, so—

Richard Helzerman: You don't set the bail, but you get stuck with the—

President Mosby: I mean, I just wanted to say that for the record.

Richard Helzerman: —lawsuits.

President Mosby: I do not set the bail.

Commissioner Mourdock: Now you understand, you got that exactly right with that, Mr. Helzerman, we don't set the bail but we get stuck with the lawsuit.

Richard Helzerman: You get stuck with the lawsuit, right, yeah. I appreciate your willingness to talk to me, I am sorry to be a pest, but I've got a guy in there that's in a cell with 23 in it that is only designed for 16, and he was sleeping on the floor until he beat up enough people to get up on to a bed.

President Mosby: Okay, thank you.

Richard Helzerman: That's not the way that things should be.

President Mosby: Any other group or individual wishing to address the board? Department Head reports, John Stoll.

County Engineer- John Stoll

John Stoll: First item I've got is a change order on the Burkhardt and Morgan interchange project. This is for an increase of \$380, and the changes were due to instead of installing a new inlet they reconstructed an existing inlet and they also had some surface milling. It is recommended that it be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I've got two copies of the reimbursable agreement that was signed last week, for some reason two copies were sent to SIGECO and we got one copy. These copies have been signed by a representative of SIGECO, so we recommend that these be signed and then that way we will have one set with both signatures on it.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The last item I've got is a request for an increase of \$2,840 on the current paving contract. This is for the construction of new curbs at the intersection of Rode Road and Memory Lane. This is needed in order to make the intersection drain properly. I don't have a change order with me, but with your approval I will go ahead and have a contract to have the new curbs put in and I will bring the change order at a later date.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions.

Commissioner Mourdock: Were you with us last week, John? With Westchester, you were, right?

John Stoll: Yes.

Commissioner Mourdock: Okay. So, did you have a chance to meet with them?

John Stoll: I didn't meet with them, I forwarded copies of everything that I have to each of you plus to Phil Hayes. There is really not anything additional, I guess, that I could get from meeting them, I just need to know what the next step is as far as getting the okay for them to proceed with hiring their consultants and proceeding with the hearings.

Commissioner Mourdock: Okay, and you heard our prior discussion about the concrete work at the Old Courthouse? I would appreciate it if you and Ralph got together a little bit too since you have been involved with a number of those types of projects.

John Stoll: Okay.

President Mosby: Any other questions? County Highway, Ralph.

County Highway- Ralph Kissinger
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Ralph Kissinger: Ralph Kissinger, County Highway. You've got my weekly reports. I do want to say that Boonville-New Harmony Road has been an adventure with the weather and the farmers. I expect to have it finished by Wednesday. So our paving progress report will show quite a sizable difference, it should be almost 50%. There is a road that really deteriorated in the Spring with the weather that is not on the paving list that we have gone out and we did some work on, which is Wallenmeier Road, a short stretch (inaudible). I've talked to the engineers and possibly at the end of our season if we...we've got it patched back safe, as far as safe goes, but it needs some tension, maybe at the end of our paving season, once we complete the rest of our work, we will look through our budget and see if we can find enough money, I think, that it at least needs get some binder on it for this year to hold up through the Winter, and it will have to almost certainly go on next year's paving list. Other than that, I've basically covered everything in my report.

President Mosby: Okay, any questions anybody? Thank you, sir. I had a question. Did you ever check into a crack sealing machine? You had said one time that you were going to check into that.

Ralph Kissinger: Right. We had talked about that at a meeting. Yes, I got with, uh, the Indiana Department of Transportation and I got the specs that they use for their bidding process, which they bid once every two years, I think, is how he told me. They buy several of these maybe 20 units every two years, or ten units or however many units it is, and, uh, I got a copy of their specs and called different suppliers and I had two responses. I sent out ten of the requests, and I got two responses. One was from Indiana Public Works Utility Sales, I think was the name of it. They actually manufacture the one that the state uses. The other request came back and said that they had no such unit that they could supply us with. So, actually, I only got

two responses out of ten, but that came back at \$12,978 for the machine.

President Mosby: For the whole unit?

Ralph Kissinger: Yeah. I got with John and asked him about what it cost to do...to contract crack sealing. He said it was anywhere from, I think, 60 and it averaged out to 83 cents, I think, is what he said his average of his last contract was. 83 cents a foot, and that's a running foot per crack, so we figured it up, to repave a one mile road would cost approximately \$30,000. So, if we save one mile of road—

President Mosby: Tripled the price of the machine.

Ralph Kissinger: —paid for the machine, yes.

President Mosby: Okay. Thank you.

Ralph Kissinger: Thank you.

County Attorney- Tom Bodkin

President Mosby: County Attorney. Nothing?

Tom Bodkin: I have nothing, Mr. President.

President Mosby: Okay. Superintendent of County Buildings.

Superintendent of County Buildings- Tammy Mc Kinney

Tammy McKinney: I just had a couple of things which we already addressed the late pink slip and the late travel request, and the only other thing that I have is I want to give a big thank you to Fred Costello from the bottom of my heart for putting up my flag at the Old Courthouse.

President Mosby: Thank him for us too.

Tammy McKinney: Uh-huh.

President Mosby: We appreciate that.

Commissioner Mourdock: On that subject, Tammy, in your report there were a number of comments about the parallel, or not parallel but angle in parking. It was kind of a group report, or at least that is the way I took it. A number of people were contributing to that.

Tammy McKinney: It is a report that I got from John Stoll about the parking and it was about two pages—

Commissioner Mourdock: Yeah.

Tammy McKinney: —that is from our Task Force meeting—

Commissioner Mourdock: Right, that's what I—

Tammy McKinney: –that is what John presented.

Commissioner Mourdock: Okay, I guess in reading through that I still sense the attitude of oh we can't do this without changing that, and I would again encourage you when working with that group to just totally take the blinders off and say anything is possible and let's see what we can do. I think that they are starting out with some negative conceptions as to what we might do, and I think we have to think outside the box or whatever as often as possible.

Tammy McKinney: Okay.

Commissioner Mourdock: That was my only comment.

Tammy McKinney: Okay.

President Mosby: Thank you. Burdette Park.

Burdette Park- Steve Craig

Steve Craig: Steve Craig, Manager of Burdette Park. All four of our pools are up and running and looking good. We had some problems with mud on Wednesday night when we had the rain. Two of our pools got mud in it. One of them we have drained and cleaned, and I started filling back up by about 10:00 that night. The other one took all day Thursday to filter it, clean it and vacuum it out so that we could reopen it Friday morning. I don't know...David come out and took a look, I don't know if there is anyway that it can ever be prevented without restructuring some of the valleys and hills back there, but we had talked about last time it flooded, the other pool flooded, this time the ditch on the other side flooded, so it just depends upon, I guess, the way nature hits us. We had a great weekend though. Had a big crowd at the pool and the park, and we are just looking forward to some more hot weather. Outside of that I don't have any thing other than my work reports.

President Mosby: I think everybody here needs to go out and take the Bill and Steve tour. I took it. It only takes about 45 minutes, you get to go through the woods and see all of the WPA day ditches and retention ponds and everything else. It was very interesting.

Steve Craig: Yeah, well, they did beautiful work and it was, I mean, it was really effective, but to take care of it we would almost have to have two or three people that would be a full time job to go through the whole park and keep all the hand laid ditches and everything clipped back–

Commissioner Mourdock: How are we doing at the park with our number of longer term campers that has been a sore point for a few different meetings?

Steve Craig: Do we have a few minutes here? No. They are all, I mean, they are all going to be moved out. I have talked to all of them. I've had some complaints, I have to be honest, but some of these retired people that came, wanted to come in and spend the Summer with their children and they complained about wanting to have, or having to move after two months and go two weeks, but I gave them an alternative, you know, New Harmony has a two week stay. They can go down there for two weeks, and if they want to come back for two months then that was the policy. Then we had a few construction workers that was wanting to stay a longer

time, but they stayed their two months and—

Commissioner Mourdock: Very good.

Steve Craig: —then went on their way, so, it's not really been a problem or anything and I hadn't really saw a drop in attendance, I guess, you know the story will be at the end of the year. I haven't, you know, it seems like it stays pretty full and on weekends it fills up almost completely.

President Mosby: I was going to ask you a question along that line pertaining to this having to move. How many days has that park been completely full? The campground been full and we turned people away.

Steve Craig: Memorial Day weekend, Fourth of July weekend, and Labor Day weekend.

Commissioner Mourdock: When do you have the big BMX event? It probably happens then too.

Steve Craig: National, the national race for the BMX, the weekend of the national race and for sure when we have the world race out there this year it will be—

President Mosby: I guess where I am coming from on that is I disagree, I guess, with them having to move out. I mean, it's not like we are full up there everyday and night of the week. I mean, we are telling somebody that they have to leave and they can pay us. We don't want their money because they have been there too long.

Commissioner Mourdock: The issue historically became—

President Mosby: I understand, but I have been through that trailer park up there probably four times in the last week and there are some pretty nice looking trailers up there.

Commissioner Mourdock: I understand.

President Mosby: I don't see anything looking shabby.

Commissioner Mourdock: Yeah, but it isn't just what looks shabby, although it did get that way at one point with one or two units, but the question comes back to...and this was the argument at the time, should all of the taxpayers basically subsidize a few people who chose to live in the park simply because it was a nice place to live and it was relatively cheap. That was where, I think, and I know that the board always acted unanimously on that, that was just a big sore point for us.

President Mosby: I, I just disagree, so, I think we are turning money away that we don't need to be turning away.

Commissioner Mourdock: That's true.

Commissioner Fanello: I've got a question for you, Steve.

Steve Craig: Okie dokie.

Commissioner Fanello: As I'm going over the budget for next year I've got...you had

given me this sheet and I know that you had given Council Rabenman, Councilman Raben a sheet on the Discovery Lodge Funds—

Steve Craig: Uh-huh.

Commissioner Fanello: —do you need a copy? It might be easier as I ask questions to... is, under the grants, I know, you had total grant cash carry over for 2001 of \$52,956.94. What account is that sitting in right now? Is there a line item for that?

Steve Craig: I think it's a line item for that.

Commissioner Fanello: Do you know where it is?

Steve Craig: I don't know what the name of the line item is. It's the money that we had, uh, done the Infrastructure work out of—

Commissioner Fanello: Uh-huh.

Steve Craig: —with Blankenberger and that, but as far as what the name of the line item is, I don't know.

Commissioner Fanello: Is it under your department though?

Steve Craig: Yes.

Commissioner Fanello: Okay. Is also the \$50,000 that we got this year from the Build Indiana Funds is that under your line, under your budget?

Steve Craig: From my understanding it is.

Commissioner Fanello: Okay, cause I did not see a line item with those monies in it, so I may have missed it and I can go back and look.

Steve Craig: The \$500,000 is under the—

Commissioner Fanello: Yeah, well that one I knew where that one was, but it was the Build Indiana Funds and then the grant cash carry over I did not see where that was sitting in a line item. Maybe if you... I'll go back and look—

Steve Craig: Let me look (inaudible)--

Commissioner Fanello: —and if you look as well and if Suzanne finds it, if you will let me know.

Suzanne Crouch: I believe that is in an account where that money is receipted into, because you can't really receipt it into their budget when it is just General Fund money.

Commissioner Fanello: Uh-huh, I know you receipt it into a revenue line item then it needs to be appropriated into an expense line item.

Suzanne Crouch: Uh-huh.

Commissioner Fanello: Are you saying that hasn't been done then?

Suzanne Crouch: It has been receipted in.

Commissioner Fanello: But we haven't appropriated it into an expense line item?

Suzanne Crouch: I don't believe we have spent any money out of there, have you?

Steve Craig: Yeah, we've spent—

Suzanne Crouch: Spent a little out.

Steve Craig: Yeah.

Commissioner Fanello: Well, the \$50,000, if that's the case, the \$50,000 that we received this year doesn't bother me because we can go and ask that to be appropriated, but if we just let the \$52,000 sit in the cash balance from last year that is not really a...to me that doesn't seem to make sense unless we budget it into a line item. So, that is what I need to make sure of—

Suzanne Crouch: I will check on that, but really how that works, Catherine, is that money is in there and then Burdette submits, with the Commissioners approval, blue claims to pay out of there. I will double check that.

Commissioner Fanello: Okay. I would appreciate that. Thanks.

President Mosby: Have you had your meeting with the designer on the Discovery Center?

Steve Craig: No.

President Mosby: Okay.

Steve Craig: It was supposed to be early this week, but he was working on revising the plans after our meeting with him and he told me that he would be back with me early this week. I was going to give him Monday and Tuesday, then that is the middle of the week. I was going to give him a call then.

President Mosby: Good. Maybe we will happen to know something next week.

Steve Craig: Yeah, I am kind of curious myself.

President Mosby: Okay. Any other questions? Thanks. Thank you, Steve.

SWCD and Ozone Officer Reports

Commissioner Mourdock: I will move approval of the Soil and Water Conservation Report, which actually Councilman Hoy presented and also the Ozone Officer's Report.

Commissioner Fanello: Second. And, I will move approval of the Consent Items.

President Mosby: Are you going to do them all at once? Cause I was going to...Sandie's here.

Commissioner Mourdock: Exactly.

President Mosby: No problem. Uh, Sandie, would you like to come forward. I have a motion and a second, department head reports, so ordered.

Sandie Aaron-Appropriation Request

Sandie Aaron: Good evening.

President Mosby: Good evening.

Sandie Aaron: Our appropriation, there are two appropriations that we are wanting to go to Council with. One is \$40,000 and it is for utilities and it is gas that was higher than we budgeted from last year. The other one, and, uh, the one that I felt like that I really needed to explain is the \$250,000. We are taking food service in house effective the 15th, this Friday. Right now the county receives 31 1/2% for concessions and 22 1/2% for catering. We will have roughly a six, four to six percent overhead fee, but all of the revenues will fall to the bottom line. It is going to mean to the Centre probably anywhere from \$60,000 to \$160,000 net revenue.

President Mosby: I guess my question would be, and I understand that SMG, I guess, is willing to make this investment to buy this equipment but we have to relinquish a three year contract?

Sandie Aaron: Yes. There is an equipment buy out. There was \$194,000 investment that Sports Service made to begin with when they came in on equipment and small wares, dishes, carts. That was amortized over a three year period, roughly 18 months, and it comes to \$93,000 or \$94,000 is what we will have to pay them. SMG is willing to pay that plus start up fees which together amount to about \$150,000. What they are asking for since we only have 18 months left on our contract is that we are able to exercise our request to get a three year renewal so that they might amortize the cost out.

President Mosby: If we as a county would decide to buy the equipment, where does that leave SMG? I mean—

Sandie Aaron: That is totally up to you. I mean, SMG has 18 months on our contract, we would just move on. I mean, we are taking this in house for the benefit of the client not for SMG.

President Mosby: Are they still willing to put up the start up costs, and , I mean, do the concessions and catering and everything?

Sandie Aaron: We are still willing to do the concessions and catering, but, I think, without the renewal they wouldn't have the means to recoup their investment.

President Mosby: If they buy the equipment? If we buy it—

Sandie Aaron: If you buy it then it's—

President Mosby: Then it's no problem.

Sandie Aaron: Uh-huh.

Commissioner Mourdock: All that I know about this is what I've heard in the last two minutes and what I see in a very brief little thing here simply as an appropriation request. Could you provide for us, Sandie, and maybe you have had some discussions with David about this previously or Catherine, I don't know, specifically, what it is as far where the previous vendor was, what the terms were, how SMG is looking to come in and exactly what it is you are looking for as far as an extension beyond the 18 months or whatever? Because I don't have any of those details in front of me.

Sandie Aaron: Okay, I did put a packet together, I don't know, obviously, you haven't gotten it.

Commissioner Mourdock: All I have is the agenda request.

Sandie Aaron: Okay.

President Mosby: There was an envelope like this.

Commissioner Mourdock: I didn't get one of those. Unless it's in the rest of my—

Sandie Aaron: I would be happy to go over it—

Commissioner Mourdock: —but, it wasn't in this.

President Mosby: No, no, it was in your box.

Commissioner Fanello: It should be in your mailbox.

Commissioner Mourdock: Okay.

Sandie Aaron: It is very simple. The Sports Service was the vendor when we first took over the contract for the Centre. We went out to bid and they came in with the highest percentages, commissions to the county, and, as I said, that was 31 1/2% in concessions and 22 1/2% in catering which was pretty good. They came to...they have since changed their leadership, their President has gone, there is a new President, ironically was hired from Ogden, but this new President does not want to participate in convention business any longer. Their reasoning is that they make a lot more money on ball parks and stadiums. They do Busch Stadium in St. Louis and a lot of these big parks. They felt like it was going in the wrong direction for them. They came in in March and said we would like to withdraw, and my comment to that was if you withdraw from the county you withdraw from the city, which they are doing.

Commissioner Mourdock: Is their contract with SMG or with the county?

Sandie Aaron: It is with SMG.

Commissioner Mourdock: Okay.

Sandie Aaron: Actually it is with the Centre, it's not SMG. Joe Harrison helped with the writing of the contract for the Centre, but we signed it as an agent of SMG.

Commissioner Mourdock: Okay.

Sandie Aaron: What they wanted to do was pull out, they had roughly \$194,000 equipment investment that was amortized. We amortized it over 36 months, and then through June 15th that is approximately 18 months. It comes to \$93,000 or \$94,000 that we have to come up with a buy out.

Commissioner Mourdock: Was that in fact part of the terms of the original agreement, that if they did leave early—

Sandie Aaron: Yes.

Commissioner Mourdock: —that would happen?

Sandie Aaron: Yes, it is.

Commissioner Mourdock: Okay. Well, I apologize for not having looked at the document before—

Sandie Aaron: That's alright.

Commissioner Mourdock: —I just...

Commissioner Fanello: Why don't I move that we just take it under advisement for a week.

Commissioner Mourdock: I would second.

Sandie Aaron: I would say that the biggest thing is that if I could get a feel sometime this week for the direction that you are going to go in, because I don't want them to send a check down here and then—

Commissioner Mourdock: Sure.

Sandie Aaron: —me send it back.

Commissioner Mourdock: You said when you walked up to the microphone your second appropriation request was for \$40,000, but then it also says and \$66,000 into another line item?

Sandie Aaron: Yes, there is \$40,000 for the Utilities and \$66,000 into the Gas, Electric and Gas, so it is \$100,000 total.

President Mosby: Inaudible.

Commissioner Fanello: That one we can go ahead. I will move approval, or that we take it to Council.

Commissioner Mourdock: I will second.

President Mosby: A motion and a second to take the Utilities to Council, so ordered. We have a motion to take under advisement and we will get back with you on the, uh, buyout.

Sandie Aaron: Well, let me ask you. I understand about the buyout, but now this \$250,000 regardless of whether the county pays this \$150,000 or SMG does, this

is an operating, it is going to be offset. I have met with Suzanne, it is going to be offset by revenue, but that is....we are going to have expenses too and it will all go back through the operating.

President Mosby: Okay.

Commissioner Fanello: Okay, then I will–

Sandie Aaron: So we are going to have to act on that.

Commissioner Fanello: Because it does...that would need to be in...Friday is the 15th, isn't it? Isn't that the deadline to get the appropriation requests in, Suzanne?

Suzanne Crouch: Correct.

Commissioner Fanello: Okay, so, um, I will move that we take that one to Council as well.

Sandie Aaron: Thank you.

President Mosby: Put it with?--

Commissioner Mourdock: Um, second.

President Mosby: Okay. I have a motion and a second. So ordered. Now you can make a new motion. Now you can make your motion on the Consent Items.

Consent Items

Commissioner Mourdock: On the other Consent Items then, I would move that we add the one late pink sheet, the Vanderburgh County Auditors Kronos Request, and the last minute travel item, add those to the Consent Items.

Commissioner Fanello: Second.

Commissioner Mourdock: Then I would move approval of the Consent Items.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to add and amend the Consent Items and to approve. So ordered.¹

Scheduled Meetings

President Mosby: Meetings. I have listed here 4:30, June the 25th for space allocation again. Is there any other meetings?

Commissioner Fanello: Yes. We need to schedule an Executive Session, preferably next Monday.

¹Consent items listed on Page 64.

President Mosby: When?

Commissioner Fanello: Next Monday, if that's doable.

President Mosby: Executive Session, June 18th. What time?

Commissioner Fanello: 5:00.

President Mosby: 5:00.

Commissioner Fanello: And—

Commissioner Mourdock: You need a motion to advertise that.

Commissioner Fanello: Motion to advertise.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to advertise a special...an Executive Session on June 18th. So ordered.

Commissioner Fanello: As a reminder, we have the Jail Overcrowding Committee meeting on Thursday at 4:00 in room 307.

President Mosby: Okay, and you'll be attending that?

Commissioner Fanello: Yes, and also I met with, um, some of the...with Eric and Brad and the jail design team today and I have set next Tuesday starting at 10:00 in Room 318 will be a day of jail workshops, and, uh, I just move that we send out a letter to all of those involved and there will be designated times of when the Judges show up and when some of the different areas show up, so I was going to get a schedule together, I was going to try and get it together by the meeting tonight but I didn't do it, but I didn't have time, but it will be together tomorrow morning. That's, um, they are wanting to move to get some information as soon as possible

Commissioner Mourdock: Okay, that was my question—

Commissioner Fanello: Yeah, to get some questions answered.

Commissioner Mourdock: That's United/DLZ—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —is starting that process?

Commissioner Fanello: Uh-huh.

Suzanne Crouch: May I ask a question on the special meeting that you are having on the 24th, and then the Executive Session? Will Tammy just be sending out notice for that 48 hours in advance? I don't believe that we normally advertise those, unless you want us to.

President Mosby: We have to advertise those.

Suzanne Crouch: Okay.

President Mosby: Notice (inaudible).

Suzanne Crouch: Okay, thanks.

Tom Bodkin: That is on special sessions.

President Mosby: Executive Session is on June 18th, we have a 4:30, June 25th space allocation meeting which we did advertise this (inaudible)--

Suzanne Crouch: For that one topic only.

Tom Bodkin: Okay, on the special it takes six days notice for a special meeting (inaudible- didn't have mike on).

President Mosby: Okay.

Tom Bodkin: You don't adjourn, it's just a recess.

President Mosby: Okay.

Tammy McKinney: On the Jail Task Force meeting, that's on Thursday, I believe, that is in 318 also.

Commissioner Fanello: 318?

Tammy McKinney: Uh-huh.

Commissioner Fanello: Sorry, Room 318.

President Mosby: And, Tammy, did you get the meeting set for the Juvenile?

Tammy McKinney: That is Wednesday at 1:00 in Room 307.

President Mosby: Wednesday, 1:00, 307.

Commissioner Mourdock: And, what is that?

President Mosby: That is going to be the meeting that I am going to be having on Juvenile...the Juvenile Facility. Steve Perry was here last week, whether we are going to include this facility or--

Commissioner Mourdock: Okay.

President Mosby: --I think we've got the Sheriff and his assistant and Judge Niemeier and, I think, we've got what the other three Judges or Juvenile Judges from Warrick, Gibson and Posey?

Tammy McKinney: Right, and--

President Mosby: Then you've got the Commissioners from Warrick and Posey and possibly Gibson.

Tammy McKinney: Yes.

President Mosby: And Steve Perry. So, we will have that meeting at 1:00 Wednesday to see which direction we are headed.

Commissioner Fanello: 1:00 or 10:00?

Tammy McKinney: One.

President Mosby: 1:00. Judge Niemeier had to have it in the afternoon. While we are on the subject of jail meetings here, I want to make a comment, I was blind sided outside the door here this afternoon before I come in. We did have the design team down today, United Consulting, DLZ, Bernardin Lochmueller, there was a meeting held right here in the center of this room, uh, and I've been accused of having violating the open door policy. Already this afternoon supposedly my picture was taken in the middle of this room, and God forbid if I was trying to hide I wouldn't do it in front of the glass over there. Comment being that we had set times for each Commissioner to come in here, and while I was sitting here the design team wanted to see the book that we was given by Mr. Perry last week, so I go back and get my book and tell Commissioner Fanello that I am going to be leaving, if you want to come on in you can, and I come back and show it to the Sheriff and show it to Mr. Bennett and in the meantime get up to leave and Commissioner Fanello has sat down so, supposedly four pictures have been sent to the news media and that we violated the open door policy. This was done by a county employee which probably bugs me worse than anything.

Commissioner Fanello: I would like to know...well, I will let you finish.

President Mosby: County employees who have that much time on their hands, I would like to find the employee, and, um, possibly we've got too many employees somewhere if they've got time to run around taking pictures. That's probably worse than trying to avoid a meeting, which I believe you were invited to come in and sit down after Commissioner Fanello. I even went as far as to tell the news media that there was a meeting held last Tuesday, and, I believe, that Commissioner Fanello met with them here along with the Sheriff and his Chief Deputy—

Commissioner Fanello: Yeah, I think, you also had a message from Mr. Waldroup last week—

Commissioner Mourdock: Yeah, let me get my two cents in here—

President Mosby: Yeah, I met away from here so that we didn't have this same problem, but today our times overlapped by two or three minutes, I think. Eric was in the meeting, Tammy knows what happened, so.

Commissioner Mourdock: Well, you've heard the old Yogi Bear-ism, deja vu all over again? Because the meeting that I remember reading a lot in the newspapers about last year happened right at that desk right there. So all I can say is there is a strange sense of familiarity here. As far as the meeting with Jack, yes, Jack and I spoke last week, I think it was right after this meeting, I'm not sure, and he invited me to a meeting here which was fully appropriate if, in fact, it's one Commissioner at that meeting. Just as it is fully appropriate if you meet with DLZ and United, one Commissioner at a time. The fact is that I wasn't able to get in here this afternoon for that, and we scheduled to do it next week on Tuesday when they are in here, but

no invitation that Jack issued to me was issued to me as come sit down with David and the group, or David and Catherine and the group because if it would have been said that way I wouldn't have accepted it and, quite honestly, that is not the way that he tendered it.

President Mosby: I wouldn't have accepted either.

Commissioner Mourdock: Yeah.

Commissioner Fanello: So—

President Mosby: And I did last Tuesday, and I guess my comment was more related to, you know, if we have county employees who have time to walk around taking pictures and they don't have enough time to—

Commissioner Fanello: That's the—

President Mosby: —if they don't have enough work for time, maybe we need to look into—

Commissioner Fanello: That was going to be my comment—

President Mosby: —some of that.

Commissioner Fanello: —when the name of the county employee is revealed, I would like that county employee to reimburse the county for the time they spent taking pictures because it should not be paid to them, they were not on county business. I saw two people from the Auditors Office up here, and if those were...if one of those were the one's taking pictures, then I am going to ask them to relinquish some of their salary back to the county.

President Mosby: But I don't make any bones about being in the meeting.

Old Business

Commissioner Mourdock: Well, one other item of Old Business, or I don't know if that was—

President Mosby: Old Business...that was really under Scheduled Meetings cause we got to talking about the jail.

Commissioner Mourdock: Okay.

Commissioner Fanello: Well, I've got Old Business. Did you have something?

Commissioner Mourdock: Yeah, I was just going to say last week you brought up the Levee Board that we had an appointment that we needed to make there. That appointment was expiring. Currently Rick Clements is in that appointment. I happen to have a copy of his resume which I will pass on to you tonight. I said last week that I would get that to you because I think that he is highly qualified for that position. I'll let you look it over, I won't make any motion this evening, I'll just let you look it over.

President Mosby: I will just say that I did talk to Mr. Clements this afternoon on the

telephone and I told him that I would be honest with him I did have one person in mind, but that I would get back with him.

Commissioner Mourdock: If it pleases you we can talk about that one next week.

Commissioner Fanello: Um, a couple things on Old Business and Bill Fluty was here the night that Suzanne was gone, I think, that she was gone that night to move her mother. We had asked Bill and I don't know if he relayed it to you, Suzanne, about a bill from Van Ausdall and Farrar for \$885, I think, and I just asked him to clarify what that was for—

Suzanne Crouch: Uh-huh.

Commissioner Fanello: —and he was going to get with you. So if he didn't, if you could just clarify to that...clarify that to us sometime of what that was—

Suzanne Crouch: That was the bill for the Auditors Office?

Commissioner Fanello: Yes.

Suzanne Crouch: I would presume that was when we did the remodeling.

Commissioner Fanello: You did the remodeling, okay.

Suzanne Crouch: We had a number of phone changes, and those were cleared with the Commissioners prior to you coming in, but we didn't get started on our remodeling until after that.

Commissioner Fanello: The other thing we talked about that night was making signing of the claims part of the agenda—

Suzanne Crouch: Uh-huh.

Commissioner Fanello: —in order to speed things along, because we don't always have time to sit and look at them—

Suzanne Crouch: Sure.

Commissioner Fanello: —when the media is coming up and other people are coming up, so—

Suzanne Crouch: I understand that, but the claims the prior Commissioners requested that claims for their departments go through the meetings. There is nothing that requires that they do. In fact, we can bring them up here and you all can look at them at your leisure, and sign off on them.

Commissioner Fanello: So we don't even have to do them...sign them in a meeting?

Suzanne Crouch: No, that is a practice that the former Commissioners started.

President Mosby: I think what was discussed that night and what I would like to see is I would like for you to put all them claims on paper, just so we can glance through them like anything else.

Suzanne Crouch: Well, that may be a request that you want to make to your departments, because, I think, they come from your departments—

Commissioner Fanello: Uh-huh.

Suzanne Crouch: —like John Stoll and the Centre and that. So, that may be a request that you might want to make to them that they have that along with the claims.

New Business

Commissioner Fanello: Then under New Business, I had two very short things. I know we had talked previously...in some previous meetings and have had some people make presentations about construction management, but I just want to get this board thinking about that, and how we want to proceed with that process.

Commissioner Mourdock: Which leads to the other issue too as far as the contract with United. I have a copy, the copy of the EIA document which I see is wholly unacceptable—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —just in it's face, but have there been anymore discussions as?—

Commissioner Fanello: I personally had some discussions of things that I want to see in there, but I think it's a good idea if you sat down with them and had some discussion, but that is—

President Mosby: They're going to be coming down next Tuesday. That is something that they are willing to discuss.

Commissioner Mourdock: Uh-huh.

Commissioner Fanello: So, I guess, do we want to take up the issue of construction management at this time? Or, I mean, or how we would like to proceed with that. I don't know if we want to send out RFQ's or if we just want to ask people who are interested to send in proposals?

Commissioner Mourdock: Um—

Commissioner Fanello: I'm sure word will spread like wild fire once—

Commissioner Mourdock: Sure, um, probably it's...it's probably best just that we run a couple of ads to say that we are interested in RFQ's for those who would be interested in providing CM services.

Commissioner Fanello: Okay. So, I guess if you want to take care of that, Tom, I will make a motion to advertise for construction manager.

Commissioner Mourdock: Second.

President Mosby: A motion and a second to advertise for construction manger. So

ordered. Anything else?

Commissioner Mourdock: No.

President Mosby: The chair will entertain a motion to adjourn.

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 8:07p.m.

CONSENT ITEMS:

Employment Changes:

County Council	Health Department	Sheriff Department
Recorder	The Centre	Superior Court
Burdette Park	Coroner	

Travel Requests:

German Assessor

Sandie Aaron:

Appropriation request.

Auditor:

Submit monthly financial, cash and expenditure report.
Submit Accounts Payable voucher.
Kronos maintenance agreement.

County Assessor:

Request for Telephone Service.

Sheriff: Submit weekly jail information and reports.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Tom Bodkin	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	John Stoll	Phil Hoy
Bill Campbell	Jim Hughes	Dorie Lo Bue
Jonathan Weinzapfel	Richard Helzerman	Ralph Kissinger
Steve Craig	Sue Hartig	Sandie Aaron

APPROVAL:

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice-President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by BJ Farrell and Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
June 18, 2001**

The Vanderburgh County Board of Commissioners met in session this 18th day of June 2001, at 6:09 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting for June 18, 2001.

Introductions and Pledge of Allegiance

President Mosby: We have with us Tammy Mc Kinney, Superintendent of Buildings; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If you would please, stand and say the Pledge.

Approval of Minutes

President Mosby: Motion to approved the minutes of the June 11th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion by Commissioner Fanello and a second by Commissioner Mourdock. So ordered.

Commissioner Mourdock: While we don't have it as an item B, I would move that we accept summary minutes of today's Executive Session which began at 5:00 and ended at 6:00. All three Commissioners were present, and the purpose of that was for county personnel matters and also the discussion of certain litigation pending against the county.

Commissioner Fanello: Second.

President Mosby: Motion and a second. So ordered to accept the minutes of the Executive Session at 5:00.

Krista Lockyear- Renewal of Otters Lease

President Mosby: Krista Lockyear, renewal of Otters lease.

Krista Lockyear: I will be very brief, and if you have any questions, I would be happy to answer them. What you have in front of you is a lease and a sub-lease agreement for Bosse Field for the Otters baseball team. Also a management agreement for Evansville Baseball, LLC which is doing business as the Otters. These documents are actually the exact documents that you signed a year ago, however, the LLC, that is the entity that is managing has had some change in ownership. So, these documents actually just bring it into correctness with the

existing ownership and entity that is managing the Otters right now. You also, about a month ago, assisted us in getting the liquor permit renewed for the Otters, and these documents also reflect that that transaction has occurred, has to occur in order to be in compliance with the law.

Commissioner Fanello: Phil, have you reviewed?--

Philip Hayes: Yes, I have had a chance to review it, and they are all three within the scope of what our contractual arrangement is. This simply takes into account the new limited liability company form that we have all read about to handle the Otters new management structure.

Krista Lockyear: Exactly.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Just one quick question, Krista, if I may? Everything looks fine in here, but there is one spot where it talks about the alcohol and tobacco, and everything else was alcohol. Is there any tobacco sales there? Was that language strictly?--

Krista Lockyear: The permit, I know, is alcohol only--

Commissioner Mourdock: Okay.

Krista Lockyear: --I don't know if they have any tobacco sales, but the permit which Vanderburgh County maintains from the Alcoholic Beverage Commission is alcohol only.

Commissioner Mourdock: Okay. Alright, I will second the motion.

President Mosby: I have a motion and a second. So ordered. Thank you.

<p>. John Stoll- Quote VC01-06-04: Stringtown Road Bridge Debris Removal and RFP's for Greenriver Road and Millersburg Road</p>
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President Mosby: John Stoll, quotes on Stringtown Bridge and intersection of Greenriver and Millersburg. I guess these are the quotes?

John Stoll: Yeah, we just need to open the quotes and then those are the proposals for the design and right-of-way and construction inspection for the Greenriver and Millersburg project.

President Mosby: Okay.

Commissioner Mourdock: Okay. First then I will move that we open quotes for the Stringtown Road Bridge Debris Removal Project.

Commissioner Fanello: Second.

Commissioner Mourdock: I will move that we open the RFP's for the work contemplated for the intersection of Greenriver Road and Millersburg.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second on Stringtown and Greenriver, so ordered. We will let the Counselor open the quotes and we will move on.

<p>Sheriff Ellsworth: Renewal of ARAMARK Contract and Simplex Contract for VCCC Fire Alarm System</p>
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President Mosby: Sheriff Ellsworth. You have renewal of ARAMARK and contract for VCCC fire alarm systems.

Sheriff Brad Ellsworth: If I could address the Simplex first, that is a little bit simpler. That is just the renewal on the fire contracts. It is out of user fees. It is essentially the same contract that we have had before. This one has just expired.

Commissioner Fanello: Phil, did you look at it?

Philip Hayes: I'm sorry.

Commissioner Fanello: Did you look at the Simplex contract?

Commissioner Mourdock: Do you all have that one in your packets? I haven't--

Philip Hayes: I haven't seen it.

Commissioner Mourdock: --seen it.

Commissioner Fanello: I don't have it in my packet.

Sheriff Brad Ellsworth: You haven't seen that one?

Commissioner Mourdock: Nope. I don't have anything on that one.

Eric Williams: That's my fault, I said that we were just going to bring it up. It is just a simple maintenance renewal agreement (inaudible-not a mike).

Commissioner Fanello: No.

Sheriff Brad Ellsworth: I'm not sure...I don't think the...I'm sorry, I didn't know that you didn't have it--

Commissioner Fanello: That's okay.

Sheriff Brad Ellsworth: I don't think that the price even changed on this.

Eric Williams: It's coming out of user fees.

Commissioner Fanello: Okay. If there is no changes, then I will move approval.

Commissioner Mourdock: I will second, but, and I am not coming down on you, Brad. I just want to make sure, in fact, the next four items here on the list, I don't have anything in my packet for, and it just makes life a little bit more convenient here if we can get this stuff ahead of time. Okay, I did second, did I not?

President Mosby: Yes. We have a motion and a second, so ordered on the Simplex contract.

Sheriff Brad Ellsworth: I apologize for not having those up to you before hand, because...okay, the second, and it will take some explanation, and I do have a copy of that to present to you, but I would like to give you a little explanation of what is going on. When we took the Safe House management over, one of the first things that we did was to switch to ARAMARK as opposed to the in-house food service. We negotiated that price down.. I can't remember what it was, but we got it down to \$1.12 per meal, I think, for both the jail and the Community Corrections Center. We estimated that on the number of inmates out there and three meals a day. That is what we negotiated with ARAMARK to come up with that contract. Since that time, what we have found was that we were not serving nearly the meals as we had estimated before. We weren't getting the three a day like in the jail. People were leaving perhaps with sack lunches for Community Service people, which we halted that. We felt that people could do there...get their own lunches. When we spoke to ARAMARK again we told them that we had to have an accurate food count. It wasn't going to be acceptable that an estimated 400 meals a day, or whatever the number was, when we are doing 200. They came back to us with a price of \$1.98 per meal based on what we are actually feeding with Community Corrections. That would be across the board. Let me throw another angle into it, the two cooks that we held over employees from the county, that are currently county employees that are cooks, have bid out of their cook jobs into a Corrections Officer job and a Clerk's job, and a Records Keeping Clerk. They have asked for that. We interviewed both those people to see that they met the minimum qualifications, and they both did. One had been a Corrections Officer before, and then one was satisfactory in a Clerk's position. With that, we have talked with ARAMARK and with the union, and we have come to the agreement we have at least, that those two cooks positions will be eliminated totally. We will go to what we call a cold breakfast, and, like I said, we will eliminate two county jobs, two cooks jobs. It will be a much cleaner system anyway. It will be all ARAMARK employees dealing with food service over there, as opposed to having a mixture of ARAMARK employees and county employees and the union. Essentially what that will do...the price of the meal goes up to \$1.98 per, however, with the elimination of the two jobs, we really look to be saving \$1,000 every two weeks based on the accurate food count numbers on our calculations. Although it looks like a price of the meal is going up, we are actually going to save some money in this deal. Quite a bit, actually, over the course of a year.

Commissioner Mourdock: We were paying \$1.19 on a take or pay basis, or take or eat basis, I guess, right?

Sheriff Brad Ellsworth: Pretty much, yeah.

Commissioner Mourdock: With the change, then, in the discussions that you have had with the union, do we need to formally change the union agreement to do away with those two job classifications under the union agreement?

Sheriff Brad Ellsworth: We talked about it—

Commissioner Mourdock: I guess, we could just let them—

Sheriff Brad Ellsworth: —I'm not really sure how we will do that. The union, both Chuck and Mr. Rick Voyles, have agreed to that—

Commissioner Mourdock: In the near term we can just, obviously, not fill those positions.

Sheriff Brad Ellsworth: –since we are not displaying....we won't fill them, since they are displacing into other county union jobs. They don't have a problem with that. What were you going to add?

Eric Williams: I was just going to add, I sat in those negotiations with them and they were okay with it since we weren't getting rid of any employees. We were doing it through attrition, and we weren't making a massive sweep, you know, getting rid of like...Correction Officers there are two positions that didn't fit into the mix very well anyway, so they said they wouldn't cause any problems. What we had planned to do was just to not resubmit those line items in next year's budget.

Commissioner Mourdock: Okay.

Eric Williams: Just let those die through attrition that way.

Commissioner Mourdock: Okay. So for the \$1.98 scenario, you have a contract that says that?

Sheriff Brad Ellsworth: Right.

Commissioner Mourdock: Again, I don't have it–

Sheriff Brad Ellsworth: I'm sorry, this is the only copy, and, obviously, and I thought we had it presented...I'll present that at the Commission tonight.

Commissioner Mourdock: Okay. I presume that we are going to want Phil to look that over, so, does this need to be done tonight, Brad? I mean–

Commissioner Fanello: Or can...I was just going to say can we move approval based on?–

Commissioner Mourdock: Well–

Commissioner Fanello: –or contingent on Phil?–

Commissioner Mourdock: –why don't we just wait until Phil has a chance...I mean, I don't know that we do Phil a favor by having, by making a motion contingent upon his approval, and then if there is something in there that we need to alter. If, Brad, if you don't need it tonight–

Sheriff Brad Ellsworth: No, there is not–

Commissioner Mourdock: –if we could act on it next week–

Sheriff Brad Ellsworth: –like I said, the positions are open, we have been holding those contingent upon this. The Corrections Officer and the Clerk's position. So, they are open and when this is approved, we will switch them over and we will go to cold breakfast, and it will all be a done deal.

Commissioner Fanello: I will just move that we defer it until next Monday.

Commissioner Mourdock: Okay, second.

Sheriff Brad Ellsworth: Okay, yeah, absolutely. Thank you very much.

President Mosby: I have a motion and a second to defer it until next Monday.

Catherine Fanello: Welfare to Work Reform
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President Mosby: Commissioner Fanello.

Commissioner Fanello: I apologize for not putting a copy of what Phyllis Donahue had given me, but she is here, and I think, that she does have copies for everyone. This is, I know at the beginning of the year, or a couple of months ago, we talked about possibly reforming the Welfare to Work Program. Royce Sutton and I met with Phyllis and Gary Heck and, um, these are...there are three areas that they have identified that we could reform, so, um, I think she will go through and explain each one of those.

Phyllis Donahue: Okay, when we met with you we had two of these items, and they are exactly the same as when we met with you and Royce. The first is open the Gatekeeper Program to serve single individuals who meet all of the criteria other than having a child under the age of 18. Some of the LPC members are with us tonight and some of those people had written and asked for this last year, and had given some scenarios about people who are single, and they just chose not to have children because they knew that they couldn't afford it, or whatever, but they have the same needs as we feel with the Gatekeeper; car repair, you know, all of the things that everybody needs but Child Care. We are proposing that we open that up to that population. The second one was the extension of the Child Care category from six months to twelve. Normally our categories just run, um, just six months. That is all you can have it is a year. This is all...the loss of \$1 million in Child Care development dollars in Vanderburgh County, there will be a short fall of services to clients who are engaged in protective activities. This will cause these parents to lose employment or leave their children unattended while they work and/or go to school. The third has been brought up since that time, um, my boss was out of town, and was not able to attend the meeting or have input. This is adding the temporary assistance to needy families control group. Indiana is in a seven year experiment, we are the only state in the nation that did this. We randomly choose a certain percentage of our population that remain under the old rules. Clinton's program did not affect them, nor did Indiana's Welfare Reform. They do not get the services that our clients get. They don't have to follow all of the rules, but they don't get the services. The state and the Federal government asks that we make sure that that population is able to attain and get any services in the community other than what we give them through the DFC. So, what we are asking is that we will be able to refer that population, and that they belong to a certain two case workers in the office, that if those people need these services we would be able to make that referral to that population. The assignment is done at the time that they make application, there is no...ever, they stay that way until they are, you know, until the program is over. So, there will not be a problem about anybody else on TANF getting into this population.

Commissioner Mourdock: Is it accurate to say then that of that group, Phyllis, they were never in the two years and out program?

Phyllis Donahue: Never. They are not in the five year Federal program either, which Indiana is not, but they won't be either. This is being studied by a group in Washington, um—

Commissioner Mourdock: How many people do we have? You say that they're assigned to just two case workers?

Phyllis Donahue: I think I had some numbers at one point, I think it is 198.

Commissioner Mourdock: People, or?--

Phyllis Donahue: It would be families.

Commissioner Mourdock: —people with dependents?

Phyllis Donahue: It would be families.

Commissioner Mourdock: Is that 198 families?

Phyllis Donahue: Yeah.

Commissioner Mourdock: Okay.

Phyllis Donahue: At the end of this document it says, with this program we would do a mass mailing and we would have other methods of reaching the public to let them know that these are the changes that we have made and, again, let them know about the Gatekeeper Program, which I think was your major concern in the beginning.

Commissioner Fanello: I mean, just in my opinion, I think that these are...after meeting with them, and talking with Royce Sutton, I think that these are three very good, uh, steps to reforming the program so that it's used for what it was supposed to be used for, so, unless anybody else has any comments.

Commissioner Mourdock: No, I would just add that I know that the Welfare to Work Local Planning Council has met any number of times on these issues. I think that they have studied them pretty thoroughly, I guess, item number three there, I do have a little bit of hesitation on wanting to go forward with it. I can't help but wonder if under the state's programs, that group of people as a control group, which is what you are calling them here—

Phyllis Donahue: Uh-huh. That is what they are. Technically that is what they are.

Commissioner Mourdock: Yeah, I mean, if they are a control group, they ought to be outside the scope of everything else that is out there. By letting them qualify for our program as well, does that not somehow taint them as a control group?

Phyllis Donahue: No, they are eligible services like through, uh, through CCI, they are eligible for those services, Goodwill, any services, (inaudible), anything other than supportive services through the Division of Family and Children. They have access to all of the programs.

Commissioner Mourdock: Let me make the request then of the group, if I may, and that is, can you give us...and, I know, Gary, you've routinely and periodically given

us a good set of statistics. Can you keep a separate set of statistics on that group? Because, the major thing here that I see within that group that is different than what we set out to do when all of this began five or six years ago, is that we were looking at the people who were the two year and outs. Now we are kind of broadening it, because these folks weren't eligible, weren't considered in the two year and out group. So, that is quite a...it is a bit of a philosophical change. Certainly the first two...I, and, especially, the second one I think is a very good one.

Commissioner Fanello: Well, if nobody else has any questions, I will just move that we approve the three changes.

Commissioner Mourdock: I will second.

Phyllis Donahue: Okay, the first time that I ever came, the three times that I came before had to do with changing the allocations for this year's money, beginning in January, from 60% to 40%. Is that still an option here? Just for this year's money?

Commissioner Mourdock: That is a separate issue—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —from this, but, I mean, I am not trying to...in the discussion we can come to that in just a second, but however the money is allocated, these things that are before us, I think, that we are willing to adopt, so, let's do that and then we can talk about money if you like.

Commissioner Fanello: Did you second?

Commissioner Mourdock: I did.

Commissioner Fanello: Okay.

President Mosby: I have a motion and a second. So ordered on that.

Commissioner Mourdock: Okay, now your question.

Phyllis Donahue: Okay, the reason that I came the first time was just for that...this year's money, not to do with any money that has been rolled over or encumbered, that that money be changed to reflect Child Care 40%, approximately \$170,000, 60% Safety Net, approximately \$255,000.

Commissioner Fanello: I don't think I have a problem doing it after reviewing everything if it is just for this year only. Until we see how—

Phyllis Donahue: Just this year's money.

Commissioner Fanello: Okay. I will move approval on that.

Commissioner Mourdock: Okay, and I know, Catherine, just before the meeting you gave me a budget outline which I, obviously, have not had a chance to look through, does that outline include those allocations, or does it need to at this point? It probably doesn't.

Commissioner Fanello: No, I—

Unidentified: It does, if it is the spreadsheet (inaudible-not at mike).

Commissioner Mourdock: That is not what I have.

Commissioner Fanello: This is for our budget.

Commissioner Mourdock: Right.

Commissioner Fanello: Which I was going to bring up for discussion later. Now, I mean, that doesn't have anything to do with...cause we just budget them one set amount and let them divide it up...or it's been divided up by a certain percentage in the past, so I don't... I don't know that...I guess I don't understand what you are asking.

Commissioner Mourdock: Okay. We...you are right. We allocate a third of the Riverboat to them—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and they have divided it up themselves. Okay—

Commissioner Fanello: And we let them—

Commissioner Mourdock: —yeah, you are right.

Commissioner Fanello: —so it really doesn't affect our—

Commissioner Mourdock: I think I heard you make a motion for 60% Safety Net, and 40% Child Care, and I will second that motion.

Phyllis Donahue: Can I ask one question? Does that mean that...that money to you, or to the Auditor, is just in a pot of money and you don't have this set aside 20%, 15%? Is that correct, Suzanne?

Suzanne Crouch: That is correct. So, you have to monitor, you need to monitor your accounts. We will also help.

Phyllis Donahue: We do.

Suzanne Crouch: I know you do.

Phyllis Donahue: Alright. Thank you.

President Mosby: So ordered. Motion and a second.

Phyllis Donahue: Thank you.

President Mosby: Thank you.

Tammy Mc Kinney- Proposals for Concrete Work at Old Courthouse

President Mosby: Tammy Mc Kinney.

Tammy McKinney: Last week, last week I gave you some proposals for the concrete work at the Old Courthouse. Since then someone else has fallen on the steps, and so it is a top priority that we get those steps fixed. The proposals that I have were for different sections of the Courthouse, like the parking lot, the steps, and the only contractor that separated it out was Deig. I called Empire today and Phoenix to get, what it would take just to get the steps fixed, and I haven't heard back from them. So, what direction I need from the Commissioners is should I go with the contractor that can do it at the earliest date, or do you want to do price or urgency?

Commissioner Mourdock: Both.

Commissioner Fanello: It's between the price and the urgency.

Commissioner Mourdock: Right, what is the cost of urgency?

Tammy McKinney: Well, I mean, I can tell you the price that Deig quoted me for it.

President Mosby: What did Deig submit on those steps?

Tammy McKinney: Huh?

President Mosby: What did they submit on the steps?

Tammy McKinney: Deig was \$7,572 on the Vine Street steps. Like I said, I have a call into—

President Mosby: Phoenix didn't break it out? I know that Ralph looked at the bids.

Ralph Kissinger: Tammy and I went through these this morning after John looked at the specs and said that everything is okay. The other two contractors put the steps, the dumpster pad, which needed repair, and the parking lot all in one price. The three were just a few hundred dollars apart on all three. I told her to call them, so I am sure that they have got some notes on it and they just didn't submit it as a break down of the three. So, I told her, basically what she just told you, that if it is that urgent that she needs to do it today that she could take Deig's price or, probably wait a day or two and get the other prices and take...I didn't know since it was a quote whether you had to take the low quote, or since it wasn't a bid if you could just, you know, decide what you wanted to do there. That's an option as far as—

Commissioner Mourdock: Part of the definition there is, I mean, declaring an emergency is something that we could technically do, and if we have had several people fall on the steps, which is what I think I heard Tammy say, that does open the door for us to take something other than take the lowest price, if in fact that is what we need to do.

Ralph Kissinger: I would imagine that they are real close because, I think, the three total package prices—

Tammy McKinney: Right, the combined price was really close together like a couple hundred apart, so, I imagine, just the steps when we break it out, it can't be that much different.

Ralph Kissinger: Yeah, (inaudible).

Commissioner Mourdock: The Auditor just reminded me the language needs to be, of course, lowest and responsive, and, of course, timeliness is a key issue of responsive.

President Mosby: So where are we? I am open for a motion to accept Deig's price and see how soon they can do it.

Commissioner Fanello: Motion to accept Deig's price.

Commissioner Mourdock: Second.

President Mosby: I have a motion by Commissioner Fanello, with a second by Commissioner Mourdock, so ordered. We will contact Deig in the morning and see how soon they can do it.

Tammy McKinney: Yes, I sure will.

President Mosby: Are we ready for the bid opening?

Philip Hayes: Yes, should we go ahead with the Stringtown?

Commissioner Mourdock: One comment, Tammy, just thinking here, when you talk to Deig, the fact that we are during this under an emergency basis, make sure that they understand that that doesn't mean the pricing is now something different than what they proposed. Nothing has changed from the—

Tammy McKinney: From the quote that—

Commissioner Mourdock: —from the quote, from what needs to be done, yeah.

President Mosby: Okay.

VC01-06-04 Stringtown Road Bridge Debris Removal-Opening of Bids

President Mosby: VC01-06-04, Stringtown Road Bridge Debris Removal.

Philip Hayes: There are two responses in the way of sealed bids to that project, Mr. President. The first is by CCC of Evansville, Inc., in the amount of \$27,101.55. Deig Brothers of Evansville has also responded and submitted the amount of \$12,650 even on that project. The bids appear to be properly documented with non-inclusion affidavit and statement of non-segregated facilities.

Commissioner Mourdock: I will move that we take those bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Greenriver and Millersburg-Opening of RFP's
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President Mosby: Next one Greenriver-Millersburg intersection.

Philip Hayes: Mr. President, these are responses by those who have submitted

proposals for professional services, and if the body pleases, I will simply read the name of the respondents and catalog these for review at a later time.

President Mosby: That is fine.

Philip Hayes: There is a response from Beam, Longest and Neff LLC, of Charleston, WV, Chicago, Champaign offices, and maintaining corporate offices in Indianapolis. United Consulting Engineers and Architects submitted a proposal. The Corradino Group of Louisville, KY, and also the Evansville office is designated on this package. American Consulting Inc. of Millersville Road, Indianapolis, IN. Bernardin Lochmueller and Associates Inc. of Evansville, IN. Clark Dietz Inc., Evansville, IN. RW Armstrong and Associates of Indianapolis, IN. Are there any further proposals that have been received? That appears to be all of the submissions received.

Commissioner Mourdock: I will move that we take the RFP's under advisement, and see how soon we can schedule to make a selection. In two weeks?

Commissioner Fanello: Two weeks?

President Mosby: Two weeks, yeah.

Commissioner Fanello: John Stoll is saying no. Okay. You will be on vacation?

President Mosby: Next week? We are talking about two weeks from now.

Commissioner Fanello: Two weeks.

President Mosby: Which would be—

Commissioner Mourdock: Again, we are not looking at an emergency here—

President Mosby: July 2nd. Are you going to be back?

John Stoll: (Inaudible. Not at mike.) I won't have a chance to review them all.

Commissioner Fanello: Uh-huh.

President Mosby: Oh, okay.

Commissioner Fanello: Why don't you do it the following week.

President Mosby: July 9th. We will do it July 9th.

Commissioner Mourdock: I'll move that we plan on selecting from the RFP's on July 9th.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to do a selection for the Millersburg intersection on July 9th. So ordered.

Philip Hayes: Millersburg.

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board.

Philip Hayes: Have we passed this on the agenda? Okay.

Commissioner Mourdock: Mr. Helzerman, before you get started, just so you know we have a Rezoning meeting at 7:00 tonight.

Richard Helzerman: I will be brief.

Commissioner Mourdock: Alright.

Richard Helzerman: My name is Richard Helzerman, I'm here to speak to you about overcrowding at the jail. The first page of what I've given you simply shows that the last Federal case names the Commissioners of the County of Vanderburgh, so at least one Federal Judge accepted a case against you, thus he must think that there is some basis to think that you are responsible for the problems of the overcrowding. The accusation is to cruel and unusual punishment, violation of the 8th Amendment. What is being requested is damages that amount to compensate the Plaintiff and class members of the (inaudible) of their Constitutional rights. I did find one case in New York where a judgement was made and the prisoners prevailed, and the judgement was \$1,600 per person. You have like 5,000 people going through the jail, well 500 every week for 20 years. That will add up real fast. Last week and several other times when I was here I mentioned something about your answer, and I went to the Federal court this week and I discovered that I am wrong and as Mr. Hayes insisted we want the record to be correct. The last Federal lawsuit against the Commissioners was filed March of last year and you have yet to give an answer to that. No answer has yet been filed and the latest...I asked for a copy of the docket sheet, and I have a copy of it here...6/14 which was last week, Thursday, I think, order grants defendant extension of time to file an answer until 30 days after the date this court rules on pending motion for order to maintain case as class action the requirement that defendant file an answer by 7/1/01 is vacated. So, what I was referring to was the motion to throw the case out rather than your answer. But, the facts still remain. The next thing that I have in my packet here is a letter I found in the Federal court thing. It is dated May 24, 1995, it is regarding the Vanderburgh County jail cause number 7966C, which is a case, uh, filed in 1979 because of overcrowding. It says speaking for Sheriff Hamner and me, the last paragraph says, we would welcome any suggestions for permanent policy changes that would solve this continuing problem, and it is signed Carl A. Heldt. Now this is what I have been appearing before the Council or the Commissioners to set a policy change. Something that is an overriding thing, a permanent policy change that you could at least say that we recommend that the Judges do this, we recommend that they do that. If you can't force them to do it, you can issue some kind of recommendation. As late as 1995 Carl Heldt asked for help from the Federal Judge and none has been forthcoming. You are not going to find a solution to the problem of jail overcrowding in the Federal Courts, and the proper place for policy to be established is the County Commissioners. The next page I have is a letter from Kenneth Falk, I want to stress that on the second to last paragraph, that 329 is temporary only, and I think, that in your minds you are thinking about 329 as more permanent than temporary. The last page that I have...I stopped coming to appear before you because all of the people that I knew were in the jail had gotten shipped off to the DOC. As of three weeks ago, I now have somebody in the jail who is suffering

because of the overcrowding presumably. I have here the members inmates of cell block 72 as of 6/13 confinement report by the Sheriff. Now this is a report that is given out every Wednesday. You get a copy of it and I get a copy of it. If you look down, the fourth or fifth guy there is Dutsel Greene, pre-trial felon. Now, I went to visit...I attempted to visit him three Saturday's ago, the jail refused me entrance. I went last week and they let me in, but I had to argue with them a little bit, and last Saturday they let me in again, they gave me a little bit of trouble, but not as much as the first time. Now, when I talked with Dutsel Greene, I asked him how is it doing, how are you doing in there? He's not a big fellow, and, uh, I was concerned if he was getting beat up or something like that. He said, oh, I am doing great there. He says when I stayed with you...for forty days the Juvenile Courts assigned him to my home, because they didn't have a place to put him, and so he lived in our home for forty days, and his parents attended our church for maybe three or four months. I took him because my wife didn't want him there and my kids, my children were afraid of him, so I took him around whenever I went visiting, to the hospital or wherever I went. I took him along and I talked to him all the way driving over there and talked to him back, and listened to him. He says you tried to tell me that we are supposed to fear God, and that fear doesn't mean that you are afraid of God, but that you respect him, you understand his power and that He should be treated with respect. He says I never understood that until I walked into my cell block. The minute that I walked in every other prisoner there treated me like I was God. This is what they told him, or what he told me that they said to him. He said, man, we are in here for robbing a liquor store for \$50 to \$200, and suffering like mad for peanuts, and you knocked off a bank and got way, way, way more money and they are all asking him how do you do it? What do you do? Now, you want to be hard on criminals and you want to put them into the jail, but it is well established that when you put people in jail and you don't segregate the experienced from the inexperienced or some thing, that what you are doing is conducting a graduate school in crime. Now, Dutsel spent five years in the DOC. He requested services where he could train and learn things, and they turned him down, so he had five years to do nothing but think about how to rob banks. His moral judgements as good or bad, or right or wrong as they are, would never allow him, he would never rob a liquor store that was owned by a family, because that would be taking money away from a working man, or a business man. At any rate, he now... I just wanted to put into the record, here are 20 people, 19 people that I could identify off of the reports that are enrolled in your graduate school of bank robbery, and it will be interesting, and I will be keeping track if whenever these guys get out, they end up bank robbers, you may share some of the problem for it. Thank you very much.

President Mosby: Thank you. Any other group or individual wishing to address the board?

Commissioner Fanello: I was going to say, we have Sandie Aaron in the audience, and, I think, last Monday we brought up, or we said that we would come back and talk about the SMG, and I don't want to keep her here through the whole meeting if we don't have to.

Commissioner Mourdock: As I understand it, and ,Sandie, please come forward, there is a time critical nature to part of the request. As I understand it, you did go forward to County Council for the appropriation last week? Is that right?

Sandie Aaron: Yes.

Commissioner Mourdock: But still, obviously, until this board acts you don't know

what to do?

Sandie Aaron: Right, and we have also a \$150,000 investment that really I should have had that check last Friday, and they will not issue the check until we come to some sort of agreement. So, I am kind of working on a deadline a little bit. We inventoried all of the equipment last week, and we had five corporate people come in and inventory it, and they were amazed at how much equipment is there, and we are probably getting it for 20% of what it's worth.

Commissioner Mourdock: Yeah, okay, and, again, the real question, as I understand it, and I have reviewed the material that I did not have last week, and I also received some additional material today, but what makes this work or not work as far as SMG is concerned is simply having sufficient time in your contract to amortize the cost –

Sandie Aaron: Exactly.

Commissioner Mourdock: –that you would otherwise be investing.

Sandie Aaron: Exactly.

Commissioner Mourdock: Okay. The current contract that we have with you expires?--

Sandie Aaron: January 2003.

Commissioner Mourdock: Three, yeah, and you are asking for three more years?

Sandie Aaron: Yes.

Commissioner Mourdock: We have had such problems in this community with, uh, and I know that the two of you were not on the board when all of this was taking place, but we took a lot of heat from the hoteliers because we didn't have a good convention facility. When we announced that we were going to close the Auditorium down, we took heat because that meant the hoteliers here they wouldn't have a good place to go to, and then when we finally got the Convention Center up and running under good management, then we had a hotel go down on us, and what I foresee here is some gap creating where the food service, that is so critical to the nature of what we are trying to do with our convention facility, if that would go down and give us a bit of a black eye, I think that would be just another punch in the belly that we don't need. So, I am going to move, and I think, SMG, or Ogden/SMG/Sandie Aaron, especially, has done a good job over there and, I think, that this is a reasonable approach. I understand from the business side why they need it, so I would be willing to move that we go ahead and extend the contract as requested through December 31?--

President Mosby: No, January 31, 2006.

Commissioner Mourdock: Thank you, January 31, 2006.

Commissioner Fanello: I guess my only hesitation is that it is another three year extension of the contract, and I don't know that I am ready to do that.

Sandie Aaron: The alternative, if you don't want to do that, is that I either need a check from the county for \$150,000 immediately or Sports Services has already

inventoried and they are ready to take the equipment. We can't operate....we don't have, I mean, it's carts, it's silver ware, it's china, it's the small wares that we have to have to operate. I believe, and there again, you guys weren't here when we negotiated and did the contract, but if you have read our contract, it is pretty iron clad, and the county has various, but many, options to terminate if we are not performing.

Commissioner Fanello: Okay. That's...I'm glad you brought that up. Okay. And, uh, if that is true, and with that in mind, and if Richard is satisfied to that then, as long as some of those provisions are in there, I will second it.

Commissioner Mourdock: I will just add, after five and a half months here, Catherine, I hope that you realize that when it comes to these contracts I do look for the escape clauses at times. I do look to make sure that we have some leverage on whomever our vendors are. I would agree, I think, should there be failure under any of the terms of the original contract, and all that we are doing here is extending with similar terms, I think that we certainly have some ample recourse.

Sandie Aaron: Honestly, too, if it is any reassurance, we are in the process of negotiating a five year contract with the city now. That will also include the ice rink, so we don't want to go anywhere, we want to be here, and we want to continue to do a good job.

President Mosby: I have a motion and a second. So ordered on the contract with SMG for the food service.

Sandie Aaron: Thank you.

President Mosby: Thank you.

John Stoll- County Engineer

President Mosby: Department Head Reports, County Engineer,

John Stoll: First I have the paving contract for West Franklin Road and for the milling and resurfacing of bridge number 272 on Broadway Avenue. The contracts low bidder was E&B Paving for \$122,876.20, and it is recommended that they be awarded the contract.

President Mosby: E&B you say?

John Stoll: Yes.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second on E&B's contract. So ordered.

John Stoll: The second item that I've got is on contract VC01-06-03, Roesner Road culvert repairs. It is recommended that this be awarded to the low bidder, which was Southwest Engineering for the amount of \$39,825.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The next item that I've got pertains to street acceptances, right-of-way dedications and easement dedications out at University Drive on Red Bank Road, West Red Bank Road.

Commissioner Fanello: I'm sorry, I didn't hear you, John.

Commissioner Mourdock: I couldn't hear that either, John.

John Stoll: This is all easement dedications, right-of-way dedications and street acceptance requests for University Drive west of Red Bank Road. There is also an encroachment agreement for a street light that was put in the right-of-way. Basically, what we have got is a right-of-way dedication for these two areas outlined in yellow. One is the southwest corner of University and Red Bank, the other is a right-of-way dedication for what is to be called Rogers and Jarrett Boulevard. This was never dedicated as part of the subdivision plat, but as a condition of this subdivision they were supposed to provide a connector between, uh, these two roads, Weston Drive and University Drive. They are dedicating that right-of-way, and then these areas highlighted in green, basically, convey the storm water from these two streets to the basin out behind Lowe's building, so they've also provided a drainage easement dedication to Vanderburgh County. Finally, they have provided a right-of-way encroachment agreement because they have placed a street light on a large concrete base that sticks up quite a bit higher than the curb right in this area, at the northeast corner of Rogers and Jarrett Drive and University Drive contingent on the acceptance of the drainage easements, the right-of-way dedications, and the encroachment agreement. It is recommended that the streets be accepted for maintenance. The streets were inspected as they were constructed, and they were built in general accordance with the plans. It is recommended that all easements and rights-of-way be accepted and the street be accepted as well.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: Do I have to sign it?

Commissioner Fanello: Uh-huh.

John Stoll: Is the motion so ordered?

President Mosby: I have a motion and a second. So ordered. I'm sorry, she made a motion.

John Stoll: I didn't think I...I thought I didn't hear that, but you never know. The next item that I've got is an acceptance request for the storm sewers located out at the street right-of-way out in Clear Creek Subdivision, Section One. This was a grand total of 1,477' of pipe. The \$2.00 per foot maintenance fee was paid on June 7th, so it is recommended that these storm sewers be accepted.

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a request for Parcel Four on University Parkway. This is the Gene Pfeiffer Parcel. We have a request from Bernardin Lochmueller to have some additional appraisal fees due to the fact that it was recently found out that Mr. Pfeiffer owns some additional parcels above and beyond what was originally found on the additional deed research. Mr. Pfeiffer is proposing a subdivision, and when he brought the plat in we found that there were additional properties that he owned, and because of that it affects the way the property was appraised, and now we need to split it up into two parcels, have two different appraisals and two different legal descriptions.

Commissioner Fanello: I will move approval.

John Stoll: I was going to say the total increase in appraisal fees will be \$2,700.

Commissioner Mourdock: I will second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The only other thing that I've got is a draft of the five year plan for you to review, and if you've got any changes just let me know.

Commissioner Fanello: Thank you.

President Mosby: Am I supposed to sign here?

John Stoll: (Inaudible-not at mike.)

President Mosby: Okay.

John Stoll: Those are just acceptance, they will need to be recorded. I think I got post-its on all of the ones that require signatures.

President Mosby: This one gets signed here.

Commissioner Mourdock: That was all that you had, John?

John Stoll: Yeah.

Commissioner Mourdock: Let me pass something on to you. I received a call from someone out in, uh, let's see where is it, in Greenriver Estates, and there was a question about his utility easement. Apparently, there was a contractor working along some county utility easements. Would you give him a call and, I don't know, if nothing else just make a quick Xerox of the plat map to show where our right-of-ways are out there. Just give him some rough description of where those are. I've got his name and number and everything right on here, you can just have that.

John Stoll: Okay.

Commissioner Mourdock: Thank you.

President Mosby: Is that it, John?

John Stoll: Yeah.

President Mosby: Okay.

Ralph Kissinger- County Highway

President Mosby: County Highway.

Ralph Kissinger: I've turned in my reports for the week. I misunderstood on the requests that the reports be turned in, I thought it was just things that needed to be going on to the agenda for the week. From now on my reports will be in by noon Thursday. Other than that, I would like to say something about the Old Courthouse, I offered what help I could give Tammy on the Old Courthouse, and I offer that help to the Commissioners. By no means do I want the Old Courthouse for another part of my job, but anything that I can do, I would be glad to help on, but I do not want to take over the Old Courthouse. That's all yours, Tammy. Other than that, if there is no questions, that's all I have.

President Mosby: Thank you, sir.

Phil Hayes- County Attorney

President Mosby: County Attorney.

Philip Hayes: Have we concluded the issues of the RFP's that have come in and those...there is no need to report on that? I had no report unless there is a desire to expand on any of the issues that are in our packets tonight.

President Mosby: Not on my part.

Philip Hayes: Alright. Very good.

Commissioner Mourdock: Just one question, though, the United Consulting contract, I do have and I've made some notes on the original the, AIA agreement, have you had some discussion with that?—

Philip Hayes: Yes, they are represented by the law firm of Ruckelshaus and Roland. I spoke to Mr. Roland last week and I spoke to him again this afternoon. He tells me that Mr. Jones of United will be here tomorrow, and I had specifically asked for a draft that they had previously used with St. Joe County on the jail, that's South Bend. I am to meet Mr. Jones tomorrow morning here between 10:00 and 10:30 to pick that up, and confer back with Mr. Roland by phone. They tell me there are a couple of issues that they would like to get clarified. One was they wanted to meet with all of the Commissioners...I don't know if they have had a chance to me with you yet, or not. They were concerned about the site selection issue, and just generally in regard to how to phrase the...what we would call open-ended items which would be, uh, jail, work release, juvenile facility package, so to speak. I told them that all would be revealed in the course of deliberations, and that if we could get the standard clauses done, and anything unique to jail contracting so that the Sheriff and his

attorney could take a look at it, and by that I mean Mr. Bodkin who has been handling the litigation, because we are entering into a settlement phase, it would be important to have by July the 13th at least some progress on our contracting and probably an estimate as to when we would finish.

Commissioner Mourdock: Do you have a copy from when the Centre was done, of the agreement we had with?—

Philip Hayes: Yes, I do. That was between the county and the Shoulders firm, I call it, Veazey, Parrott Architects and Engineers, and that copy I've reviewed and, I think, no doubt that is something similar to what you are interested in way of a frame work. I will be glad to take notations from all of the board members, individually, of course, as to, especially the AIA standard, and I would be glad to go over those and discuss them with you so that we can bring them to the attention of the contractor.

President Mosby: Thank you, sir. Any other questions or comments?

Commissioner Fanello: Do you know when you plan to meet with them, Richard?

Commissioner Mourdock: With United?

Commissioner Fanello: Have you set up a meeting yet?

Commissioner Mourdock: I tried to call Jack today. He had left...Jack Waldroup, he had left a note on my desk. I tried to get hold of him—

Commissioner Fanello: I think he is on vacation this week.

Commissioner Mourdock: —oh, okay. Well, I did get a list that shows when tomorrow they are meeting with various groups, and I thought, not hearing from Jack, what I would do is just drop in on one of those groups and sit in on one of those discussions. Are either of you doing any of those tomorrow? I presume there is not a (inaudible)--

President Mosby: Oh, that's a good idea.

Commissioner Fanello: Well, the way that we set those up, they are more or less workshops for each of those departments—

Commissioner Mourdock: Right.

Commissioner Fanello: —so, I...the way we talked about it when I met with them is...I'm not going to be there because I don't have anything to add to each of those, and I don't even think the Sheriff and Deputy Chief Williams is going either.

Commissioner Mourdock: Isn't one of them with you tomorrow? I was thinking—

Unidentified: (Inaudible-not at mike).

Commissioner Fanello: No, we don't. The way we go is the Police Department at 10:00, the Prosecutor at 11:15, Judges, Probation and County Clerk at 12:15, the Public Defender and Evansville Bar Association at 1:30, and the County Council at 2:45.

Commissioner Mourdock: Okay. My schedule probably will go best with the 12:15 one, so I will probably try to sit in on that one.

Commissioner Fanello: Okay.

Commissioner Mourdock: I understand that it is a workshop, but maybe I will get some theme, at least, of what the information is that they are trying to pull out.

Commissioner Fanello: I am just really interested in getting the contract narrowed down, so, I think, that you need to meet with them as soon as possible and give some input on that.

President Mosby: I met with them last week. Everybody is aware. I couldn't resist.

Tammy Mc Kinney- Superintendent of County Buildings
--

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I just have one little thing—

Commissioner Mourdock: Oh, man.

Tammy McKinney: —the parking lot that is at the Old Courthouse that is for visitors and people that are doing business in the Old Courthouse and, um, I am having a problem with people parking there from the courts building. I don't know if there's, in fact, the maintenance person at the Old Courthouse had a run in with someone. He asked her to move...she was at the...she was going to the courts building. He asked her to move her car, because this was for the Old Courthouse visitors, and she said that she didn't have to...she had some other words, so I didn't know...she said there was no sign saying that she couldn't. So, I didn't know...I don't know if Ralph has a sign at the garage or anything that we could put up—

Commissioner Mourdock: She was parking at the Old Courthouse and then walking back here to the courts building?

Tammy McKinney: The courts building—

President Mosby: The building across the street.

Tammy McKinney: —right across the street.

Commissioner Mourdock: Oh, okay.

Tammy McKinney: So, I don't know if there is a sign that we could put up or what steps I have to go through, if there is an ordinance or what, so I can keep that parking lot for the Old Courthouse.

President Mosby: Can you contact Jerry Hays?

John Stoll: I was going to say we can contact the Traffic Department—

President Mosby: Yeah—

John Stoll: –see if Jerry can put a sign together–

President Mosby: –contact Jerry and have him make a sign that says courthouse only. Old Courthouse.

Tammy McKinney: Okay.

President Mosby: I phrase that. Anything else, Tammy?

Tammy McKinney: That's all.

Steve Craig- Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. Because of the shortage of time and us not properly being on the agenda, we are going to put off until next week the presentation. I talked to Jim–

President Mosby: Oh, okay.

Steve Craig: –and explained it to him, and I would like to make it known that we want to be on next Monday's agenda to give a presentation on the O'Day Discovery Lodge. I will give you a little food for thought to read this week right now.

President Mosby: Okay.

Steve Craig: The only thing that I really need to address is, Tammy, I didn't know if you had talked to the appraiser yet?

Tammy McKinney: I haven't. I was busy last week with budgets, but I will get on that tomorrow, because I've gotten everything that I need from the Surveyor's Office, and I will call appraisers tomorrow.

Steve Craig: Okay, because we have got our Advisory Board meeting Wednesday, and a couple of them had called and wanted to know if we had advanced on it and I just needed to know where we were at.

Tammy McKinney: Just tell them that we are starting.

Steve Craig: Okay.

Tammy McKinney: Okay.

Steve Craig: I had turned my work sheets in and that is all I have right now.

President Mosby: No questions?

SWCD and Ozone Officer Reports

Commissioner Mourdock: I will move approval of the Consent Items. or the Soil and Water Conservation District Report and also the Ozone Officers Report.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: I move approval of the Consent Items.

Suzanne Crouch: Catherine, would you like to include that one grant?

Commissioner Fanello: Yes, I would, Suzanne. We have a grant here that is for the Economic Development Grant of \$300,000 for the new facility moving into the EIP Industrial Park. So, I just need Suzanne to sign this.

Commissioner Mourdock: Okay, so that motion was to include that with the Consents?

Commissioner Fanello: Yes.

Commissioner Mourdock: Alright, I would also move then that we include with the Consents, we need to provide through your signature, David, and also through the Auditor's signature. This morning we had, basically, the State Board of Accounts exit interview on the county finances. There is a letter here that we routinely have to submit, simply stating that as the customer, if you will, of the State Board we have submitted all of the documentation in a timely fashion, and it is, to the best of our knowledge, an honest representation of the facts. I move that we include that in the Consent file as well.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: With those two things in the Consent file, I will move that we approve the Consent Items.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to approve Consent Items as amended.¹ So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings. Is there any meetings?

Commissioner Fanello: I just want to remind about the workshops tomorrow which we already talked about, so they do start at 10:00 in the morning and begin in Room 318.

President Mosby: Any other meetings?

¹Consent items listed on Page 26.

Commissioner Mourdock: Are all of those in the same room?

Commissioner Fanello: Yes.

Commissioner Mourdock: 318?

Commissioner Fanello: Yes.

Commissioner Mourdock: Okay, thank you.

Old Business

President Mosby: Old Business.

New Business

President Mosby: New Business.

Commissioner Fanello: I've just...everybody has a copy of the budget that Tammy and I worked on last week, or the past two weeks, so, I guess, if there is no questions or comments on it, I need to get the reports turned in to Suzanne, but I am sure that we will have some discussion on a couple of things, so.

Commissioner Mourdock: Yeah, so, since we are just getting this now, I presume we will come back on that next Monday? Is that what you are saying?

Commissioner Fanello: Well, I think, she actually needs us to turn the reports in...they were actually due in last Friday.

Suzanne Crouch: We can give you another week.

Commissioner Fanello: You can give us another week?

Suzanne Crouch: If it makes it easier.

Commissioner Fanello: I appreciate it.

Commissioner Mourdock: Okay, so we will review these and discuss them next week.

Commissioner Fanello: That sounds great.

Commissioner Mourdock: Okay.

President Mosby: Any other New Business to come before the Commissioners.

Commissioner Fanello: Yes. One more.

Philip Hayes: Yes, the body has received information in regard to a pending matters with Servco, Inc. and it's relationship with the Green Convention Center condemnation, and the necessity to get a ruling on disposition of certain tax monies that are owed in the sum of about \$245,000. There is an existing contract for Robert Musgrave, esquire attorney-at-law, and we would like to simply formalize that. He

may be directed to tender the response necessary to the motion concerning those taxes in bankruptcy court in the middle district of Florida at Tampa.

Commissioner Mourdock: I would move approval. Obviously, it sounds rather open-ended, in a sense, but, obviously, this case has been pending for some time and we definitely need to make some formal action here. So, I would move that we go ahead with that—

Philip Hayes: Yes, and by way of explanation, Mr. Musgrave's compensation and report will be submitted, and the matter will be reviewed again at that time. The concern about it's open-endedness really is not necessary.

Commissioner Mourdock: Let me state the motion in English, because I pretty well mangled it last time. I just move that this board go ahead and direct Mr. Musgrave to pursue the—

Philip Hayes: Interests.

Commissioner Mourdock: —as presented to us in Executive Session.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Any other New Business?

Commissioner Mourdock: Motion to adjourn.

President Mosby: Seeing none. I have a motion to adjourn. We will start Rezonings in five minutes.

The meeting was adjourned at 7:05 p.m.

CONSENT ITEMS:

Employment Changes:

Health Department
Prosecutor

Sheriff Department
Superior Court

County Council
Burdette Park

Travel Requests:

Auditor
Health Department

Voters Registration

Treasurer

Auditor:

Certificate of Financial Disclosure.

State Board of Accounts 2000 Financial Statement Exit Letter.

Commissioners:

State of Indiana Economic Development Grand Fund Grant Agreement.

Treasurer:

Request for Service for phone repair.

County Assessor:

Request for Service for new phone installation.

Sheriff:
Submit weekly jail information and reports.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	John Stoll	Krista Lockyear
Brad Ellsworth	Eric Williams	Richard Helzerman
Ralph Kissinger	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice-President

Richard E. Mourdock

Recorded and Transcribed by Madelyn Grayson

**Vanderburgh County
Board of Commissioners
June 25, 2001**

The Vanderburgh County Board of Commissioners met in session this 25th day of June, 2001 at 4:30 p.m. in Room 307 of the Civic Center Complex with President Mosby residing.

Call to Order

President Mosby: I would like to go ahead and call to order the space allocation meeting. I see some new faces in the audience today, and some old faces, so, I don't know where we are going to start.

Commissioner Mourdock: They are not that old.

President Mosby: They were here last time.

Commissioner Mourdock: Familiar faces.

Civic Center Space Allocation Discussion

President Mosby: Okay, now we can start, Susan is here. I was just trying to wait. Didn't want to leave her out. Never want to leave out the media. Does anybody want to start with any comments? Judge?

Judge Pigman: I would be glad to. Bob Pigman, Chief Judge of Superior Court. What we have done since we were together last, and, actually, this has been an ongoing process, was look at the plans that Steve had laid out. In fact, we met with Steve right after the meeting a couple of weeks ago. We have tried to put together our best estimate of a plan that we think would best meet our needs and best give you a foundation for making a, I think, rational decision on what to do about our courtroom space needs. I would like to lay that out for you, if I could, for just a minute. This is a plan that we have discussed with Judge Heldt, and to some degree with the Clerk, who is, I believe, comfortable where she is and wants to remain where she is, so this plan would keep her where she is, basically. We would like to have the Health Department space which is on the first floor of the Administration Building. It is one of the areas mentioned in Steve's report last week. It's just shy of 11,000 square feet. I know that Commissioner Mosby and Commissioner Fanello weren't here when the vote was taken, but in January of 2000, this issue was brought before the Commissioners by Chief Judge Bowers, and there was a vote at that time that actually gave the courts first claim on that space. We think that was a good decision at that time and continues to be a good decision. What we would anticipate doing is moving our Juvenile Court and our Probate Office to that location in the Health Department. Juvenile Court is one segment of Superior Court that can be lumped off, or cut off and kind of stands a little bit alone. At least when you consider it part of Superior Court, I think, it is one area that does stand a little bit alone. If we move that and our Probate Office over there, that would take up an area that currently is over crowded, but occupies only about 4,800 square feet. The space that Steve has shown me on the diagrams there at the Health Department is just shy of 11,000 square feet. We believe we can move those offices, that the Probation Department, the Probate Clerk and the Juvenile Court Judge to that space, create two, maybe three court...hearing rooms. They don't need jury rooms in Juvenile Court, all they need are court hearing rooms. Move all of his Probation people there, and they are desperately in need of space also. They are as crammed as anybody in the building. Move all of Probate over there, it needs a little bit more

room, although, not a lot, and then use the existing space there at that end of the building for three purposes; one, we would use the existing Juvenile Courtroom for our Division II calendar, that is our felony docket. The advantage of this is that it gives us a secure court facility for the felons to be brought to court. Currently we have to bring them downstairs, across the hallway, through the judicial corridor and into one of the courtrooms and sit them in a jury box. By using the existing Juvenile Courtroom for that purpose, we already have a secure facility, there is a direct line, or path, or hallway from the back of that courtroom which has a holding cell in it. So, the officers could bring them from the jail, through the tunnel, down to the holding cell, right out the side door into the courtroom, and they could do their arraignments, or their sentence or whatever, and you take them right back through the side door, in the holding facility and they're secure again. That gives us that security feature that we don't now have, and that I think is important, because of the number of felons that we deal with through those corridors each week, and the difficulty that puts on the Sheriff's Department. We could move our magistrates then to the existing office space that is occupied by Probation/ Juvenile, which is the...we would have to make some modifications to that Juvenile Courtroom to make it bigger, because the crowd, the public that comes to those sessions is too big for the existing courtroom, and is too big for the divided courtrooms that Steve had suggested as a possibility. The number of people who come to see what is going on in those courtrooms is too large for that courtroom now and for dividing one of our current courtrooms, but there are some temporary walls there that could easily be moved, some conference room space that could be used. The back of the courtroom, actually, has a non-permanent wall that could be moved back to create more seating for the public. That would give us then a secure hearing room accessible, easily accessible to the public that we could use for all of the felony matters that we do. Juv...magistrates could use the area next to that where the Probation Officers are now, and where Probate Court is now we could add another hearing room and, I think, that there is plenty of space from looking through that and looking at the diagram that Steve, I think, there is plenty of room in that for hearing room and maybe even some additional offices, I don't know, we would have to look that out and put a pencil to that. Over in the Health Department then we would have the new Juvenile facilities, we could take what we have now and add a hearing room to that, because Juvenile Court desperately needs two hearing rooms. They have two Judicial Officers, currently a Judge and a magistrate assigned to a facility that only has one courtroom, so that puts a real limit on the amount of actual judicial work that can be done there. We also anticipate that we can move the Probation Department there, or a major portion of the Probation Department there. If, and we haven't actually, like I said, diagramed this out how we are going to do this, but Juvenile and Probate currently occupy approximately 4,800 square feet, that's not exact, but it is close to that. If we expanded that by 50% even, and gave them 7,200 square feet for a new courtroom and for these other facilities that they need, that still leaves an excess of 3,000 square feet that would be available for the Probation Department and Probation Officers and offices and that kind of thing, which is far in excess, not far in excess, but is in excess of what they currently have, and, I think would go a long way towards meeting the space needs for the Probation Department. There are a couple of concerns about moving Juvenile to this facility. There needs to be security on the Juvenile Court, because, well, I know from personal experience, the crowd that overflows in the reception area sits outside my door of my office, and I hear on a weekly basis, not daily, but weekly—

Commissioner Mourdock: Excuse me, Judge, you just...you jumped, and I want to make sure that I'm following you.

Judge Pigman: Okay.

Commissioner Mourdock: I understood you a moment ago to say that the Juvenile courtroom with the size and security was over there, but are you now saying that, in fact, if you got the Health Department space that you would have a Juvenile courtroom in this building?

Judge Pigman: No, no, no, no.

Commissioner Mourdock: Okay, it is still—

Judge Pigman: I was explaining...those comments were in reference to my—

Commissioner Mourdock: Okay.

Judge Pigman: -- explanation of why they need security.

Commissioner Mourdock: Right.

Judge Pigman: They will need security there only because it is a rowdy group, and on a weekly basis the deputies have to come down and break up some confrontations going on. I know that from personal experience, because they sit right outside my door. So, they need security. I've spoken to the Sheriff about how...and, uh, how to secure that area for them, and there are two ways he can do it, both of which he is willing to do. If we wanted to secure only the courtroom and the Probation Department, it's all located on one side, it's a self-contained area, they could do that by installing the doorway with the magnometers and the office is right there at the door, and handle security that way so only those people that came into the courtroom would be searched, but he could also, uh, build a , I think you call it store front, Steve, is that what you call it when you build across the front there? In the hallway and, actually, in various places in the hallway set up a security front that was manned by the Sheriff's Department and secure everyone that enters that hallway. The additional benefit of that, is that it would provide security for the Prosecuting Attorney's Office, which occupies the entire side of that building south, I guess, of the Voters Registration Office. The Sheriff has money available, and he indicated that he thought he had money available to pay for the equipment, and that he may be able to man those positions without additional costs once he gets his force back up to full contingent. He is thirteen officers short currently. When he gets that manned that would be a good thing. There are some adjustments that are going to have to be made, or modifications that are going to have to be made to the Health Department space because of some things that are in there now. But, those adjustments and modifications are going to have to be made regardless of who gets that space. There is currently a laboratory in there that has hazardous material in it, that all is going to have to be cleaned out. That is going to be true whether we get it or somebody else gets it. There are also some items in the ceiling that Steve was telling me about, and I don't recall what those are, Steve, but they have got to be removed, they are going to have to be removed whether we go there or somebody else go there. I believe, I don't want to speak for the Building Authority, but the Building Authority would bear those costs. The ceiling , okay. This plan, then that would also free up some additional space if we could move Probation, or some portion of it, some additional space in the current Court Building that can, for instance, give Judge Heldt back his Grand Jury Room from...the Grand Jury doesn't have a place to meet anymore. They generally now meet in one of our regular jury trial rooms, which is not an ideal set up, given the nature of those proceedings, and

will solve a variety of other problems. So, that, that, um, proposal has been viewed by all of the Judges, and I've spoken also to the Sheriff and to Mr. Utley about that. Also, I think, conforms with the Clerk's wishes, not...Marsha is willing to move if we want her to move, but she prefers not to, and I think that it is in everybody's best interest that she not go, or leave the court building yet anyway, with the major part of the Clerk's Office. So, that would keep that in tact also, that is sort of the idea or the plan that we would put forward. We think that it is the wisest use of the space. We think it serves everybody's best interests. It satisfies a lot of the needs that we have both for space and for security in Superior Court. We are here to answer any questions that you may have about that, or hear any other ideas.

Steve Utley: Could I say something? I think, perhaps, if I heard the question from Commissioner Mourdock correct, perhaps Judge Pigman misunderstood it. Did you ask whether there would be Juvenile courtrooms in this building?

Commissioner Mourdock: That was effectively the question.

Steve Utley: I think that the answer is yes.

Commissioner Mourdock: Oh, the answer is yes.

Steve Utley: Yes.

Judge Pigman: This building.

Commissioner Mourdock: Okay, thanks for clarifying that.

Judge Pigman: In this building, yes. Where the Health Department is now.

Judge Heldt: Carl Heldt, Circuit Court Judge. I really think this is by far the best solution, short term solution to the courts space problem. I might say that I have spoken with, I spoke with Sam Elder about a month ago, and I spoke with Bob Stayman just last week, who is on the board of the Health Department, and they both told me that they could be out of there in six months after it's approved, after their move is approved by the Commission. I guess you need to approve the lease, and after the financing gets approved by the County Council, so it's not a long range deal. I think, within, hopefully, six months to a year the thing could be accomplished. I think it is by far the best solution. I am fully supportive of it, and I hope the Commissioners will support it and pass a resolution supporting it as they did last year.

President Mosby: Did any of the other Judges, or anybody want to say anything?

Commissioner Mourdock: Let me just add a comment or two, because the last time that we were together, I think I used the phrase that I feel like the Commission is between a rock and a hard place, because we get comments from the folks in your building, in the judicial system, that are banging their knees against their desks, they are banging their knees against the people next to them, in the magistrates cases, and it has been my impression, and feel free to correct this impression, but it has been my impression, especially from your magistrates, that there has been a real desire to do something immediately if not sooner. That this overcrowding...and quite honestly, from what I saw of their offices, I wouldn't want to work in those conditions doing something as sensitive as what the business of the law is. I guess, Judge Heldt, your comment that within six months, I think that is probably true. Within in

six months of what date though? I am not at all convinced that all of the rest of those things wouldn't take at least 18 months to 24 months to roll out. Although, I have to also confess I'm not necessarily aware of everything that is happening here as far as what the status of the move with the Health Department is. I will certainly throw that in front of you guys, I mean, I haven't seen us move in any quick direction to say the Health Department is going anywhere.

Commissioner Fanello: The only thing that I know is that Councilman Hoy has talked to me about bringing a lease at sometime in the very near future. That's the only thing that I know.

President Mosby: That is what I heard. I heard that they were looking at a building, and was going to make a decision and bring it forward, and I had asked to see what the proposals were, and have still yet to see the proposals.

Commissioner Mourdock: Okay.

Judge Heldt: All I can say is that Mr. Stayman told me that they had approved the move, and it's a matter of getting you all to sign the lease, getting the Councilmen to approve the money, and they're...he said, we can be there in six months. I am repeating what he told me.

Commissioner Mourdock: Six months after all of those things are done.

Commissioner Fanello: They just—

Judge Heldt: Well, I mean, I would think that within a month they could have a lease ready for you, or less. I don't know if Council...I think has already gone on record as supporting this—

Commissioner Mourdock: Yeah.

Judge Heldt: —as far as I know.

Commissioner Mourdock: My point is, and don't get me wrong, I'm not objecting, I'm simply saying that as a practical matter, as time unfolds...we've been talking, or I've been hearing, I should say, about the Health Department moving for, I think, two years. I just...things in government always take longer than what they think they are going to. Probably longer than what they should.

Judge Heldt: I understand. I can't speak for Superior Court on this, but I would rather wait and get it right, than do something wrong.

Commissioner Mourdock: Sure.

Commissioner Fanello: I agree with that statement.

President Mosby: I guess we need to hear from the Health Department then. I don't know.

Commissioner Mourdock: Let me raise one other issue, because it is one that I am trying to be sensitive to since I have heard from the magistrates and the concerns that they have with the tight quarters that they are working under. Do you see any more immediate terms? What I mean by more immediate I mean something that we

could do within the next 30 days to get them the space they need. Now, I will say it again, I wouldn't like to work in conditions that they work under right now given the need for some sensitivity, uh, just for the information that is going across their desks. It doesn't seem to me to be a very good situation, and I would certainly like to act on something on their behalf, emphasize the words on their behalf, certainly sooner than what the rest of this plan might provide for.

Judge Pigman: Actually, it is not quite as bad now in the Summer months. There are always one or more of them on vacation. So, they are not quite as cramped, and haven't been in the last, well, couple of weeks anyway. I, as Chief Judge, and as Misdemeanor Court Supervisor, I spend a lot of time supervising the magistrates and meeting with them and their concerns. They have expressed to me the same things you have, Richard. There is not a dispute about that. I think they would like to see this plan implemented also. The current thought is that they would all occupy the area that is currently occupied by Juvenile Probation, and they think that is a very good idea. Number one, it gives them individual office space, it gives them privacy, it gives them more room than they have got now. Even more importantly, it puts them all together in one place, so that they are scheduling...communication is just so much easier. If there are scheduling conflicts, and there currently are, between who is going to cover this court and that court, and this hearing and that hearing, that now is handled by me, by the Chief Judge, and I'm not complaining about that, but when they are all together in one spot, it is easy for them to work those things out amongst themselves in a matter of seconds as opposed to having to run me down and find me, and oh, this guy is not here. It just works out better. They are excited about that. They think that is an excellent idea putting them all there together so that they can talk and communicate.

Commissioner Mourdock: There is no question that they are in one spot now. One spot on the floor. Let me pose the question this way. If we knew for certainty that it was going to be at least 18 months until these things could happen, would they be content to put up with this for another 18 months?

Judge Pigman: I think that if they knew with certainty, yes. Now, I haven't put that question to them and said, would you be certain, but my guess is yes.

Commissioner Mourdock: Alright—

Judge Pigman: They are willing to do that.

Commissioner Mourdock: Let me keep rolling the scenario here. Understand I've got no particular burr under my saddle to do anything here other than to, hopefully, make the working conditions better for the people who work with you everyday more than they work with me. If, in fact, the law library were moved over into this building, in the short term, and we used that space, put half the magistrates up there, and left the others where they are to, basically, double there space, does that not solve more problems than what we might get by waiting what could be a year or 18 months?

Judge Pigman: That would give...assuming we would move them and put them in the law library?

Commissioner Mourdock: I'm assuming you would split them just given the space...I don't know.

Judge Pigman: That would obviously give them more space—

Commissioner Mourdock: Right.

Judge Pigman: –I mean, that doesn't...that solution and some of the other solutions addressed in the memo, and I don't mean to...certainly I am not disparaging any of those ideas, I just don't think that they are as workable as the others. It gives them the immediate room that they need, and it would have the benefit of coagulating them all in one spot. I don't think that the law library is a practical solution for our problems that we have currently. We need more room than that, and it doesn't address the security problems that we have. The benefit of getting Juvenile Court for Superior Court now is the security arrangement that allows us to conduct those hearings without these felons being–

Commissioner Mourdock: See, I understand the long term need. You spoke of that very well the other day at the meeting all of us had with United. In the long term as far as the security, I couldn't agree more. We need to make sure that we have a better situation put together. Again, I am just trying to solve short term to make this more workable.

Judge Pigman: Well, I...I think that would be temporary...very temporary, and a very limited solution that doesn't benefit us a whole lot, and doesn't address a lot of the other needs that too have to be addressed by an area something like the Health Department, if we don't get the Health Department. For the disruption it would cause, for the inconvenience it causes to Circuit Court and their need to have access to that, and for the expense, I'm not sure that it's worth it just for the purpose that we could use it for. I would prefer to go full blast straight ahead and try to make this other solution work, because I think that it is viable and it solves a whole lot more problems than it will, for me, and, I think, for most of us is the kind of solution that we are looking for. I don't know, you may want to–

President Mosby: With that, I guess, my question would be without moving the law library, what if we moved Voters, Voters Registration and let them use office space down there until we get it ready?

Commissioner Mourdock: Yeah.

President Mosby: Rather than move the law library and then move it back.

Judge Tornatta: Part of the impetus for us reaching the agreement was the controversy of the law library. This is because Judge Heldt, among other people, feel very strongly about not moving it. I think there are some other solutions to the magistrates that could be less controversial. Mr. Utley, does anybody object to using that space that is on the second floor right across that secured bridge? I think it is the canteen, or just a , I don't think there is anything there, it's like a break room.

Commissioner Mourdock: Use it for what purpose?

Judge Tornatta: You could move at least two or three of the magistrates–

Commissioner Mourdock: Oh.

Judge Tornatta: –there. Instead of moving the law library. There would be some security concerns, but I think that you could probably move the gate just past that. Would anybody's toes be stepped on if that canteen was used that I am talking about on the second floor?

Steve Utley: No. Steve Utley with the Building Authority. That space was offered up a couple of years ago as rentable space because the population of the people who actually do and don't dine in the building any longer. To do away with one of those, the few people who do use it could go up or down and use other spaces. If you could do that on a temporary basis until the, and could section it off, and could actually be a key access, or you could have, I mean, anything is possible. The door that goes into it now, I'm thinking as...um, where there is a telephone, that could be eliminated, and a new door put in, and I don't know what you need in the way of security, if it's just going to be just magistrates or just used as an office. I don't mean just magistrates, I mean just as, uh, and then they would still have their key access going back and forth across the bridge. If you are talking about doing that for a year, a year and a half until all of the other changes could be made and then those other offices be changed over there, I mean, yes, it is possible. You know that is available space.

Commissioner Mourdock: Okay, thank you.

Steve Utley: I've been trying to think about space where they could move magistrates for, you know, one here and one there. I see...I don't see any in the Court Building, even if Judges even shared a corner, or a cubicle in another office away from where they are. That would be up to the Judges, of course, but, and there again on a temporary basis. I just have one concern about, and I probably should have gotten up back when we were on the Health Department side. The security in looking...in whatever we do with the Health Department, and whatever we would do with the Juvenile area, if we decided to go there, we would want to have architects and engineers go ahead and divide all of that space and break it out for us with the direction of the Judges who are going to end up using the space. Then the architects would look at evacuation procedures and what had to happen and cutting off...if we secure that hallway, um, we are going to have to secure both ends, and when we do that, we have other issues with ADA access—

Commissioner Mourdock: Uh-huh.

Steve Utley: —and deliveries and those kind of things that do come into the building on the other end. So, we would want to study all of that during the process. If there was a commitment by the Health Department, uh, we could, you know, with the Commissioners direction, we could get started on that kind of thing and work both of them at the same time on a drawing plan while they are working on wherever they would end up moving to.

Commissioner Mourdock: Uh-huh. Did I hear you say that you would be looking at the space, currently that common space, canteen space to become rentable space? Is that what I heard?

Steve Utley: It is non-rentable space today.

Commissioner Mourdock: Yeah.

Steve Utley: All occupied space is rentable space. Then it ends up on the space allocation. All it does is lower the per square foot price.

Commissioner Mourdock: We are for that.

President Mosby: Judge Niemeier, did you have something? Well, I seen you get

up a minute ago.

Judge Niemeier: Brett Niemeier, Superior Court Judge. I don't want to step on anyone's toes whatsoever, but I am very familiar with the area that the Prosecutor's Office has and also the area that it used to have. Right now we have a large amount of area, a lot of very nice office space with windows that are not being used in the Public Defenders Office. I definitely do not want to step on Mr. Owens' toes, or any of the Public Defenders because they do a great service to this community, but at the same time, if you have ever taken a tour of that facility, there are a lot of offices there that are being unused. It is just another office maybe for magistrates, or for freeing up another area so that magistrates can move into it, but I think it is something that should be looked into at least as a possibility.

Commissioner Mourdock: Is there any, I don't know if the right word is ethical, but the fact that you would have the magistrates in there with the Defenders?

Judge Niemeier: No, you couldn't have them in there with them, but that office at one time was divided into two halves. Actually, it wasn't even two halves—

Commissioner Mourdock: So, you are saying put that wall up—

Judge Niemeier:—one area was about one third, and the other was about two thirds. Matter of fact, they have two separate doors. There is two doors leading into that office right now. Again, I know Mr. Owens isn't here, and I'm sure that he is going to hate me mentioning that, but those are some very nice offices. Far better than any of our magistrates have.

Commissioner Mourdock: Okay.

Commissioner Fanello: How many people occupy the Public Defenders Office? Do we know?

Judge Niemeier: My understanding is, I believe, they have two secretaries, two investigators, one attorney, is that right?

Commissioner Mourdock: Two attorneys.

Judge Niemeier: Two attorneys?

Commissioner Fanello: And they have 2,453 square feet. That is quite a bit.

Judge Niemeier: I don't know, I think they have maybe five window offices. Something to that extent.

President Mosby: Any other comments?

Commissioner Mourdock: I would like to go back to what you started to say a moment ago, David, about the Election Office. Go ahead and finish your thought there.

President Mosby: No, my thought was, and I don't know what they need in the line of security for magistrates, but my thought was if we get the Election Office and Voters Registration moved over to the Old Courthouse, that is going to free up some available space for a period of time until we would get the Health Department or

something. I just don't think that the Health Department is something that is going to happen real quickly.

Commissioner Mourdock: I agree with you. I think—

President Mosby: I just asked the question. I just wanted to see the proposals and have yet been able to get the proposals.

Commissioner Mourdock: Nor I.

Commissioner Fanello: I think this body needs to send a letter and find out what their plans are.

Commissioner Mourdock: I have a hunch we can send the letter, but it is still government functioning here.

Commissioner Fanello: I know, but we give them a date to respond by, at least what their immediate plans are, and if they are any closer to making a decision.

Commissioner Mourdock: Probably the thing that would move them along the most would be if they read in the paper that their space had gone to somebody else on a certain date.

Commissioner Fanello: Well, and that may just be what we need to do.

Commissioner Mourdock: Going back to the Election Office and the Voter Registration Office, we had some discussion about combining those offices, of course, would it make sense?--

Commissioner Fanello: I was going to say, uh, they can't legally be together. I was told they can't be together in the same office by Representative Dennis Avery.

Commissioner Mourdock: They certainly are in most counties.

Commissioner Fanello: Because they have legislation that allows them to be, in fact, there was legislation passed this year for Tippecanoe County that allowed them to change the make up of their Voters Registration and Election Office and it combined them, but we can't do that, just legally put them together like that.

Commissioner Mourdock: You are saying—

Commissioner Fanello: They could be in offices side by side, obviously, but not together.

Commissioner Mourdock: You are saying that you could only do that if the legislature allowed it?

Commissioner Fanello: That is what I understood according to Representative Avery.

Commissioner Mourdock: There are a number of counties that must have gotten that then, because—

Commissioner Fanello: Like I said, Tippecanoe County just passed them this year

that allowed them to do that.

Commissioner Mourdock: I know Delaware County is that way, and Allen County, Hamilton County.

Commissioner Fanello: I mean, that doesn't mean we can't move them over to the Old Courthouse. They just occupy two offices.

President Mosby: If we want to use the canteen space downstairs, I think, we've still got the alternative of moving Solid Waste too.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: That's a very good point, in fact, before we would use the canteen space, although for security, I guess, it would be six of one and half a dozen of another. If you use Solid Waste versus using that canteen, because there is still going to be the same type of entry, but that Solid Waste space might be cheaper to convert than what the canteen space would be.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Let me go ahead and address that and then I've got another area.

President Mosby: I think that Solid Waste was what 900?

Commissioner Mourdock: 850 or something maybe.

Steve Utley: Steve Utley again. The Solid Waste may be pretty tough to break up into any more offices than what is. If you've walked in, you have a short little entry way, a long office and one individual office. I think it would almost have to remain that way because of the way the HVAC is, without some pretty extensive work.

Commissioner Mourdock: Yeah, I'm not suggesting breaking it up into more offices than that. I am simply saying having it as office space would be cheaper than converting the canteen, which is a canteen, into a bunch of offices.

Steve Utley: Right. Either way if you were going to break either one of them up, the canteen would even have to have some HVAC work done on it so that it could be broken up.

Commissioner Mourdock: Yeah.

Steve Utley: I mean it's not going to...almost anywhere that we go we have that challenge of heating and air conditioning.

Commissioner Mourdock: One of the issues that I kept hearing about, and then conspicuous in its absence, I think, from today's discussion has been the discussion about hearing rooms. I kept hearing that we needed more hearing rooms, needed more hearing rooms, and, again, with the plan that you have just laid out for us, I understand at some point in the future you would be looking to have some hearing rooms, some of the space that is currently Juvenile or Probate, but is that not the short term need that I kept hearing it to be? Is it a short term need, or isn't it?

Judge Pigman: Of course it is. It is a need now, and it was a need yesterday, and it will be a need tomorrow, but I don't think anybody is comfortable satisfying that in a short term basis without...for instance, if we used...let's take the law library, if we used that...we can't, well we could bring felons up there, we could bring criminal cases up there, but that is awful difficult for the Sheriff to have to bring them, either bring them through Circuit Court or bring them through Misdemeanor Court, uh, you know, that would really, that is not going to work very well in my opinion. We tried to look at this, I tried to look at this, and I think most of us did, in both, in a way that satisfied both regards for security and hearing rooms. These rooms that I am talking about are hearing rooms, these are not jury trial. We don't need to change the number of jury trial rooms we've got, although, this proposal that we've got will allow us to increase the number of courtrooms that are available for jury trials. We won't need to increase that at all.

Commissioner Mourdock: Excuse me, then, clear it up then. Again, because this is what I keep hearing from magistrates is if we had more courtrooms they would be able to get in there and do things. I hear that Judge Heldt and I've forgotten the name of your magistrate.

Judge Pigman: Kiely.

Commissioner Mourdock: Kiely. You know, the two of them can't be doing there thing at the same time because—

Judge Pigman: Right.

Commissioner Mourdock: —they each don't have a courtroom.

Judge Pigman: That's right.

Commissioner Mourdock: Why am I confused then?

Judge Pigman: I don't know why you are confused, Richard, you are confusing me.

Commissioner Mourdock: So, if we had two courtrooms, Judge Heldt and Mr. Kiely—

Judge Pigman: Certainly would be able to hear their own dockets. That is the same problem that we face in Superior Court. However, I mean, where to put those courtrooms and how to do it in such a way that it doesn't disrupt everything else we are trying to do, I think, is an important consideration. When it comes to criminal cases it is my belief that security is the number one concern when you are dealing with these folks. I'm a little sensitive to that maybe because I've, for some reason, have drawn more, maybe, than my share, but I had a guy who tried to bring a knife, I mean a razor blade into court, he had it concealed on his person. This guy was in custody. I have had two defendants who absolutely lost control of themselves in the courtroom during a trial and had to be restrained, physically restrained. The list goes on and on. A person was arrested in my chambers who did the same thing. I had to throw a juror in jail because he physically assaulted my bailiff. Security is a need wherever we go, okay? Just putting a room somewhere and not thinking about, you know, how it fits with everything else we do and how it fits with our security concerns, I think, is, you know...the plan that we have we are comfortable with. If we have to make do for a little while to get something that really works and is particularly satisfying to everybody, I think that is what we want to do.

Commissioner Mourdock: Okay, and Judge Pigman, I think there are two things we absolutely agree on. Number one, the magistrates need more office space, and number two, security is the ultimate concern. Okay, we both—

Judge Pigman: And we need more courtroom space.

Commissioner Mourdock: Okay, so we do agree.

Judge Pigman: We need really three things.

Commissioner Mourdock: Okay, and if we need more courtroom space, tell me again how what you have defined here...how many courtrooms, how many new courtrooms will that gain us if, in fact, we do what you have suggested.

Judge Pigman: Three. It will gain us three new hearing rooms. That is all we need.

Commissioner Mourdock: Not courtrooms, but hearing rooms.

Judge Pigman: Well, not jury trial courtrooms, but just hearing rooms, and that...maybe four, depending on how we configure the Health Department space, because as you look at that space and you look at the lounge down there, I think, the lounge is 900 square feet, which is big enough for a hearing room in Juvenile Court, I would think. So, we pick up a minimum of three new hearing rooms. It frees up the jury trial room that is now used in what we call short circuit, which is a small courtroom down at the end of the second floor, which now could be used for jury rooms. It provides us with a secure courtroom for our felony arraignments and our felony pre-trial matters. Eventually, will give us enough space freed up in that building and over there to give magistrates their own offices, Probation Officers more room, and all the ancillary things...the Senior Judges...one Senior Judge sits in a little cubby hole and in Judge Trockman's office his secretary, or one of the secretaries sits in my office, the other one sits in Judge Tornatta's office. We are starting to pile up here.

Commissioner Mourdock: If we did all of those things, or did what I will call Plan A, the plan that you spoke of earlier today, how many total courtrooms or hearing rooms that could otherwise be used for court cases that are not jury trials would we have? I am counting here, I would think it is one, two, three, four—

Judge Pigman: I think it is 13.

Commissioner Mourdock: —five, six,—

Judge Pigman: One, two, three, four, five, six, seven...I come up with 11, but I thought it was more than that. I'm not counting something there. One, two...there is one, two, three, four upstairs now. There is four upstairs now. There is one, two, three, four, five downstairs now. There is five.

Commissioner Mourdock: Which that would become office—

Judge Pigman: Ten. We would have thirteen. We could still use micro circuit—

Commissioner Mourdock: Okay, if you describe Plan A, aren't you losing one of the rooms that you are currently using as a courtroom for room for magistrates, didn't I hear that?

Judge Pigman: No.

Commissioner Mourdock: Okay.

Judge Pigman: We are not losing any current...no space that is currently used as a hearing room or a courtroom is being lost.

Commissioner Mourdock: But, if you end up with eleven, then you are still somewhat short of—

Judge Pigman: Well, we would end up with more than eleven. We would end up with...we have ten now, we would add three more, we would have thirteen. We would have thirteen.

Commissioner Mourdock: Okay, but you are still short of what the Bar Association had laid out—

Judge Pigman: Right.

Commissioner Mourdock: —for us as to what they saw. With the fact that you are still short of what the Bar recommendation was, poor sentence there, but you understand what I am saying...do you think it would still, or would it make sense to take some of the current courtrooms and try to divide them into smaller courtrooms as we laid out in this plan a couple of weeks ago.

Judge Pigman: Yeah, we did talk about that. There are several problems with that. The main problem, uh, is that if you divide a courtroom and you can't use it anymore for our two biggest dockets, our criminal docket and our divorce docket, is we lose that because they simply would not be big enough. The crowds that attend those court sessions are too large to fit into one of those courtrooms configured in that way, so they would be out. You couldn't, I mean, we could, but you would have people standing outside, and it would not be a good situation. The jurors wouldn't fit in those, the prospective jurors. Typically in a felony case you call 40 jurors and sometimes more if it is a high profile case, a murder, that kind of thing.

Commissioner Mourdock: When you do that you never have those jurors sitting there when you are interviewing jurors anyway do you? I mean you don't have all 40 of them in the room for fear that they might hear the wrong question.

Judge Pigman: Oh, yeah. Oh, sure you do. They all report there in the morning. They are all seated there. They call 12 or 13—

Commissioner Mourdock: While you are doing the jury interviews?

Judge Pigman: Yeah. You call the first 12 or 13 up there and they get their interview and then the rest of them sit and wait their turn. In fact, it expedites matters tremendously to do it that way because you can question all of the prospective jurors at one time. Anybody been on a jury before? Everybody that has been on a jury raise their hand, you can put two or three in the box and two or three out in the audience and get that question taken care of all at one time. It is actually a better way of doing things. I lost my train of thought now.

Suzanne Crouch: Can we change the tape?

Judge Pigman: Yes.

(Tape Changed)

Judge Pigman: I'll yield the floor to the distinguished Judge from Circuit Court in just a moment. There are two other things I want to – we recognize this is not a cure-all. I mean, this is not going to make everything go away and that long-term, we do need to look at some other things, but if the Jail is in close proximity to the current facilities that we have, I think we're going to make a pitch to get some space, courtroom space, in the new Jail building and I think that's going to help long term. The advantage of having, – but that's not going to change any advantages of this plan. For instance, the holding cell that we have in juvenile court is still going to be available and help us, I think, even if the Jail is not physically connected and they're going to have to bring some prisoners here, it's going to help us to have a holding cell like that available where we can put them. So I think, you know, in terms of it's versatility, this is still the best plan. I'll yield the floor.

Judge Heldt: One other comment I want to make as a result of what Commissioner Mourdock was asking about, I think, too, that the addition of even the three non-jury courtrooms, they will take a lot of heat off of the jury courtrooms and would be able to try more jury trials in this respect. If Judge Knight is trying a court trial, right now, he might have to try it in a jury trial room, because he's got no place else to try it. If he had a court trial room to try it in, then that would free up that jury courtroom for another Superior Court Judge or, hopefully, if I can try two in one day, you know, they'll let me use it. So in that respect, we're going to have a lot more action, I think, in our jury courtrooms by juries, which is what they're most efficiently designed for and which is another reason why I think that dividing one of those up and destroying them as a jury room wouldn't be an efficient use of the jury type trial.

Commissioner Mourdock: Do you see it as impossible to use the, call them the hearing rooms, that would otherwise be located here in the Health Department? Is it totally out of possibility that they could be used for jury trials?

Judge Heldt: Well, I don't think it's impossible, but since it's going to be Juvenile Court that's here and they don't do any jury trials, I think it would be a more efficient use of the space here.

President Mosby: (Inaudible – microphone not turned on)

Judge Heldt: But I think you will have people try more jury trials over there because there'll be other courtrooms for the other Judges to go to.

President Mosby: Judge Pigman touched on something that I was getting ready to ask. Doing all of what we're talking about here, what kind of fix is this really? I mean, is it a band-aid, quick fix, is it a long-term...

Judge Heldt: Personally, I think that it is a good short-term, and by short I mean less than 30 year solution. I still think that when the –

President Mosby: I don't consider that very short.

Judge Heldt: Well –

President Mosby: Thirty years!

Judge Heldt: No, it isn't, but what I'm saying is, I don't want to say short-term, I don't mean a year or two, I think it will be a good short-term solution, but I still maintain that when the new Jail is built, that consideration needs to be given to the court's proximity and to the Jail and what the courts need at that time. But I think until that time comes, I think it takes a lot of the heat off of both Superior and Circuit Court.

President Mosby: And I don't have a problem looking at court space in the Jail and having some fix there, but I guess what I'm looking at is if we do something like this and we take up the Health Department space and 11,000 square feet, that a year and a half after we're done, everybody is back in here saying, we told you that was short-term.

Judge Heldt: No. No. I don't think you'll see that.

President Mosby: That's what bothers me. I just want to make sure that we're looking at ten years or –

Judge Heldt: I think it would take care of our needs for a period of years.

President Mosby: Okay, that's what I wanted to hear.

Judge Heldt: I don't think you'd see us – I think it would be a tremendous help to have that space.

Judge Pigman: And I would concur with that, David. If we get the Health Department and we get this set the way our plan is set, I don't think you'd hear from us for a while. We're still looking to get a bite of the Jail apple, if we can, because I think, long-term, that it makes sense. But as far as our immediate needs and the needs that we can reasonably foresee for, you know, the next two, three, four, five – five years, anyway, I would think, it will help tremendously.

President Mosby: I won't mind hearing from you, I mean, 'cause if there's solutions ongoing that we can keep moving things, I don't mind that.

Judge Pigman: I mean, when I left office in 1990, I left office on December 31st, 1991, I filed 1,220 felony cases that year and I thought that was unbelievable, that no prosecutor would ever get close to that number again. I say that because when I first started in the Prosecutor's Office in the late '70's I was the filing deputy. I was the person that filed the charges. I filed 450 in 1980, and I thought when I left in '90, that we were at the breaking point and that no – it couldn't get any worse than that. Last year, the Prosecutor filed 2,400 felony cases. So, I mean, it's hard for any of us to say we're at the limit, we're not going to go any higher, it won't get any worse. I mean, reasonably foreseeable, I think this will solve a major chunk of the problem that we have, a variety of (inaudible).

President Mosby: And I understand you don't know how many is going to be filed, I just want to make sure that this isn't something that we'd do it and in a year and a half we'd say...

Commissioner Mourdock: It's interesting how people always remember the day and the hour they left holding office. Steve Utley, is the present court's building, when

that thing was built and I guess it was, not being here at the time, I guess it was built the same time this building was built?

Steve Utley: (Inaudible).

Commissioner Mourdock: Okay. Was it built with any kind of expansion potential out to the northeast end or anything?

Steve Utley: Certainly most any building can be added on to from a horizontal standpoint. It's going to be a thorn for everyone that they didn't design this entire complex with the capability of going up. And they certainly could have done that. The only thing I keep hearing is land was cheap, spread it out, and they didn't worry about going up. So you can add on to any outside of any one of the buildings, with certain limitations, of course: air intakes, and that type of thing, could be modified, but –

Commissioner Mourdock: The reason I asked the question, in all my travels over the past few months, we are obviously not a unique community in having this problem. But I see more and more communities where they have a courtroom in this building and a courtroom in that building, and Judges over here and juvenile over there and that seems to me, counter to good sense. But obviously, you can only do what you have the physical restrictions and limitations.

Steve Utley: As most people will tell you when they moved into this buildings and I just hear it as hearsay, 32 years ago, it echoed when they moved in. Government and the judicial system, everything has just expanded to take up the space.

President Mosby: Is there any other comments or questions? I would just say on behalf of myself, I appreciate what you all did, appreciate you coming up with these solutions and hopefully, it will give us more vision to look at a few things.

Commissioner Mourdock: Well, I react best to things I see on a page, especially, Steve, a page like this. Could you get with Judge Heldt and Judge Pigman and whoever else would like to be involved and try – and it doesn't have to be an architectural-type drawing – but just, I'd like to see some general layout of the floor space after all this is done as they've proposed here and, again, what we'll call option A. If they were in the Health Department, show us how that space would look and come back to the two floors of that building and show us how that space would look if, in fact, all those moves took place because I'm not familiar enough with all the ins and outs of every office over there to keep up with the discussion here. But I'd like to see that as our next step and certainly, we can try to generate something out of the Health Department to see if we get a timetable from them. But that is my biggest concern hearing this. If, in fact, it's the right approach, it can be the right approach and we might still be 24 months away from it through the fault of nobody in this room and I've heard too many times about the banging of the knees on the desk that I don't want to wait that long.

President Mosby: Tammy, if you would, send a letter to the Health Department asking them to send us the proposals and where they're at so we can get an idea and try to move. Comments?

Commissioner Mourdock: I just had one other thing. The other point of this comes back to dollars and while I'm not at the point yet, since we won't have nearly the

detail here to know what the cost will be here, but there is certainly going to be costs associated with what the Health Department does, too. And all that has to come into our thinking for the whole picture.

Commissioner Fanello: I was just going to say I agree with Commissioner Mourdock. I'd like to see something laid out in a plan on paper.

Phil Hayes: May I have your consent to ask – Mrs. Kasha is here, Rebecca Kasha, and you're here on behalf of the Bar Association, and I see Susan Helfrich there, too. Had you and the Bar Association, any comments on this particular discussion that we're doing this evening and speaking for the profession and for the clients who use the facilities, and those associated taxpayers that we might ordinarily find in the business community on a frequent basis using these court facilities?

Becky Kasha: Well, Becky Kasha, I'm the president of the Bar Association. I think that the sentiment is if the Judges are happy, we're happy. And if they think that's sufficient space, then, on a short-term basis, then I think that the Bar would be content with that because we, too, feel the press for more hearing rooms. I mean, that affects us more directly than office space, obviously. We want the magistrates to be happy, but what affects us and our clients more directly are hearing rooms and to the extent that there are more hearing rooms, that certainly goes a long way toward addressing the concerns that we had. But no, I don't think this is a complete solution to the problem. I think we concur with the Judges that – we're calling it the judicial center or the justice center as opposed to the Jail – we need to have courtrooms and hearing rooms there, too.

Phil Hayes: Well, I'm aware that you have an extensive trial docket. I know that there are many, many attorneys who do have and that means there's one on each side and I'm speaking directly to the civil side of that and the flow of the commercial law and the flow of those matters that are, for example, on the tort area, I notice the dockets, just as the criminal docket has grown, I also notice that the civil docket has commensurately grown and I am familiar with the reports that were submitted by the Bar Association committee and the study that was here. And everybody has participated in that. Are you going to be one of those invitee's that's been invited to take a look at this configuration in the report as well?

Becky Kasha: Both the Superior Court and Circuit Court have kept me informed of their discussions. I don't think they were able to meet until just earlier today to finally hammer things out and that's why, I assume that's why there's nothing in writing –

Phil Hayes: Mr. Johnson may be on that committee –

Becky Kasha: Jim Johnson or –

Phil Hayes: Mr. Porch and Mr. –

Becky Kasha: Oh, Ed Johnson. I would like to have some input into that to the extent that our input is helpful –

Phil Hayes: Because I have a nice, big, fat civil client myself these days and I have a big interest in the flow of – I notice in terms of our legal expansion, we just finished our report for the year 2000, the State Board of Accounts exit reports I

know were done, and I noticed the size of that legacy docket that continues and then we're slowly accruing our own for this term. So I can kind of see the press for wanting to dispose of business on our civil side.

Becky Kasha: Certainly. And we need conference rooms and mediation rooms and places for clients to go to talk and there are a lot of things that still need to be addressed, but there is a very pressing short-term need that I think this addresses. But again, it's something that we all need a little more time to look at before I would feel comfortable making any formal comment.

Phil Hayes: Thank you.

Commissioner Mourdock: That is a very good request because, again, using my rock and a hard place analogy here, many of my interests and concerns are what have been generated from the Bar Association's report and I hear this option A as not coming up to all the requests that were in there. Now I understand there are people who go to that microphone and actually try to negotiate. You know, they'll start at one position knowing they won't get everything they want, but I would hope that once this plan is drawn up, that the Bar Association would sign off on it. And I would urge you not to think, just to say, if the Judges are happy, we're happy. I mean, you represent a different clientele. The Bar Association, if it doesn't have enough hearing rooms, –

Becky Kasha: We appreciate that there are limitations on what could be done and there are things that, if – I think we feel that if there are things that can be done on a short-term basis, even though it's not ideal, we would rather have that, as I said, and work later on trying to do additional things.

Commissioner Mourdock: But I think I heard Judge Heldt define short-term as 30 years.

Becky Kasha: He's planning on living a lot longer than I am.

Commissioner Mourdock: To a geologist like me, it's a real short time.

President Mosby: Any other comments or questions?

Commissioner Mourdock: Just that we need to reschedule and, Steve, when do you think it would be reasonable that you might have those drawings put together? Another couple of weeks or three weeks?

Steve Utley: What would two weeks be?

Commissioner Mourdock: Suzanne just reminded me that is Solid Waste meeting night, so could we do it...

President Mosby: Do it July 16th?

Commissioner Mourdock: That would be zoning, so yeah, July 16th.

Steve Utley: Yeah, I mean, I was trying to go two weeks, the 16th would be three weeks.

President Mosby: Just however much time you need because I want to try to get some stuff from the Health Department, too, to see where we're at there.

Judge Heldt: I'm going to be out of town for about ten days and I would (inaudible) next three days. So if he could do it a month from now, I wouldn't be displeased.

President Mosby: Let's just look at July 16th.

Commissioner Mourdock: I'll move then we meet again at 5:00 p.m. on July 16th.

Commissioner Fanello: Second.

President Mosby: Motion and a second. So ordered.

Steve Utley: What time again?

Commissioner Mourdock: Five.

President Mosby: If there's no further business, we're going to recess this meeting.

Judge Heldt: Thank you very much.

(Meeting recessed at 5:28 p.m.)

Board of Commissioners Meeting Resumes

The Vanderburgh County Board of Commissioners meeting for Monday, June 25th, 2001 resumed at 6:00 p.m.

Introductions and Pledge of Allegiance

President Mosby: We will now reconvene the Commissioners meeting which we started at 4:30. Tonight we have with us Tammy Mc Kinney, Superintendent of Buildings; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If you would, let's please stand and say the Pledge.

Approval of Minutes

President Mosby: Motion to approve the minutes of the June 18th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

**Roger Lehman: Southwest Indiana Disaster Resistant
Community Corporation**

President Mosby: Roger Lehman. Bless you.

Roger Lehman: Good evening. Roger Lehman, Building Commissioner and Chairman of the Board of the Southwest Indiana Disaster Resistant Community Corporation. We are here this evening to present a short report to the Commissioners and then to make a request. Then, I am going to introduce our Executive Director, Ron Graul, and Ron is going to give you a brief outline of the operation. Do you all have the handout that was in your packet? I've got some extra ones if you don't have them. Okay. If you would pass those out. I've got a couple of corrections on here. I found a couple of errors after we sent them down Friday. On the bottom of the first page, the last two bullets, FEMA, and Indiana Housing Finance Authority, strike those two numbers the \$800,000 and the \$600,000, and arrow those together and put in \$431,750. What happened there was that was the funding level that the county was approved for, but we didn't spend all of it when we acquired the properties down on Old Henderson Road and Greenriver Road, we only ended up spending \$431,000, so I didn't want to misrepresent the amount of money that was involved in that process. Then on the second page, one, two, three, fourth bullet down from the top where it says partnered with the US Geological Survey (USGS) to develop a 12 county three state Geohazards Mapping Project. You can strike the \$125,000 and put in \$250,000 there, so the total will actually be \$250,000. Then at the bottom of that page the next to the last bullet and the one right above that are that eight and six again, so you need to strike those too and go back to \$431,750. Then up three more bullets is the \$125,000 again from the USGS again which would be \$250,000. With those corrections I will introduce Ron Graul the Executive Director and he will give you some information.

Ron Graul: Thank you, as Roger said my name is Ron Graul. I am the Executive Director for the Southwest Indiana Disaster Resistant Community Corporation. I think that there is probably...one of our problems in the last two years is one of identity, of who we are and what we are doing. So briefly tonight I want to give you just a little idea about the Southwest Indiana Disaster Resistant Community Corporation, and some of the projects that we have been involved in in the last two years. To my left you will see a memorandum of understanding that was signed, it was dated December 2, 1998. That was a memorandum of understanding between the City of Evansville, the County of Vanderburgh and the State Emergency Management Agency and the Federal Emergency Management Agency. That in essence created, uh, was the foundation for the creation for the Southwest Indiana Disaster Resistant Community Corporation. We are a not for profit corporation. This memorandum of understanding led to a \$500,000 grant from the Federal Emergency Management Agency. We were to take that \$500,000 and to invest it into Evansville-Vanderburgh County. Our board of directors decided, after some deliberation, that if we have a natural disaster, or a man made disaster in, within our region, it will impact not only Vanderburgh County, but it will impact Posey County, Spencer County, Warrick County, Gibson County. So we asked the Federal Emergency Management to expand the scope of the program, and the scope of the program is to prepare communities for natural and man made disasters. The key word is mitigation. The kinds of activities that we can encourage individuals, organizations, businesses to become involved in, to take and be proactive towards natural disasters instead of reactive. The Federal Emergency Management Agency

has estimated for every one dollar, every one dollar that is spent for preparation for a natural disaster we can save as much as two dollars as far as money that is spent in recovery and repair. We think that this is a very important project. We have been involved in the area for two years. Our grant monies are running out, and we are looking to be able to sustain, we are looking to some of our participants and some of our government sponsors to help sustain us. To be able to do that you need to know what we have been doing. Like I said, we haven't been, we've probably not been very good at public relations or letting people know what we do, but then the report that you see before you kind of highlights some of the projects that we have been involved in. I am not going to take your time tonight to go over each one of those projects, I'm just going to highlight some of them that I think are some of the more important projects, although each one of these are very important projects. First of all we spent, we were concerned about our Fire Houses in the region. Most of those Fire Houses are non-reinforced concrete and those kind of structures do not do very well in severe weather and in earthquakes. So with the monies, with some of the monies that we received from the Federal Emergency Management Agency we went in and reinforced, we call it retrofitting the Fire, some of the Fire Stations in Evansville and Vanderburgh County. Hose House Number One, Hose House Number Three and German Township Fire Department all of their buildings all have been structurally reinforced so that they will do better, hopefully, do better in severe weather, severe winds, and some seismic energy that they might be exposed to. We have upgraded the Emergency Amateur Radio Network, and now we have an amateur radio network when all other...more sophisticated communications fails, our cell phones and our land lines fail, the amateur radio, the Emergency Amateur Radio Operators can communicate, hopefully, with their hand held amateur radios. This will give us another form of communication in the natural disaster or any kind of catastrophe that might affect our region. Some of the projects that I am really excited about, we partnered with the Sandia National Laboratory. Sandia is a national laboratory located in Albuquerque, New Mexico. We partnered with a team of scientists from Sandia who heard about some of the successes that we were having in Southwest Indiana at preparing people for natural disasters, and Sandia came in and led a group of over 70 individuals from our community in a planning session. We developed a four volume disaster management system with the help of Sandia National Laboratory. Sandia brought their engineers and scientists to our community and they have estimated that they have probably, this study up to this point, they have invested about \$250,000 in this report. Sandia in the past has been noted for their ability to develop nuclear weapons and nuclear warheads, and now they are trying to share some of that technology with local communities. We feel very fortunate that they picked Evansville-Vanderburgh County to become a part of this...to be a part of this study. We have a very sophisticated disaster management system that we are now trying to sell to FEMA and maybe the Department of Defense, and other appropriate agencies in Washington, D.C. Another project, another partner that heard about our project and the efforts in Southwest Indiana is the United States Geological Survey, and the map that I have posted on the board to my left, to your right is a concept map. This map was put together using data that exists, existing data. You can see the five geologic quadrangles. This is just a map of those five geologic quadrangles. Hopefully, we will want to expand this to the 12 counties that you see outlined on the map. We want to study things like shallow ground water, geo...slope failure, ground failure, flood probabilities, and we want to expand this study, and we are negotiating now with the USGS to expand this project. It will be a three to five year mapping project that will be a study of the unlithified materials between the surface and bedrock, and when the study is complete we should be able to give policy makers like yourselves, uh, economic developers some ideas of what areas of our communities are more vulnerable to seismic energy and

flooding than other areas. Hopefully, this will be key in the future of our development. Again, we have been, I think, very successful, and our success has been realized and recognized by the Federal Emergency Management. In the year 2000 we were the named Outstanding Model Project Impact Community for the work that we are doing in Southwest Indiana. We appreciated the support that we have received in the past from the County Commissioners, uh, Commissioner Fanello, you participated last Spring, when we had the severe weather awareness proclamation. A number of the Commissioners from throughout our five county region were here, and some other elected officials have participated in that activity, and we appreciate your support. Again, our goals to prepare Southwest Indiana, Vanderburgh and Evansville, Vanderburgh County and Evansville for natural disasters. We want to be proactive and not reactive. In 1937, a little bit before my time, I'm sure that there are not many people here that were around in 1937, but we have read historical accounts of the flood of 1937 and the damage that it caused. Since 1937 we have built a levee and a flood wall which will help us with future floods, but we have got other work to be done with tornadoes, with earthquakes. We have other preparations that need to be made, and we ask your support to continue our efforts and our work in Southwest Indiana. I would like to return the podium to Roger Lehman, but before I do that I would like to acknowledge that Bill Pedtke is here from the Metropolitan Evansville Homebuilders Association. Bill is one of our 40 board members that participate and help us in support of becoming disaster resistant. Roger.

Roger Lehman: We would be glad to field any questions that the Commissioners might have. When I, uh, I will correct these figures and send you the paper. Again, I apologize for that. When I do, you will see that Southwest Indiana Disaster Resistant Community Corporation has generated about \$2 million of direct and indirect money coming into Southwest Indiana. Not just Evansville-Vanderburgh County, but all of Southwest Indiana. What we would like to do at this time, and in the past we have been living off of the Federal money that we were given when we started in 1998. That grant runs out December 2nd of this year, and what we would like to do is become self-sustaining, being supported by the communities that we support and that we have given extremely large, we believe, quantities of good technology, uh, basically, of funding also for...as..and Ron didn't hit much on what we did in the surrounding counties, because we are asking you for money right now, not them, but this has gone to Posey, Gibson, Warrick and Spencer counties also. What we would like to do is maintain our ability to operate. Prior to getting an Executive Director, we were trying to do this in house on our own with volunteer support, and as with most projects, you can go a certain distance with that, but we could not have gotten anywhere near where we are today without full time employment and having somebody to be there to handle the daily operations and also be kind of the proponent of projects. So, having said all of that, down to the bottom line is we are going to request funding from the adjacent counties and from the City of Evansville. We have a funding request in now to the city for \$15,000, and we are requesting \$10,000 from Vanderburgh County, which if you look at the total investment is a fairly small percentage of what has been invested here over the last two and a half years. So, I would be glad to entertain any questions, comments.

President Mosby: Is this funding going to be ongoing?

Roger Lehman: Unless we find other funding sources. We are always on the move for other funding sources. We have submitted about ten grant proposals this year and we've been turned down on most of those. We haven't heard on a few of them yet, and if we get a major grant then this money would not be as important. What

we want to do is to ensure our existence if we don't get another grant. If you want to condition your approval on us, you know, not getting another grant, I don't know, that doesn't sound good, we would accept that. Like I said, we want to have kind of a guarantee for our future so that we don't have to shut the doors at the end of the year.

President Mosby: My second question would be, how did you decide the amount for each entity?

Roger Lehman: We, we kind of estimated a cost benefit ratio between the counties and the city. In other words, how much money and effort, and that's both cash and in kind, that was given to each entity. We believe that this is a relatively fair break down of that.

President Mosby: I guess what I'm looking at, Roger, is that you've got the City of Evansville and Vanderburgh County paying \$25,000, and the other counties paying \$5,000—

Roger Lehman: A piece.

President Mosby: —in reality, well, in reality Vanderburgh County is going to pay five times what every other county pays.

Roger Lehman: Correct.

President Mosby: I don't see the City of...Town of Newburgh, or City of Boonville or City of Mt. Vernon on here.

Roger Lehman: Right, and those requests are out also. We did not include them on there because we are not, I guess, too optimistic about some of the smaller towns. We do feel like the counties do recognize the benefit, and, again, the majority of the activities that go on, go on in the city and county simply because of the population center and, uh, we felt like that was a reasonable approach. If you all don't think so then, of course, we're...we'll accept...we can either ask them for more, or, I guess, you can give us less, whichever.

Commissioner Mourdock: The original grant that you had from FEMA was \$500,000.

Roger Lehman: That's correct.

Commissioner Mourdock: That was given in '98?

Roger Lehman: Correct.

Commissioner Mourdock: So, you have operated through fiscal year '98, '99, 2000 and through 2001 on that?

Roger Lehman: We got it at the very end of '98, so.

Commissioner Mourdock: So, effectively then three years, '99, 2000 and 2001.

Roger Lehman: Correct, correct.

Commissioner Mourdock: So, you've been operating on \$166,000 a year budget

based on that—

Roger Lehman: Right, right.

Commissioner Mourdock: —and now you are going to drop that budget down to \$70,000?

Roger Lehman: Yes, and the reason we do that is that \$500,000 was not only for administrative costs. That is all that we are trying to support right now is administrative costs. That was also project money. That is what we spent on the weather sirens in Gibson County, and that is what we spent...we didn't spend that out of that \$500,000 for the Fire Stations here because we had another FEMA source for funding for those, but that included a lot of projects.

Commissioner Mourdock: Is additional FEMA grant money one of those from which you have not yet gotten a response?

Roger Lehman: Uh, I don't think we have.

Ron Graul: We have, um—

Commissioner Mourdock: I'm presuming you went back to them for money?

Ron Graul: Our Disaster Management System Proposal is a \$21 million dollar proposal. It's a three year, \$7 million for the next three years to help implement the Disaster Management System. We have approached FEMA about funding that proposal. Obviously, that is a very large commitment from FEMA, it's a very large commitment from anyone. So, but, uh, obviously, that would, uh, administrative costs would be built in to that...have been built into that project as a source of funding. So, indirectly, we have approached FEMA about some funds. As you may or may not know, project IMPACT under the new administration has been essentially eliminated, although, pre-disaster mitigation has not been eliminated, so project IMPACT funds will no longer be available. There are possible sources of pre-disaster mitigation funds...the new administration is still developing it's guidelines, so we are not quite sure when the monies might be available from FEMA.

Commissioner Fanello: Do you know when you will hear from FEMA?

Roger Lehman: That is gonna be...the Disaster Management System will be not...we won't get a response from that until the funding cycle for 2003 for the Federal government, so it will be like next October before we would hear anything back on that. I mean a year from October. Cause, like I said, that's a big enchilada. We have to do a lot of, a lot of legwork for that one.

President Mosby: Any other questions or comments?

Commissioner Mourdock: I was just reading one of the paragraphs over there. Therefore be it resolved the City of Evansville and the County of Vanderburgh will support projects and programs recommended by FEMA, State and Emergency Management. This group, within budget and time constraints, those being the things, I think, the best that we could hope to do within budget constraints here is, perhaps, take this one under advisement.

Commissioner Fanello: I agree.

President Mosby: Motion?

Commissioner Fanello: Motion to take under advisement.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to take under advisement. So ordered.

Commissioner Mourdock: Let me add, I would be curious to hear, as you work with the other counties, just to see...and the city—

Roger Lehman: Sure.

Commissioner Mourdock: —keep us advised as to what is happening there.

Roger Lehman: Sure. Thank you very much for your time.

President Mosby: Thank you.

<p>Phil Lawrence: Request to Advertise Uniform Bids APA038-2001*A</p>
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President Mosby: Phil Lawrence.

Phil Lawrence: Phil Lawrence, City-County Purchasing here to request permission to advertise the uniform bid that has been reformulated. I want to advertise on June 28th, July 5th, and open the bids on July 16th.

President Mosby: Any questions or comments? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to allow advertising.

Commissioner Mourdock: So mo...second.

President Mosby: I have a motion and a second. So ordered. Easy enough, thank you, Phil.

<p>County Engineer Action Items</p>
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President Mosby: John Stoll.

Commissioner Fanello: He is on vacation. I talked to him on Friday, he said he was just going to put these things in here, and if we wanted to take action on them. He's got a memo and several things so, I guess, we could just read through them. First item is recommendation to award quote/contract VC01-06-04, Stringtown Road Bridge Debris Removal to Deig Brothers for \$12,650. They were the low bidder.

Commissioner Mourdock: Is that a motion?

Commissioner Fanello: Yes.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second on VC01-06-04. So ordered.

Commissioner Fanello: Next request of his is request to go to County Council to transfer \$125,000 from Seminary Road culvert #538 to Church Road culvert #978. In his memo he outlined why that was necessary.

Commissioner Mourdock: Okay. I presume in his memo it was necessary so that we can go ahead and process that for bid.

Commissioner Fanello: Yes.

Commissioner Mourdock: Okay, I will second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: Next request, number three, request to use the annual bid with American Timber Bridge to design and provide a timber bridge for Church Road.

Commissioner Mourdock: I'll second that.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: Number four, request approval of change order for quote/contract VC01-04-02, Peerless Road Culvert Installation. Net results of overruns and underruns was a final decrease of \$16.80.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: That's it.

Catherine Fanello: Board Appointments
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President Mosby: Next, Catherine Fanello, board appointments.

Commissioner Fanello: Board appointments—

Commissioner Mourdock: Did we not?--

Commissioner Fanello: Sorry—

President Mosby: We just did all four of these.

Commissioner Mourdock: What about the Westchester-Wittman Barrett Law? Oh, I'm sorry. It is next.

President Mosby: Yeah.

Commissioner Fanello: This is for the Parks Board. Motion to appoint Ed Ziemer to the Parks Board.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: Levee Board, motion to appoint John Friend.

Commissioner Mourdock: I've got a question or two here.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: This is not a comment about Mr. Friend, although, I did not know that Mr. Friend was being considered for the board here. A couple of weeks back when this appointment was discussed, I mentioned that our present board member, who is...or present Levee Board Member, Rick Clements, was on that board, wished to reserve. I presented his resume, and, obviously, he is very qualified to do it, he enjoys doing it, and there has been no discussion about that since. I would just like to make the point that, and I've done a little checking since I've been on this board as a minority member in the past, when Pat was on the board as a minority member in the past, at least as far back as when Carolyn Mc Clintock and Don Hunter were on the boards as minority members in the past, when we have mandated positions, which is to say on that board no more than two members can represent one political party, so that is a Republican appointment. Whenever the minority member has had a chance to appoint someone the other board members have, um, respected that request. Are we breaking that tradition?

Commissioner Fanello: I'm sorry, Richard, I didn't know that was a tradition.

President Mosby: I've never heard of it.

Commissioner Fanello: I apologize for that, but I didn't realize it.

Commissioner Mourdock: Well, okay, I would simply say it is one of those things under which, certainly, the majority rules, but there has always been a tradition of respecting the minorities position when they, when that person would make a reference or make a recommendation based on that party. So, I would like to move that we re-appoint Rick Clements to that board.

President Mosby: I will comment on what you just said, and I know it's been, I guess, a gracious gratitude when we have more than one appointment, but we have not appointed anybody to the Levee Board. Now, I know on Burdette you appointed one, and we appointed one. In this case, I mean—

Commissioner Mourdock: The difference there is, when...what was the first example that you used?

President Mosby: The Burdette Park Board.

Commissioner Mourdock: Okay, with Burdette, there is a Democrat appointment and you asked me for a Republican appointment. I gave you a name, and you approved it. It simply comes down...and, again, I will use Pat Tuley for an example. When Pat was a minority member, and there was a Democrat appointment that was required, we acceded to whatever his request was. There to my knowledge has never been a time when the minority member did not have a right to put that person out there and have them approved. That has just been a common courtesy that the majority,

both Democrat and Republican, in the fairly recent past, the past 10 to 12 years, has done. So—

President Mosby: I guess, and my example just was, if there was two appointments here, a Democrat and Republican, I would yield one to you. In this case there is not. There is just one appointment.

Commissioner Mourdock: There is just one appointment, but it is a Republican appointment.

President Mosby: Yes, I understand that. There is a motion on the floor.

Commissioner Mourdock: Yes, there was. I made the motion.

President Mosby: It dies for lack of a second.

Commissioner Fanello: Let's...John is a Republican, so,--

Commissioner Mourdock: In the future, then, I would at least ask as a courtesy, if you are going to appoint Republicans, and, again, this isn't about John Friend. John is a great guy, but I would at least like to see what the resume is of the Republicans that you pick to serve on boards. I'm sorry, this one upsets me. This one is about common courtesy as much as anything. Which this board has a tradition, regardless of whether it is the Democrats in control or the Republicans in control, this board has had a tradition of respecting the wish of the minority member. I have just...I think you are going the wrong way on this one. So, please next time you appoint a Republican, at least let me have some idea prior to the meeting who the name might be. Maybe I can help you with it.

Commissioner Fanello: I have a motion to—

President Mosby: I will second your motion.

Commissioner Fanello: I have one more—

President Mosby: So ordered.

Commissioner Fanello: —Roger Lehman this is for the HVAC board, we have one person who, I think, is going to resign and that is Lloyd Hampton. The suggestion was to appoint Don Merle, who I believe is an instructor at Ivy Tech.

President Mosby: Don who?

Commissioner Fanello: Merle. M-e-r-l-e.

Commissioner Mourdock: For which board?

Commissioner Fanello: HVAC board.

President Mosby: HVAC.

Commissioner Mourdock: So, is that a motion—

Commissioner Fanello: Yes. Motion to appoint Don Merle.

Commissioner Mourdock: –and you believe he’s at Ivy Tech, and I’ll say second.

President Mosby: I have a motion and a second. So ordered. Phil Hayes, Westchester and Wittman Barrett Law–

Madelyn Grayson: Excuse me. Can we make a quick tape change?

President Mosby: Sure.

Madelyn Grayson: Thank you.

(Tape Changed)

Phil Hayes: Westchester and Wittman Barrett Law Project
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Phil Hayes: With regard to the agenda item, Westchester and Wittman Barrett Law Project, there is a memorandum that was forwarded to me June 6th in your packet. There are two salient issues that have to be settled. One is asphalt or concrete. The price on asphalt is \$200,000 plus. Concrete is \$300,000 plus and we do not have an indication as yet as to what the specifications will be for materials at this location. As you know, those two drives were not built to specifications for acceptance by the county by the developer. They have to be done over again. We’ve reviewed the engineering report; that’s from Veach Nicholson, and we have contacted bond counsel, Baker and Daniels, and spoken to them. That firm has forwarded comments on our initiating resolution for the County Commission and Mr. Stoll is on vacation for a week, so on Wednesday evening we determined that I would go ahead and simply give you that summary that we’re prepared to proceed on this project at the wish of the Commission. I think you’re going to need to know, though, how much is going to be spent and it will be basically the choice as to materials, I believe. So we should have that information by the next meeting and I’d request your motion to lay it on the table until that time.

Commissioner Fanello: Motion to table.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

Commissioner Mourdock: And I would ask Ralph, if you would, get with John Stoll on that, too. The question being whether it was concrete or asphalt, I certainly hope it would be asphalt.

Phil Hayes: Renewal Of ARAMARK Contract
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President Mosby: Next, renewal of ARAMARK contract.

Phil Hayes: Yes, the county Sheriff had presented that contract and it was simply carried over until tonight for review of it. It’s very simple. It has been reviewed. In summary, from the minutes last week, the Sheriff has already told you that there will be a couple of employees who are moving to other slots. There’s no net loss, no net gain from this and the price and effective date is in the body of agreement and from a legal standpoint, it’s satisfactory.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

Madelyn Grayson: Excuse me, Counselor Hayes, do you have the original?

Phil Hayes: The original document should have been – you did bring one and it will be easy – I may retype it tonight but I'll submit it, Madelyn, by tomorrow morning.

Commissioner Mourdock: I think it was actually hand delivered. It was probably in the packet from last week although I don't think it was signed, obviously.

Eric Williams: (Inaudible – comments not made from the microphone)

President Mosby: If you want to go ahead and circulate an original and bring it back to us, that would be fine. Do you want to circulate it to the vendor for his signature?

Eric Williams: (Inaudible – comments not made from the microphone)

Phil Hayes: That's a suggestion. That's a possible option if you wish to do that.

<p>Phil Hayes: Drug & Alcohol Deferral Service (DADS) Renewal Of Lease</p>

President Mosby: Okay, the next, I'm sorry are you ready?

Phil Hayes: Yes. The next item is the Drug & Alcohol Deferral Service renewal of lease. The director, Mr. Campbell, Bill Campbell is here to speak to that and that matter was tabled for your review and consideration until this evening.

Bill Campbell: Yes, Bill Campbell, the director of the DADS program. And with your permission I have some material to pass on. I would like first to express my appreciation for Commissioner Fanello coming over to the office. You all were invited, but she came over and we discussed the matter and, furthermore, I appreciate the courtesy of Tammy, of ushering us about the courthouse and then coming over to look at our facility as well, so that she could get a better perspective. The document there basically spells out our concerns at this point. It's not terribly articulate and perhaps not in all instances absolute in its accuracy. First, we are concerned with the present state of the courthouse in terms of confidentiality and the ability to provide the kinds of services we do provide. Our services now provided and a (inaudible) is, if you would, capture, just the entire second floor, everything from the restroom to the waiting room, on to the counseling rooms, they're all soundproof and all encapsulated in one area and not distributed throughout the larger building. Secondly, the ADA issue is much more easily addressed where we are. We're only 30 feet from the car to a confidential room on ground level. The ability to provide security in the evenings, we do have evening classes and groups that include people who have been arrested on felony charges as well as underage possession, drunk driving, and a variety of issues. They are into a confidential, they're into a secure area of the second floor. I appreciate we might have a key to the courthouse to allow these people in. I'm not sure how that would be, we would stand there, I suppose, until they all got in and then we would

usher them all out. I'm not sure who would check the courthouse after those groups left and that takes place several times a week. We think to duplicate those kinds of services or the kind of physical services that we now provide at a very economical rate would require a substantial outlay of cost to the county to hopefully, at least duplicate the kinds of services and facilities we have now and not degrade, you know, further degrade what we have. But to equal what we have, I think would require a considerable outlay of cash, and we would certainly leave that to your discretion.

Phil Hayes: If I might, with regard simply to the physical layout that you were talking about, you have a telephone reporting system that operates off of voice mail? How big a package is it? Your telephone installation at the current lease hold? All of your clients report physically and by telephone as well on probation?

Bill Campbell: Well, that's incidental. They all report physically. We don't have a telephone reporting, it's all physical.

Phil Hayes: I've noticed by a local court rule then, there's also an intermediate court appearance now required...

Bill Campbell: There is a number of court appearances for each individual and I'm in court five days a week.

Phil Hayes: I'm talking about the accepted people. There's a new load coming back in now on, if you're accepted on the Drug and Alcohol Deferral program, midpoint, there's a new docket date that didn't exist before?

Bill Campbell: Well, there's multiple docket dates pending. We operate four different programs and each has a little different frame of reference.

Phil Hayes: Okay, my main question was, I had thought that on my examination of the other lease that there was a pretty extensive telephone system that was installed up there with voice mail and all of that.

Bill Campbell: No, I don't believe that's in the –

Phil Hayes: At your facility there is not –

Bill Campbell: It's there, and –

Phil Hayes: I may be thinking about the probation department –

Bill Campbell: I believe so, perhaps so.

Phil Hayes: – system that they requested, their voice mail package?

Bill Campbell: Yeah, we don't have that. In fact, we just got computers about four years ago. We have two of those.

President Mosby: Any other questions or comments? I guess I'll just state the main concern I have here and it is with the Old Courthouse, and I understand that you have a nice facility now and, I guess, I'm beginning to understand that with everybody that don't want to move to the Courthouse.

Bill Campbell: I –

President Mosby: And the case and the fact is that you'll be paying \$12,000 a year where you're at now and that's \$12,000 of taxpayer's money is just as good in that Courthouse than it is where you're at. I understand we're going to have to make some renovations. We're going to have to meet the needs for, I guess, what is the minimum regulations for the Indiana Judicial Commission. But, I mean, I am still willing to do that. The fact that I have to maintain the Courthouse and ongoing expenses every day, and that's taxpayer's money, and I can't see taking taxpayer's money and paying somebody else when I've already got this. Everybody we talked to says it's going to be an inconvenience for them, but change comes with a small price sometimes. And in this case, I cannot support this.

Commissioner Fanello: We are in a predicament, Bill, as I talked to you about that day. And I'm willing to put the money in to making whatever renovations you need to get it up to what we need to do. I've got to look that we do have a building sitting over there and I understand your situation, but I'm willing to do whatever we need to do to get you over to the Old Courthouse.

President Mosby: Any other comments?

Commissioner Mourdock: No, I've got nothing to add.

President Mosby: I'll make a motion...

Commissioner Mourdock: The President can't make –

Commissioner Fanello: Well, why, here's a, before we decide not to sign a lease and we've made these comments and David's made these comments, could we get some kind of cost estimate or get some kind of idea of what it's going to cost to bring it up to the type of office that they would...

Commissioner Mourdock: That would make sense. I certainly – Tammy needs to have some level of information, I don't know what all that includes, as far as the concerns that are addressed on this page so that we can begin to see what it's going to cost.

Commissioner Fanello: So what –

Phil Hayes: (Inaudible – microphone not turned on)

Commissioner Fanello: Okay, well, we'll just table – motion to table the lease at this time.

Commissioner Mourdock: Before we do that, let me just add one other possibility here and I haven't seen the lease agreement per se, so I don't know, but there is a possibility of immediacy here. I don't know when your lease expires over there, Bill, or if you need to give –

Commissioner Fanello: I think it's already expired.

Commissioner Mourdock: – okay, or if you need to give certain notice or whatever, but the timing of what we would be doing at the courthouse and having space

available is something that his landlord may have an interest in as well because if the landlord reads in the paper tomorrow that we're not going to do that lease, he may have another client in three weeks and we may be eight months away from doing what we need in the Old Courthouse.

Commissioner Fanello: That's why I'm saying let's not make a final decision here. Let's get the cost estimates back and realize what needs to be done before –

Commissioner Mourdock: But what I'm saying is, if it's going to be six months, which I think realistically it is, probably the landlord he presently has now ought to have at least the courtesy of getting a six month lease.

Commissioner Fanello: Oh, I see what you're saying .

Commissioner Mourdock: Otherwise, he could pull the space out from underneath us.

Commissioner Fanello: Well, 'cause it will take time for us to do any renovations, so can we approve it for a shorter amount of time than a year? Is that –

Phil Hayes: I think the premise of it – your lease, the lease copy that was submitted for renewal has circulated in our old packet. I think this goes back at least a couple of meetings, and it's not present here. Do you recall, Bill, whether or not it has, what is the term that is requested, three years?

Bill Campbell: Three years.

Phil Hayes: It's a three year term requested now. And do you know whether the landlord would accept at the same price a lesser term?

Bill Campbell: Well, I am absolutely certain. Again, we've been there 20 years and it's the same price and it will in 20 years be the same price. He's been very easy to work with and I'm certain there would be no objection whatsoever.

Commissioner Fanello: So...

Commissioner Mourdock: Given the need that we have at the Old Courthouse to have a complete plan done and all of this, not only this space but the other floor space at the Old Courthouse, all that has to be part of one plan. I think it's realistic to say it could be a year before we're ready to have the DADS group move in there, but perhaps it's appropriate to say that we would go ahead with the current lease we have for a period of one year. We could do it shorter than that, that'd be fine, but as I said in the previous meeting, things always go longer than we hope.

Tammy McKinney: As far as where I stand on this, I think I would feel more comfortable with the Commissioners signing the lease for at least another year so we could come back next January and see where we are. I've had –

Commissioner Mourdock: This current lease?

Tammy McKinney: Right, right, the DADS currently at the Landmark building. I've had some other people interested in the courthouse that could use it more readily without all the renovations and I would like to see where – the way they're going

with it. Evansville Housing Authority, they've talked to me about moving in there, I have a meeting with Donna from the EPA Wednesday about moving in there and I'd hate to put a lot of expense and getting it DADS, not that I object doing any expense, but if we don't need to and we can fill the courthouse with other tenants, that might better work out. It might be a better fit. And then if we come back in January and we still have space that needs, then let's re-evaluate that also.

President Mosby: My only comment is that we need to meet with him. Find out what his needs are and what it's going to take to put it in. I would like to move forward in filling the courthouse.

Tammy McKinney: And I totally understand that.

Commissioner Mourdock: And I agree with that. I mean, when you started to say a moment ago, Tammy, about having others, I would just add my opinion, that the others need always, or at least the first priority for others, need to be governmental agencies, quasi-governmental agencies, which the ones that you mentioned were. But I'm much more concerned about getting those folks in the building than have someone else who wants to lease space for a flowering crafts boutique show up one day and say, gee, we like this space and we put them in there. I'd rather have folks like the DADS program in there.

Tammy McKinney: Right, and if we move a couple of Marsha Abell's offices over there, too, –

President Mosby: If we could get some of that on record, that's fine. But this, you know, I've got somebody coming next week and somebody next month, is not filling the courthouse.

Phil Hayes: Mr. President, if you wish, I can from the legal standpoint, work with Bill and his landlord to determine what the minimum lease term is that we can work out if there is such a thing as a month to month, even, and I can get those standards ironed down for you, report that back to you, and then see what negotiations will bring on that.

Commissioner Fanello: Why don't we just table? How much time do you think you'll need to do that, Phil?

Phil Hayes: Well, based on what Bill is telling us, maybe –

Bill Campbell: He would work with you immediately.

Commissioner Fanello: So we'll table it until next Monday.

Bill Campbell: I think if he's able to be reached, I'm sure that will be no problem.

Phil Hayes: Well, why don't we table it until – revisit next Monday and you and I will speak tomorrow and during this week to see what we can come up with from him. Is that alright?

Commissioner Fanello: And in the meantime, let's find out if we do move forward with going to the Old Courthouse, what type of renovations and what type of costs are we looking at.

Bill Campbell: Who would I speak with? Tammy, would you –

Tammy McKinney: I'll start checking in to the renovations cost that it will take. I've got this list and –

Bill Campbell: That needs to be – I apologize, that was thrown together quickly and perhaps whoever it is, that you and I and that person might sit down for a few minutes or come over to the office and we'll get how we might replicate some –

Tammy McKinney: Sure. Sure. Okay.

Commissioner Fanello: Motion to table until next Monday.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

Bill Campbell: Thank you.

President Mosby: Thank you.

Phil Hayes: Abandoned Vehicle Ordinance
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President Mosby: Next, Phil Hayes.

Phil Hayes: Yes, the ordinance concerning abandoned vehicles is on second reading and what has been presented for you just this evening is a workout of the basic framework that you've already observed on first reading and to that, has been added several procedural safeguards and by simple introduction, let me say that this is patterned fundamentally on the state statute which is the authorizing statute for abandoned vehicles. It's exactly the same language that the state currently requires for state policemen to tag these and for sales that are conducted under their auspices. For a county to do it, as you know, the premise of the ordinance is that it must be adopted for the county to get the money, whatever that may be. There are several additions that were inter-lineated by Commissioner Fanello and submitted to me and all of them have been embodied in this draft of the ordinance and by way of telling you what they are, they are premised on the fact that this is a confiscatory ordinance. In other words, it is an ordinance that deprives persons of title to personal property and for that reason, requires some additional safeguards even beyond what the state statute has done. Although really, that's just one and I'll address that one. We have added a procedural and reasonable cause section to the law and that requires any officer defined as a Sheriff's officer, in fact, to have reasonable cause and to make reasonable effort to ascertain the owner and then for that officer's civil protection as well as for notification to any owner there, we have specified those items of information that have to be on the tag, the date, the time, the name, the name of the agency, which of course in this case is the Sheriff's department, how to get in touch with them to inquire about it and the fact that they will be held responsible for all costs which are attendant to disposing of the vehicle and that they may avoid those by removing the vehicle within 72 hours, and taking charge of that. Now with regard to other items that have been added, there is a disposition of vehicle section that was added under the notations and it also covers the issue of what the county's best interest may be and provide some duties on the part of the Board of Commissioners in determining whether or not parts or certain

vehicles should be treated as unclaimed property under another statute Title 36 and handled in that manner. I will say that this is going to require, if accepted, going to advertising again and that would mean move it back to first reading for re-advertisement because of the number of changes that have been made in the version that was first introduced in the year 2000 before the County Council and this has been changed to a Commissioner's ordinance rather than a County Council ordinance. We're not in any manner setting up any kind of a tax. There are fees that you have all authority to set which are self-liquidating fees and we also have designed it to work with a contract that was let basically for outsourcing these sales and the administrative jobs of disposing of the vehicles and everything except for the fact that the Commissioners will have to originate a title and there is a ten dollar fee that's been placed in that. I've spoken to the County Auditor. Her suggestions are basically, that we not clutter, in a sense, the administration of that and I believe that we have not cluttered it and she's had a couple of suggestions concerning handling of the establishment of a fund. Basically, the way I've designed this is that the monies will be paid directly to the general fund; however, we have the alternative of setting up either a line item under that fund or we could, in fact, set up a separate fund. But the design of this one has been to have it paid simply to the general fund. So for that reason, at your convenience, this matter, if acted on tonight will have to be returned to first reading. It should be re-advertised because of the extensive changes and then it will be brought back for final passage at that time. And a determination can be made administratively and on an accounting basis, whether it's better to simply use the general fund or to go ahead and establish this other fund.

Commissioner Fanello: Motion to re-advertise.

President Mosby: So are you saying we can't act on this tonight?

Phil Hayes: Because of the fact that it will require – yes, you can accept, you can vote on the ordinance and then it will still have to be re-advertised and it will be returned, it will be on second reading for final passage after advertising. And we should be able to get that in and have the text in tomorrow. The text is on a disc, it'll be submitted and then it will come back.

President Mosby: Why can we not accept this as an amended ordinance tonight?

Phil Hayes: My advice would be that, it is because a great many sections have been changed, particularly the procedural sections, although those are beneficial, and they fall on the side of the owner of the alleged vehicle, it is, I think the better part of having a valid ordinance so it's not challenged for lack of advertising.

President Mosby: I mean, are you –

Phil Hayes: The only changes would be at your discretion at the next meeting and that would have to do with language concerning the definition of the fund itself, whether you define the abandoned vehicle fund as the general fund or whether you actually set up a separate fund.

President Mosby: Okay, I'm confused.

Commissioner Fanello: We don't need to set up a separate fund.

President Mosby: We started with an abandoned vehicle ordinance and we still have an abandoned vehicle ordinance.

Phil Hayes: Well, not exactly, you started with an abandoned vehicle ordinance that was filed in front of the County Council in the year 2000.

President Mosby: And then we brought it back and filed it here.

Phil Hayes: And then you brought it back and we filed it here. And in my opinion it was defective, legally –

President Mosby: – we have an amended ordinance in front of us.

Phil Hayes: And what you have in front of you are the amendments, the consolidated amendments that have been worked on over a period of time in order to make it procedurally acceptable.

Commissioner Mourdock: Clearly, David, this bears little resemblance to what we had here before. This is a major, there are a lot of changes here than what we had in the previous document. One of those changes that is made here was in the previous document, I don't have it in front of me, but it made reference to this ordinance being a, not responsibility, but certainly an option of something that the County fiscal body could do. We had the discussion at that time whether or not this ordinance, in fact, was even appropriate for this Commission to do versus the fiscal side. It's still my feeling that this is a fiscal issue that ought to be done through the County Council.

Commissioner Fanello: And according to David Bottorff at the Association of Counties, this is a Commissioner issue and I modeled this ordinance, I wrote most of this ordinance and I modeled it after the one that David Bottorff sent me. And I've got three of them in my office and they are all signed by Commissioners.

Suzanne Crouch: And we had inquired from Mr. Bottorff after that meeting where you had said it was a Commissioner's responsibility and he had e-mailed us and said that was his initial conversation with you, then he did other research, and that was inaccurate and he had communicated that to you.

Commissioner Fanello: No, he hadn't and those three ordinances sitting in my office are all signed by Commissioners. The only part in here and this has all been made too difficult ever since we started this thing and it really irritates me that something so simple has become so difficult. This is an abandoned vehicle ordinance that follows the state statute. The only authority that the county has is to set up a line item. You don't even have to set up a fund. What is the source of this problem for this deal here?

Suzanne Crouch: The source is that the County Council attorney said it's the County Council's responsibility to do this.

Phil Hayes: If I may, Madam Auditor, –

Commissioner Fanello: We signed a contract under – I didn't sign it – but the previous Commission signed a contract and I'm surprised that the person that we contracted with hasn't sued us yet for failure to follow through.

Phil Hayes: If I may ask the Auditor, basically, you're saying that you – you have a legal opinion from him or you've spoken to him about it?

Suzanne Crouch: A long time ago when all this first came up –

Phil Hayes: I have spoken to him about this as well and the information that I have, as I've written it now and as, I think I broached the subject, Commissioner Mourdock, in regard to whose responsibility it would be. In my opinion, it is a Commissioner's ordinance for several reasons. One is, we are not appropriating any funds. This ordinance is drafted now consistent with the notion that it is entirely fee based and this body has the right and the legal authority to set fees in order to administer a variety of tasks and for example in this, there are certain fees and charges that are allowed to be charged pursuant to the ordinance and then I dovetailed that into the November 2000 contract that this Commission made with the Wolfe Auto Auction for a period of one year. That contract could only be carried out if there was appropriate transfer and the auctions were held by the state of Indiana. And so in an effort for the county to determine whether or not there are funds that will net an in essence be a net profit to the county from disposing of abandoned vehicles, would have to pass it's own authorizing ordinance under the state statute. Faced with an ordinance that was introduced by the County Attorney or submitted by the then County Attorney in November which A, never got advertised; and B, was discussed there as possibly something that was impractical; and C, that was the subject of various auditing discussions between your office and the office of the contractor which was Wolfe; it was simply determined in the minutes of this body that it seemed to be an exercise that had no downside to it if this body passed an ordinance, and if this body did so in a manner which was not appropriating funds, levying taxes, or otherwise making any kind of infringement into the fiscal responsibilities of the County Council, that is what this ordinance, I think does. And to be perfectly frank, I believe that Mr. Ahlers agrees with that approach as long as, obviously, he doesn't see anything objectionable to it. I think if there is something objectionable, I'll hear from him or will hear from somebody there, but that's part of the reasoning for bringing this back and having it re-advertised because of the extensive changes. We've basically cloned the city ordinance and the city ordinance more faithfully followed the state statute particularly with regard to the issues I've talked about, the deprivation of property. It is a confiscatory ordinance, we're going to confiscate items of individual's property out there and we couldn't do it with that other ordinance, in my opinion, and I think probably in everybody's opinion. So it will have to go back and be –

Commissioner Fanello: I know what the problem is with this ordinance. From a comment made by somebody sitting at this table, but this is purely a political thing, but let's, let's just get it out of the way and get going.

President Mosby: I guess to me –

Commissioner Fanello: A motion to advertise the ordinance.

President Mosby: We have an ordinance in front of us that does two things. It gets abandoned vehicles off the street and it puts money in the county coffers and I don't understand which part of it you don't want.

Suzanne Crouch: We are getting abandoned vehicles off the street, is that not correct.

President Mosby: And we're not collecting any money for it.

Brad Ellsworth: (Inaudible – comments not made from the microphone)

Commissioner Fanello: Well, and I don't know what the big deal is about us getting some money off of it.

President Mosby: We have a motion, I'll second your motion. So ordered.

Commissioner Fanello: This is ridiculous.

Phil Hayes: The status of the ordinance, then, is it will be returned, I believe, to second reading, is that right, Madam Auditor?

Madelyn Grayson: Is it going to be advertised as is right now?

Phil Hayes: Correct.

Suzanne Crouch: Can I make a comment in which on the definition section, Phil, can we change the abandoned vehicle fund means the county general fund?

Phil Hayes: I don't think I want to now, I think –

Suzanne Crouch: What I'm saying, the general fund is not the abandoned vehicle fund.

President Mosby: We just set up a line item and put it into that –

Phil Hayes: Well, I don't want to confuse you with that kind of language, but let me tell you what I'm trying to avoid. What I'm trying to avoid is any manner getting involved in designating from this end the accounting system of the county. So as long as I deal with the general fund and as long as I simply give it another name and then I've added a section which is exactly the same as what the city has done, and that is set up an account which I think is an option that you had explained you have. In that manner, I avoid confusing and infringing on in any imaginative way, the county fiscal body's authority. And that's what I'm trying – I'm trying to get that done and so I think that –

Suzanne Crouch: So it's going to be a revenue stream into the general fund and then there will be a line item established within the Commissioner's budget for abandoned vehicles.

Phil Hayes: That's one option to do that. That's right. And you say within the budget, actually even perceive it that way. I see the money going straight to the general fund and if we want to get it to our budget, we go to the County Council and ask for it because the other seems to have generally, as far as the city is concerned, those are non-reversionary funds – I've made it a fund which you don't even have to worry about it reverting. It goes directly there in the first instance. So it's just a flow through. All of their jobs are outsourced so we're not really involved in making any kind of levy and that's the response I think to Commissioner Mourdock's concern, that he thinks it may be is a fiscal operation anyway. But as long as we stick with policy and as long as we stick with just the flat setting of fees, then I think that we've legally complied and it's that kind of confusion, though, Mr.

President, and that kind of difficulty and why its drug on for a while –

(Inaudible – Phil Hayes and Commissioner Fanello both speaking at once)

Commissioner Fanello: – at the Association of Counties because that was not the conversation we had, so.

Suzanne Crouch: I'd be happy to forward his e-mail to you.

Commissioner Fanello: And that was not the material he sent me, either. So I will have another conversation with him, but you know, if you go and look at the code and I'm sick and tired of hearing this, how city government is different than county government. The fundamentals are the same and I cannot find anywhere in the state code that we cannot do this. And we're not doing anything by appropriating any money, so there's no reason why the Commissioners cannot pass this ordinance.

Bill Jeffers: Precinct Redistricting

President Mosby: Bill Jeffers.

Bill Jeffers: Would somebody else like to go first?

Commissioner Fanello: This better be good.

Madelyn Grayson: Excuse me, Counselor Hayes, do we need to advertise that for a second hearing, then?

Phil Hayes: Advertise it for second reading, that's right. Yeah, that's correct.

Bill Jeffers: Bill Jeffers, Vanderburgh County Surveyor with a report on the precinct redistricting process project. The complete census block population data became available on-line just this past Thursday, June 21st, 2001, enabling our office to start the redistricting project. The new census block maps accompany the population data and they also are available on-line for plotting in a 33" X 36" format. Due to rapid residential development, significant census block changes have occurred especially in Center and Scott Township over the past ten years. There are 28 maps that cover Vanderburgh County, of which 23 are needed by our office. Five of the maps cover the lower portions of Union and Knight Township along the river and have no useful data so we can forego those five.

Commissioner Mourdock: Does that mean there are no residences in those five?

Bill Jeffers: The census blocks are so large that they are covered by other maps and there are residents in them, yes.

Commissioner Mourdock: Yeah, okay.

Bill Jeffers: If we don't wish to save money, we can print those five as well. Area Plan Commission and the City Engineer's office are unable to plot all 23 of the maps we asked for due to their workload and the time it takes a plotter to physically produce the census block maps, which is approximately one hour per map. A local graphics vendor was able to provide maps at \$2.50 a square foot; however, the

vendor was unable, technically, to produce ten of the 23 maps due to a communication problem with the Census Bureau's data on-line. Area Plan Commission is attempting to load these last ten maps into their plotter. If persistent data to plotter problems continue, that may delay the project or require additional technical assistance. This is not unusual with federal agencies. We were trying to plot some information from FHA and HUD on drainage, it had drainage schematics on it and it locked up our computers. It's just, communications problems somewhere. At this time, the County Surveyor asks the Board to consider a payment of \$292.50 to cover the 13 maps that have been provided to us by Repro-Graphics, Incorporated, 14 NW 6th Street, Evansville, and there is a copy of an invoice attached to the back of the report. The County Surveyor's Office has opened communications with legal and advisory staff at the Indiana Election Board. A question that came up from Ms. Fanello, at this time, no specific redistricting deadlines have been assigned to Vanderburgh County but I need to give you an update on that as soon as I call them back this week because now that the data is available, I'm sure they're starting to assign deadlines.

Commissioner Fanello: Yeah, although I'd like to throw out a deadline of when I'd like to have us finish and I want it finished by the end of the summer, if that's possible. Is it?

Bill Jeffers: It's try-able.

Commissioner Mourdock: When is the end of Summer? End of August?

Commissioner Fanello: August 31st or no later than September 15th, mid-September. I'll just throw out September 15.

Bill Jeffers: I think we did it in 1990, I believe –

Commissioner Fanello: I just don't want –

Bill Jeffers: – we were second behind Bartholomew County –

Commissioner Fanello: I just don't want to be sitting here November or something waiting to –

Bill Jeffers: There's other people that have expressed the same type of deadline because you guys have to start picking the precinct voting places and the Clerk has to prepare the ballot.

Commissioner Fanello: So I'm just wanting to get it done as soon as possible.

Phil Hayes: If I may ask, Bill, with regard to the distribution of census data at the precinct level, has that even been done by the Census Bureau? When you say you don't have maps available, does that mean you don't have census maps that are filled in because that timetable was supposed to be between about the middle of June and the middle of July according to recent announcements from the Census Bureau.

Bill Jeffers: They became available last Thursday. We were told they were available this past Thursday.

Phil Hayes: Okay, so you'll be getting –

Bill Jeffers: We started printing them over the weekend.

Phil Hayes: I'm sorry?

Bill Jeffers: We started printing the maps over the weekend.

Phil Hayes: Oh, downloading and doing them that way?

Bill Jeffers: Yes sir.

Phil Hayes: What about the availability of the software packages for redistricting?

Bill Jeffers: I'm not familiar with that.

Phil Hayes: Do you know about any of the companies? Has anyone talked about that?

Bill Jeffers: No.

Phil Hayes: Alright. I'll talk to you about it.

Bill Jeffers: Okay, that would be probably helpful. The County Surveyor will proceed beginning tomorrow with redistricting of individual voting precincts to meet the September 15th deadline. The following completion of the individual precinct boundaries, local governmental district lines can be determined in conformance with state and federal election laws and guidelines and can add the investigation of the use of the software Mr. Hayes spoke of. A final item, in response to questions and now rumors from public and other interested parties as to who will determine the final configuration of the various local district lines, it has been and will continue to be the County Surveyor's understanding that the Vanderburgh County Commissioners will determine the County Commission and County Council district lines and the Evansville City Council will determine the city ward lines. There have been lots of questions and a few rumors about who is doing it, who is going to do it, and who will have the final say, and I felt compelled to include that bullet in there. And I welcome your input and will enjoy your participation in giving us direction on this project.

Commissioner Fanello: So for the ten maps that they couldn't produce, Area Plan is going to try and –

Bill Jeffers: They're going to try to see if their plotter will communicate better with the Census Bureau.

Commissioner Fanello: If they can't get them printed out, do you have another option?

Bill Jeffers: We'll just have to keep looking for people that would be willing to do it for hire.

Commissioner Fanello: I'm going to go ahead and make a motion that we allow the County Surveyor to get the remaining maps printed for \$292.50.

Bill Jeffers: That's to pay for what we've got.

Commissioner Fanello: So that's, they're paid. Okay.

Bill Jeffers: That's the 13 we already have. We're looking for someone who can do the...

Commissioner Mourdock: We just need to add this to the consent items.

Bill Jeffers: And I would say that we don't want to pay more than \$2.50 a square foot for them either. Thank you.

President Mosby: Thank you, Bill.

Commissioner Mourdock: So, Catherine, do you want to amend what you said? We just need to add this to the consent items.

Commissioner Fanello: Yeah, motion to add to the consent items.

Commissioner Mourdock: Second.

Madelyn Grayson: Excuse me. We'll need to make another tape change after this.

President Mosby: Okay. Motion and a second to add the \$292 to the consent items to pay for the redistricting maps. So ordered. Steve Craig. Oh, I'm sorry, we're going to do a tape change.

(Tape Changed)

O'Day Discovery Lodge Presentation

President Mosby: Okay, Steve Craig, and, I guess, Jim Morley whoever is doing the O'Day Discovery Lodge Presentation.

Steve Craig: Yeah, Ben and Jim are going to do the presentation of it, they are going to show it to us.

President Mosby: Okay.

Steve Craig: I will turn it over to them.

Commissioner Fanello: Do you want to dim the lights a little bit? Jim, do you think we should dim the lights a little bit or?

Jim Morley: It wouldn't hurt, but I don't know how to do that.

Suzanne Crouch: I think we will need more than that.

President Mosby: How do you turn them off. There you go. Sounds good to me.

Ben Kunkel: Hi, I'm Ben Kunkel with Morley and Associates. We are talking about the, of course, O'Day Discovery Lodge at Burdette Park. This is a shot of the outside of the exterior of the building from Nurrenbern. We are not going to take

a lot of your time, we are just going to show you a quick video. (Video presentation was shown.)

Jim Morley, Sr: The basic building is 15,000 square feet--

Commissioner Mourdock: Jim, you'll need to come to the microphone, Jim, so that we can get this.

Jim Morley, Sr: The basic building is 15,000 square feet, and then there is the 10' wide activities porch all the way around the building. Then the main entry there that is where you can drop off and pick up in front of the building. Steve has samples if you would like to see them of the hand hewn log texture, but the building itself would be a steel frame building. It is just simply too big to be actual logs. Those kind of logs are no longer available in this country at a price that you can afford. It is a steel frame structure, then clad in the timber.

Ben Kunkel: The floor inside of this building is going to be a concrete stained floor. Which should provide a pretty durable finish. See it right there. Again, that is an exterior shot of the building and the front covered drop off. This is an interior shot. There will be a serving area there to the right for all types of events. There will be a raised platform area for presentations and those types of activities. Here is a floor plan of what it would look like, again, like Jim said, it is roughly 16,000 square feet total. We've got highlighted in blue are where the classrooms would be for the Discovery Lodge, the Discovery Day Camp, the program they have out at Burdette right now. What you see in blue highlighted now is what would be available to rent, the spaces you could rent out for whatever type of event, a corporate picnic or craft show, anything from A to Z really. These are, again, there is a lot of exterior space here, we've got the covered drop off, we've got a rear patio that could be used as well. Of course, this wrap around porch that could be utilized for a whole lot of different activities. We talked about the cost, I think you saw this last week, uh, our opinion of the probable cost would be \$1.94 million for what you see there, plus the furnishings which Steve could talk about. When we looked at it, it seemed to be a little more money than what we thought, um, but the reason we thought maybe it would be to comparable buildings, the reason it came in a little higher is because of what we have the wrap around porch and those types of things which add a whole lot to the whole feeling of the building. We feel like it would be really usable space the Day Camp needed especially. We call this...we took these costs and added those in to the cost analysis of a similar buildings, for example, and auditorium and a church, and came up with an average cost on that, um, and when you subtract out those accessory costs that I showed you before, we are roughly around 87% of a typical building being an auditorium or a church being built in Evansville. There are just some final shots of what we have. Steve, do you have anything?

Steve Craig: Just to answer questions from the Commissioners.

Ben Kunkel: Yes.

President Mosby: I didn't quite catch what you said. The \$1.947, is this building ready to walk into? Or did you say?--

Ben Kunkel: Less furnishings. Steve would need computers, tables, chairs those kinds of things.

President Mosby: Steve. How much are we talking?

Steve Craig: With the money that we have available for accessories and furnishings the number he gave of \$1.9, I think, six is approximately what we need to walk into it right now, because we do have some available funds. With that funds what we are going to cover is the playgrounds, we have to finish the parking, they will need to have the finished coat put on them, lined, striped, having to do the outside electricity, the lighting, playground equipment for the kids and that, and, like I said, that money we do have in hand. I think, the bottom line of what we need is a little bit under \$2 million to walk into the building.

President Mosby: So, this is \$1.947, and I am asking you how much more are we talking about? Regardless of what you've got available. I mean how much money are we talking about? What is this project going to cost us?

Steve Craig: About \$600,000 more, but, like I said, that money we should have available.

President Mosby: \$600,000 on top of the \$1.9?

Steve Craig: Yes, sir.

President Mosby: \$2.547. Two five four seven four eight. So what happened to the million point six Discovery Center that was talked about earlier?

Steve Craig: That's what the building cost is, or without all of the furnishings and the accessories. I mean we didn't go in and build that in an area that had, you know, gas and electric and telephones and that there. It is built on the top of a hill, and we had to make it conducive to put a building on, and that is where the other expenses come in.

President Mosby: This \$600,000 that you just mentioned, is this part of what we have already spent?

Steve Craig: No.

President Mosby: How much have you already spent up there?

Steve Craig: I can't give you an exact amount, but I would say that it is in the neighborhood of—

President Mosby: Half a million?

Steve Craig: —probably about \$550,000 counting the earth work.

President Mosby: Okay, so we have already spent a half a million. Questions?

Commissioner Fanello: I've got a question. It's just a general question, though, how are we..I'm in support of this project, but I would like to know how it ever got started without not having the funding in place for it? That would be my question to the Council.

President Mosby: I wasn't here, I can't answer that.

Commissioner Fanello: I guess I would just like a little history, and this is nothing against you, Steve, but I would like a little history of how a \$2.5 million dollar project got started, we've spent \$550,000 so far, and we've got all but \$2.5 million still to go. Is that what you figured up?

President Mosby: Uh-huh.

Commissioner Fanello: How did we ever get started on that without having the proper money appropriated to go forward?

President Mosby: I would like to know how you explain it to the taxpayer, that you wasted \$550,000 of there money—

Commissioner Fanello: And we don't have enough money to do it.

Commissioner Mourdock: If you would like, I will give you a line item by line item plan of how we looked at this next week.

President Mosby: I would entertain that. I mean, bottom line is you can give me that, but we are \$2 million short, unless you can show me line by line where that's budgeted.

Commissioner Mourdock: Well, certainly, as we were going forward we had some thoughts in mind different than yours, which is natural, as far as where we would be expending money. So, as I said, let me get it all together, and I will be glad to give it to you.

Commissioner Fanello: That's fine, but I just want to make the point that this is the way County does business, we continuously start these projects without having proper funding in place before we start them. Now we are facing a year where the state is cutting money, we are going to have our road and highway money cut, and we are going to be short of money next year.

President Mosby: Do you have any questions for Steve?

Commissioner Mourdock: No, I don't have any questions for Steve.

President Mosby: Or of Mr. Morley?

Commissioner Mourdock: No, I don't have any questions.

President Mosby: Okay. Thank you.

Steve Craig: Thank you.

Commissioner Fanello: Thank you for the presentation, Jim and Steve.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board.

County Engineer: John Stoll

President Mosby: Department Heads. County Engineer, he's not here tonight. He's on vacation.

County Highway: Ralph Kissinger

President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my report for the week. I have one thing I request, an employee requested that they receive the extended Family Medical Leave, and I think—

Philip Hayes: Ralph, that should be confidential.

Ralph Kissinger: Right, I'm not mentioning any names, I just.

President Mosby: It still should be brought in the Executive Session.

Ralph Kissinger: Okay, I'm sorry. I did not know that.

Philip Hayes: We'll do this in Executive...that's okay. You don't have it in front of you?

Commissioner Mourdock: There is one FMLA in the packet, this is a different one?

Tammy McKinney: It should have been in the—

Commissioner Mourdock: Is it this one? This one didn't have the Department—

President Mosby: Probably so.

Commissioner Mourdock: Is that the one? Is that the name?

Ralph Kissinger: Honestly, I didn't...this is the first this has ever happened to me. I did not know that confidentiality was...otherwise—

Philip Hayes: What are we...I will get with Ralph and we'll review and it can be agendized—

Ralph Kissinger: Once again, I apologize.

Philip Hayes: —or acted upon...no, it's alright. Can be acted upon relatively quickly.

Ralph Kissinger: Other than that, things are going pretty good. Paving is going well, as weather permits. We have had a lot rain, but ditching is going well. I've got a few, uh, outstanding things when the weather dries a little bit that we need to take care of, but—

Commissioner Mourdock: What happened to our dump truck today?

Ralph Kissinger: Which?

Commissioner Mourdock: The one I saw go by on the end of hook.

Ralph Kissinger: The end of a hook?

Commissioner Mourdock: Uh-huh.

Ralph Kissinger: Oh, hose, a busted hose. (Inaudible) a 34...34 or 36, I think, it was number 36, yeah, that's what it was. It took me a minute—

Commissioner Mourdock: They were hauling it in rather than just fix it on the spot?

Ralph Kissinger: I don't know why. The mechanics make that call. I leave it to their discretion. If they think it is going to cause more damage to drive it, they tow it. Apparently, they thought it would cause more damage to drive it as to tow it. So, I would rather—

Commissioner Mourdock: Given that the dump truck was full at the time, it had a pretty big—

Ralph Kissinger: Yeah, I think it was.

Commissioner Mourdock: —truck pulling it so...no, it wasn't mix. The truck I saw was full of clay.

Ralph Kissinger: Clay? Yeah, 36, it was on the ditch crew then.

Commissioner Mourdock: Okay.

President Mosby: Any other questions? Thanks, Ralph.

County Attorney: Phil Hayes

President Mosby: County Attorney.

Philip Hayes: No report this evening.

President Mosby: Superintendent—

Commissioner Mourdock: Wait a minute. Phil, I have a request, if you don't mind. It's been only what six or eight weeks ago when the Emporia folks were in—

Philip Hayes: Yes.

Commissioner Mourdock: —and the Sunshine Market.

Philip Hayes: Yes.

Commissioner Mourdock: Obviously, this board acted to help them through their project. During the time of the motion I made a reference, didn't make a reference I made the second to the motion, or maybe the motion itself for that, but we also made it clear that we wanted some form of collateral interest in that equipment

should, in fact, there be a melt down. I would appreciate it next week if you could give us a report as far as whatever communication you have with them between now and then to find out how the county's money is either going to come back to us, if that's appropriate, or what else is going to happen. I guess, I would request that whatever correspondence you have, please circulate it among us, because I've gotten several calls, and I suspect the other two have as well since we just recently put money in there. We did that collateral thing with this specific nightmare scenario in mind, and I hate to say it, but we may—

Philip Hayes: Well, I can comment right now that a collateralization of that money would not have been commercially sound nor sensible exercise—

Commissioner Mourdock: But that was—

Philip Hayes: —and it didn't...and in addition, I feel sure that 100% of the matter is collateralized on the front end from the vendor or lenders of funds that came in. My guess is that we will find that back end depreciation that was, I believe it was postulated in the letter from the applicants that the only thing that they had to offer us would be the depreciated value of the fixtures and equipment, and that was implicitly based on the idea that they would not be further collateralized at that point. Bottom line being that I would say that 100% of that is going to go back to the first line lenders under their collateral agreement. I will clarify that—

Commissioner Mourdock: Please do. Because it sounds to me like you are saying that despite the intent of this board that we protect our interest, that our interests weren't protected. Is that what you are saying?

Philip Hayes: No, I'm saying that there wasn't any protection to be had. I think you had an interest in doing that, but—

Commissioner Mourdock: But that was part of the motion.

Philip Hayes: —it would only be, it would only be as far as the extent of the interest of the first liens on it. They already had first liens. I think that's what they indicated. Possibly seconds.

Commissioner Mourdock: I'm not asking you to speculate—

Philip Hayes: I understand.

Commissioner Mourdock: —I'm hitting you with—

Philip Hayes: I understand, but here is my understanding—

Commissioner Mourdock: —if this board, forgetting the commercial interest for a minute—

Philip Hayes: Uh-huh.

Commissioner Mourdock: —if this board was making a grant, it was my understanding as that motion was before that board that that grant was being made conditional upon having those rights protected commercial or otherwise.

Philip Hayes: Right.

Commissioner Mourdock: So, you might want to check the minutes or do whatever, but I do want to see, and I remember, I'm pretty sure I used the word stewardship that night with the two pastors here, saying we need to protect our interest in case this happens.

Philip Hayes: If there has been any...if they've executed any collateralizations, not to my knowledge. I will talk to the... I will talk to the principals who were here that evening and try and get a track on that, and I will give you a report.

Commissioner Mourdock: Okay.

Superintendent of County Buildings: Tammy Mc Kinney

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report.

Burdette Park: Steve Craig

President Mosby: Burdette Park.

Steve Craig: All I have is my work reports.

President Mosby: Okay. Any questions or comments? The chair will entertain a motion.

SWCD and Ozone Officer Reports

Commissioner Mourdock: I will move approval of the Soil and Water and Ozone Officer Reports.

Consent Items

Commissioner Fanello: Second. And before we accept the Consent Items, I have a question—

Commissioner Mourdock: Turn your mike on, please, we can't hear.

Commissioner Fanello: I'm sorry. I have a question that Tammy may have to check on tomorrow, but we have five requests in here from the County Assessor's Office, and this is not the first time I've seen this number of requests from the Assessor's Office, and, I guess, I'm not familiar with how much training takes place in that office, but we've got probably...\$1,000, \$2,500, \$3,500, about \$5,000 worth of requests here for training and travel. So, I need to get a little bit more clarification on some of that before we approve these.

Commissioner Mourdock: So, you are pulling those out?

Commissioner Fanello: Yes, I am pulling those out.

President Mosby: Okay, I have a motion to withdraw—

Commissioner Fanello: The Assessor's five travel requests.

President Mosby: Let me make sure that is the right five.

Tammy McKinney: Catherine, what day did they request to travel on?

Commissioner Fanello: They didn't request until...one of them is in August and one of them is mid July, and the other one..so it looks like four of them are in August—

Tammy McKinney: So, they have enough time to—

Commissioner Fanello: They have enough time.

Tammy McKinney: Okay.

Commissioner Mourdock: For the point of clarification I'll second the motion to withdraw those from the packets.

Commissioner Fanello: Thank you. And then, I guess, motion to accept the remaining Consent Items if we didn't do that.

President Mosby: So ordered on the first motion.

Commissioner Mourdock: I'll second the second.

President Mosby: So ordered on the second.¹

Scheduled Meetings

President Mosby: Old Business or Scheduled Meetings. We have a Juvenile Detention meeting in this room at 1:00 on Wednesday, and, Tammy, I guess you have a Task Force meeting at 10:00am in the Governor's Parlor. Any other meetings?

Commissioner Fanello: Our next meeting for the...about the overcrowding is July 12th at 4:00 in Room 318.

President Mosby: I believe tonight, earlier this afternoon we set, for what, July 16th—

Commissioner Mourdock: Uh-huh. 5:00.

President Mosby: 5:00 for—

Commissioner Fanello: Space—

President Mosby: —space allocation.

¹Consent items listed on Page 55.

Commissioner Fanello: I would think at some point and time we need an Executive Session. So, I don't know. Is there anything at 5:00 next week?

President Mosby: That would be July 2nd.

Commissioner Fanello: Yeah, because, I believe, the next week will be Drainage, or Solid Waste.

Commissioner Mourdock: Uh-huh. At 5:00.

Commissioner Fanello: So, July 2nd?

President Mosby: Okay, July 2nd, at 5:00, Executive.

Commissioner Fanello: Tammy had said that, I believe, the Courthouse Committee is going to be coming in July sometime—

Tammy McKinney: I believe July 16th, but I can give you a more definite date—

Commissioner Fanello: Okay. Just to know—

Tammy McKinney: —after—

Commissioner Fanello: —that's coming and they will be giving a report.

President Mosby: Okay, so I have July 12th, July 16th, July 2nd, June 27th, June 29th scheduled meetings.

Old Business

President Mosby: Old Business.

New Business

President Mosby: New Business. Needing a motion to adjourn.

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. We will start Drainage Board in five minutes.

The meeting was adjourned at 7:35 p.m.

CONSENT ITEMS:

Employment Changes:

County Highway	Health Department	County Clerk
Sheriff Department	Community Corrections	Burdette Park
Recorder		

Travel Requests:

German Assessor	Knight Assessor	County Surveyor
Health Department		

Treasurer:

Submit monthly report.

Sheriff:

Submit weekly jail information and reports.

Requests for Service:

Juvenile Court	Circuit Court	Public Defender
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THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy Mc Kinney
Madelyn Grayson	Roger Lehman	Ron Gaul
Philip Lawrence	Bill Jeffers	Steve Craig
Jim Morley, Sr.	Ben Kunkel	Ralph Kissinger
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Teri Lukeman and Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
July 2, 2001**

The Vanderburgh County Board of Commissioners met in session this 2nd day of July, 2001 at 6:10 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: If Susan is ready we will start the meeting. Are you ready?

Susan Taylor: Yeah.

President Mosby: Thank you. Just kidding. I would like to call to order the Board of Commissioners meeting of Vanderburgh County, July 2, 2001.

Introductions and Pledge of Allegiance

President Mosby: We have Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Bill Fluty, Assistant Auditor, I guess that's your title, Deputy Auditor, and Madelyn Grayson, Recording Secretary. If we would, please stand and say the Pledge.

Approval of Minutes

President Mosby: Motion to approve the minutes of the June 25th meeting.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So—

Commissioner Mourdock: Go ahead.

President Mosby: So ordered.

Commissioner Mourdock: We just need to insert the next item which would be submitting summary of minutes for tonight's Executive Session that began at 5:00 and ended at 6:00, included the three Commissioners plus the County Attorney, and that session dealt with County Personnel issues and pending litigation.

Commissioner Fanello: Second.

President Mosby: Do I need a motion and a second?

Commissioner Mourdock: Yeah, you need a second.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to insert minutes from the Executive Session, so ordered.

**Phil Lawrence: Permission to Advertise for Bids for
City/ County Payroll Software Package**

President Mosby: Phil Lawrence.

Phil Lawrence: Thank you. I ask for permission to advertise for bids for a new City/ County Payroll Software Package. We are going to be bidding on July 30th, advertising July 5th and July 12th.

Commissioner Mourdock: We have in part of our budget package, the big submittal that came in from SCT, is this relating to that same?--

Phil Lawrence: No, this is separate.

Commissioner Fanello: Okay, then, I guess, is this thing done with SCT? Is it in--

Phil Lawrence: Yes, it is.

Commissioner Fanello: -- It's not included in the budget?

Phil Lawrence: It is not included in that update.

Commissioner Fanello: Are we actually bidding or are we doing Request for Proposals?

Phil Lawrence: We are actually doing Request for Proposals, but we will be accepting it...there is a software glitch that will happen September 1, 2001 that I understand will mess the system up, and it needs to be updated prior to that date.

Commissioner Fanello: Have there been any inquiries? I mean, from the other vendors? I mean, have you gotten any soft quotes or anything like that?

Phil Lawrence: Nothing that I am aware of.

Commissioner Fanello: Who is writing the RFP?

Phil Lawrence: Bill Fluty along with Billie Sanders and SCT.

Commissioner Fanello: I...well, I talked to the Mayor the other day, and, I guess, he was a little...he didn't really know that this was coming out on Monday. I got an e-mail from him today that he had talked to Billie, but I'm not ready to move forward on this, and, I guess, until I have a little bit more discussion and I see maybe a sample of the RFP, because the way that this is written, this is a notice for bid. Which is a bit different than an RFP.

Phil Lawrence: Uh-huh.

Commissioner Fanello: And, I guess, I would like to talk to SCT first, because it was my understanding that this was going to be a part of the budget.

Bill Fluty: That money was put in the budget last year. So, it is in place at this time now.

Commissioner Fanello: Okay, I want to make sure that hasn't been used for something else, because there has been discussion...I've sat down with Dave Gumbiner and there has been discussion back and forth about the SCT budget, so.

Bill Fluty: The money is still there, so it hasn't been used for anything else. It is earmarked for this County/City—

Commissioner Mourdock: I guess, the question that I have kind of jumps between those two things. If we did it last year, we had enough forethought last year to put the money in the budget, and yet this year what we have from SCT is so dramatically different, it seems to me, with so many large requests, that I wonder that if what was requested last year is still accurate with this year's request?

Commissioner Fanello: Uh-huh. I'm just going to make a motion that we defer this until next week, until I have a chance to talk to Dave Gumbiner.

Commissioner Mourdock: I'll second.

Phil Lawrence: I can get you a copy of the RFP if you would like as well.

President Mosby: I have a motion and a second to defer till next week, so ordered.

Indiana State Board of Animal Health Contracts

President Mosby: Bill, are you taking the next one? Indiana State Board of Animal Health Contracts. It says Auditor.

Bill Fluty: We are just submitting this. It comes to us and we move it to the meeting. It has been done in the past several years. We did send information to the Health Department if they wanted to appear to explain this, and I don't see anybody in the audience.

Commissioner Mourdock: This is one of the line items in the budget where it talks about Bovine Brucellosis.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Hayes: Westchester and Wittman Barrett Law Project
--

President Mosby: Phil Hayes.

Philip Hayes: Yes, with regard to a Barrett Law Project which is Westchester and Wittman Drive. To remind you, we discussed that matter with the County Engineer, Mr. Stoll, and the preliminary petitions were signed by more than a majority of the homeowners who are affected in that subdivision. What we would ask for, and I don't know...there's John. Do you want to come forward, John, just for the record? In order to begin the process of a Barrett Law Project it will be necessary for the homeowners to have more solid estimates of cost. If I can ask you, to date you have estimated in a rough manner the cost of the project for those homeowners?

John Stoll: Right, but it wasn't based on any plans or anything that was prepared by a consultant. It was just our inspectors estimate on what the project would cost based on previous bids we have received.

Philip Hayes: I think that at that time of your presentation it was...the estimate was in the \$200,000 range?

John Stoll: Right.

Philip Hayes: \$200,000 to \$250,000, I think, was the exact estimate.

John Stoll: Right, with it being several years old...a couple of years old, it could be higher than that at this point.

Philip Hayes: Alright. What the parties would request is that the body make a motion that they can reasonably proceed to design and to get a more firm estimate of costs that will be the foundation of the preliminary resolution—

John Stoll: Right.

Philip Hayes: —for bonds by this body.

John Stoll: Once they hire their consultant and they get the plans, the specifications, then they can get a more accurate cost estimate. Like you said, then it would be ready for the preliminary resolution.

Philip Hayes: Alright. So, the motion of this body, if it should be it's will, would be that the County Commission moves to allow the carrying on of the Barrett Law Project for the Westchester and Wittman Drive refitting and in effective reconstruction of streets—

John Stoll: Right.

Philip Hayes: —to the extent that the County Engineer has previously estimated, and that those properties...those majority of property owners be allowed to retain engineering and to bring forward a firm estimate of costs. Satisfactory, in your opinion?

Commissioner Mourdock: Let me say that, maybe, in a few less words. I move that we direct the County Engineer to work with the petitioners at Westchester and Wittman Drive, and to work with their consultant to develop the project for Barrett Law consideration.

Commissioner Fanello: Second.

Commissioner Mourdock: Did that say it, Phil?

Philip Hayes: I think so. I think they've...it does say it. It's fine.

President Mosby: Okay, I have a motion and a second. So ordered.

John Stoll: I will get in touch with the neighborhood group then and let them know that they can proceed with their consultants and, hopefully, we will have some plans within the next few months.

President Mosby: Appreciate it. Thank you, John.

Phil Hayes: Abandoned Vehicle Ordinance

Philip Hayes: The ordinance matter is deferred.

Phil Hayes: DADS Renewal of Lease

Philip Hayes: The DADS Renewal of Lease, more properly, I should have reported on that, and in terms of a report, I spoke to Mr. Campbell, and, if you recall, our last meeting we were going to try to negotiate a month-to-month or months-to-months lease with the owner. The owner is in Florida, and I have asked Bill to contact him. He has done so. The landlord asked for some additional time to figure out what he would need, but he is willing to work with us, and he will reduce terms. The ordinary term was three years, and he will certainly reduce that and get back with us. So, I told Bill to...that our first wish was like for a month-to-month on that if we could possibly do that. He asked me what our time period would probably be on refitting or figuring out what we needed to do with the space—

Tammy McKinney: Actually, the space that I have in mind for DADS would need extensive renovation. The reasoning for why I picked this room is that it is on the ground floor so they would have privacy, the in and out exit, but and plus it has the adequate space, but it is a room that is going to need to be regutted and then offices put in it.

Philip Hayes: Okay, and do you have any...do have any estimate of the length of time that it would take to do that?

Tammy McKinney: I don't. I've looked over what they currently have and I am going to try and sketch it out and see how I can make it fit.

Philip Hayes: Okay. Well, in the meantime, then, we will try to negotiate on the basis that they need a lease for at least as long as the renovations would take, and maybe we can work something like that out on a month-to-month with an options or—

Tammy McKinney: Right.

Philip Hayes: —other devices.

Tammy McKinney: This brings up something else, I don't know if you want me to bring it up now or under my report, but when we do these renovations who is going to pay for this? Are we going to pay for it or is the office paying for it? Actually, EPA asked me that. Who would be in charge of the renovations?

Commissioner Mourdock: The City.

Tammy McKinney: Uh-huh. Well, okay, now but—

President Mosby: If we could talk them into it.

Tammy McKinney: —where does it stand with DADS? I mean—

President Mosby: We are going to probably pay for it. I mean, we are going to have

to incur the costs.

Tammy McKinney: Okay.

Commissioner Mourdock: I guess, my hope would be that on each of those units, and I will call DADS a unit, however we do that, whatever the cost is, that we have a fairly good handle on that up front and we amortize that cost over whatever term we work out with DADS, so that, you know, yes, we are going to pay for it up front, but we would get that money back on an amortized basis over a period of time realizing that it is a State-Funded, County-Funded type thing. We still have some accounting to do there, but my concern is that if we don't have some element of cost on their end, that people are going to want nice, shiny brass handrails as opposed to something more utilitarian.

Tammy McKinney: So, if it is a County office, we pay. If it is a City office, they pay.

Commissioner Mourdock: That too. If they want the brass, and they want to pay for the brass, that's okay. I think you have to look at it a little bit separately based on who the client is—

Tammy McKinney: Right.

Commissioner Mourdock: —the private sector versus City versus the rest of us.

Tammy McKinney: Okay. Any other questions?

Philip Hayes: Alright.

Tammy McKinney: Do you have any other questions? For me?

Philip Hayes: No.

Tammy McKinney: Okay.

Phil Hayes: Emporia Project

Philip Hayes: With regard to the Emporia Project and the grant of County Funds, I have been informed from DMD that the Emporia Board has been reconstituted. That Emporia is looking on the failure of the Sunshine Market not as a project failure itself. They are actively engaged in finding a new operator and that there are no defaults anticipated on the financial aspect of the Sunshine Market space. They point out that the discount store tenant is doing quite well. They are pleased with them, and that we will receive further information as it is developed as far as another tenant is concerned. With regard to the first security interests of the various parties, I will have to consult with DMD and take a look at the entire file to determine what all security has been given for the various financial commitments that were made.

Commissioner Mourdock: With the other financial commitments that others have made, and I understand that we are not at...the equipment that we helped buy went to Emporia not to Sunshine Market, so Sunshine is out of the picture. If another tenant comes in that is a grocery store, obviously, nothing changes as far as we are concerned.

Philip Hayes: Let me just back up a minute. The equipment that we helped buy, I'm told that the grant went toward undifferentiated purchases. There was no specific earmarking, if I understand this correctly, on preliminary telephone calls. The grant money that was given by the County wasn't specifically earmarked, taken and then a purchase made with that money.

Commissioner Mourdock: Well that was—

Philip Hayes: In fact—

Commissioner Mourdock: —our intention, because when they came here that night they specifically were talking about refrigeration equipment.

Philip Hayes: They, they being the two individuals—

Commissioner Mourdock: Right.

Philip Hayes: —Rascoe and Reverend Terry.

Commissioner Mourdock: Right.

Philip Hayes: Okay.

Commissioner Mourdock: Let me clarify that. They were saying the refrigeration equipment and that is not to infer that \$110,000 that we were going to grant them—

Philip Hayes: Right.

Commissioner Mourdock: —went strictly into hard costs. I understood there was some labor in there as well. So—

Philip Hayes: I'll have to—

Commissioner Mourdock: —whether (inaudible- talking over each other) involved in setting that up—

Philip Hayes: —in order to try...I don't know as a matter of documented confirmation that the funds were specifically used as earmarked.

Commissioner Mourdock: Okay. Well, then—

Philip Hayes: My understanding, my preliminary understanding is that they were not. That it was simply pooled, and that the entire...that's my preliminary understanding from simply a telephone call with DMD.

Commissioner Mourdock: Okay, well—

Philip Hayes: So I will have to track that down. Ms. Wildeman was going to communicate with us, I don't see it, but she may have gotten something—

Commissioner Mourdock: Please do investigate that, and then—

Philip Hayes: Certainly—

Commissioner Mourdock: –let me go back to my original course here, because I thought it was pretty clear that’s what that money was going for. I thought that’s what their statement was. If the Emporia people end up putting that space out to lease and it goes to someone who has no need for the refrigeration equipment, does that equipment then get sold and under your understanding of the lender rights we’ve paid off part of their mortgage?

Philip Hayes: No, that is not my understanding at all. I will have to ask...I’ll have to ask the DMD that has the complete file on this what the Emporia Boards commitment is, because the Sunshine Market issue, as I understood it, was simply that is something that was needed–

Commissioner Mourdock: Right.

Philip Hayes: –but I had no...I really had no understanding that our grant was going to be...they were specifically going to go out and shop, you know, for refrigeration. I will simply have to see what the state of their file is.

Commissioner Mourdock: Did our grant, you keep mentioning DMD and I’m confused.

Philip Hayes: Well–

Commissioner Mourdock: DMD did not...we didn’t fund our money through DMD and DMD wrote the check.

Philip Hayes: No, I understand. They are in charge, they are on the board, I think. I think Mary is on the board.

Commissioner Mourdock: Ah!

Philip Hayes: Wildeman. I think she’s on the board and I know that they mentioned that the board had been reconstituted almost completely, and that the Reverends Rascoe and Terry continue to be on the new board, but I wasn’t clear on who else is there.

Commissioner Mourdock: Okay.

Philip Hayes: This is all from, really, just a single telephone conversation trying to get information last week.

Commissioner Mourdock: Alright.

Philip Hayes: We will track that down and make a report to you. That’s all I have tonight.

David Mosby: Juvenile Detention Center

President Mosby: Okay. The next item is Juvenile Detention. There was a meeting held last Friday, just to briefly let the two Commissioners know what is going on at this point. Brad and Eric were both at that meeting in case I leave something out. Susan was there, she will correct me, I know, if I’m wrong. There is no doubt. Steve Perry’s group has come back with an offer to help the County with Juvenile

Detention. They would prefer a contract of ten years. They would prefer that we rent...we lease on a yearly basis "x" amount of beds, and that can range from an area of 20 beds to 28 beds. 20 beds at a cost \$157.30 a day up to 28 beds at a cost of \$112.35 a day. Warrick County, Posey County, and Gibson County have attended these meetings, both meetings that we have had. We are supposed to have another meeting this Friday at 1:00. Nobody has yet gave a commitment, or a firm commitment, to the amount of beds that they might be interested in, but they are very interested in doing this on a regional basis.

Commissioner Mourdock: When you say no one, you mean from the other Counties?

President Mosby: The other Counties are going to wait until this Friday and possibly make a commitment. I mean, if they commit to five beds per day, then it lowers our commitment. If Warrick would commit, I mean, it would lower our commitment. If they don't commit, then Vanderburgh County would be, basically, responsible for all 20 to 28 beds. It's whatever we commit for. At that point, we would have the right to do with them beds whatever we want, whatever we in turn would lease them to Posey, or to Warrick and make up for...and compensate our cost. Or we could lease them to the DOC, and take their money. At that time if Warrick and Posey does not make a commitment then I told them we would not feel like we had a commitment to them.

Commissioner Mourdock: The 20 to 28 beds, David, is that strictly the secure beds?

President Mosby: Yes, this is secure only. The are talking about building 30 beds secured.

Commissioner Mourdock: Okay, are there other beds they would build that would be non-secured?

President Mosby: What do they have now presently, 20?

Commissioner Mourdock: 24, I think.

President Mosby: 24. They are going to leave that operation as is, and we would still—

Commissioner Mourdock: Okay, so the only thing that they would be adding would be secured?

President Mosby: They are adding secured.

Commissioner Mourdock: I had not heard until you just said it about selling beds to the state. Is that much of a possibility?

President Mosby: There's a possibility there that they said they could...and. I guess, Vincennes does that the way they talk now. Vincennes contracts to the State DOC.

Commissioner Mourdock: Yeah, which—

President Mosby: So, there is a possibility there that if we wanted to make up our cost—

Commissioner Mourdock: Yeah.

President Mosby: –you know, we could possibly do that.

Commissioner Mourdock: Were either of you contacted this week by the fellow from Vincennes?

President Mosby: Yes.

Commissioner Mourdock: Okay, because he called me as well, and I asked him to give you a call, so.

President Mosby: I've been contacted by him and I intend to meet with him. I intend to meet Judge Niemeier yet this week who has a lot of numbers and then either intend to meet with the Sheriff or his Chief Deputy one of the two–

Commissioner Mourdock: Uh-huh.

President Mosby: –whoever is available. I guess at some point in time, we have to decide what we are doing. I told the other Counties that is the predicament we are in is that we have to know what we are doing. If we are going to go with the Rescue Mission, fine, and if not, we are going to build our own facility. I think the other Counties will probably be interested. When I say other Counties, I am speaking more towards Warrick and Posey.

Commissioner Mourdock: Do you think they are primarily interested because of the transportation advantages–

President Mosby: Uh-huh.

Commissioner Mourdock: –as opposed to going to Vincennes?

President Mosby: Yes. I think it is closer for them. Now Gibson, I don't think is as interested because of their location, and the Juvenile Facility being in Vincennes, so.

Commissioner Mourdock: I wonder if it would be possible, and off the top of my head, what does Henderson do with their kids? Is there a reason that we would be barred from crossing the world's widest river to?--

President Mosby: Well, I didn't know about State line jurisdictions, so I hadn't said anything about Henderson. I hadn't even contacted Henderson. Whether the Sheriff would know or not, I'm not sure. Do you know?

Commissioner Mourdock: Any idea?

Sheriff Brad Ellsworth: I'm not sure at all.

President Mosby: Okay.

Commissioner Mourdock: It would be something to check.

President Mosby: We can contact them, I guess, once we decide–

Commissioner Mourdock: Uh-huh.

President Mosby: –and, like I said–

Sheriff Brad Ellsworth: Taking our Juveniles or accepting Juveniles?

President Mosby: Accepting from Henderson?

Commissioner Mourdock: Accepting.

Sheriff Brad Ellsworth: (Inaudible. Not at mike.)

President Mosby: We hadn't explored that yet.

Commissioner Mourdock: If we are willing to have a take or pay kind of arrangement.

President Mosby: Posey uses the Rescue Mission now. They are happy with the operation down there, and they seem like they are going to be very interested in the secured beds. Gibson or Warrick I hadn't really got a feel for. Jack Pike missed the last meeting, so we are going to contact him. The other thing that Steve Perry had said, their fund raising drive, when they were here and said that they were going to raise \$3 million or \$4 million, that's based on a ten year period. Cause I talked to him about that today, so they are more or less getting, what I consider, pledges rather than actually raising funds. So, on the funds that aren't raised and the pledges that are raised over the next ten years, they are going to want the County to pay that interest.

Commissioner Mourdock: Hmmm?

President Mosby: On the loan. Yeah, it's a whole new twist to what I understood when Steve Perry was sitting back there that night, and I said if you could raise that kind of money, I want to see it, because other groups have offered the same thing. Well, the twist being, they are going to go out and get pledges, and then they are going to end up taking a loan and they want the interest on the note to be paid by the County, so that is something we had a discussion about this afternoon. We need to discuss that too, because I wanted to clarify that with him before I said it tonight. That is exactly what he said. So, that is as far as I could report before Friday's meeting at 1:00, and I...at this point I will tell you I intend to have the meeting Friday at 1:00, but if my other meetings don't work out with the Judges and the Sheriff or his Chief Deputy, then I might move that meeting to the following week. Any questions? Okay.

Madelyn Grayson: Can we make a quick tape change, David?

President Mosby: Sure, go ahead.

(Tape Changed)

Commissioner Budget Discussion

President Mosby: Okay, next budget discussion, Commissioners. I don't have my budget with me, so—

Commissioner Mourdock: I've got mine.

President Mosby: You have yours?

Commissioner Fanello: I have an extra one if you...I've got mine, but—

President Mosby: Can you make me a copy real quick of the budget? I didn't bring mine...well, hold on.

Commissioner Mourdock: Would the simplest way to do this, I can kind of go through my bullets and, I suspect, we will send some things back and forth?

President Mosby: That is fine with me.

Commissioner Mourdock: I don't know...I will go through...and the pages that I have, and I hope these are in the same order you have, but by and large I have very few questions or comments. The one...the first one is line item 3532, Garage Remediation. We are showing a \$5,000 line item. Ralph reported here a few weeks back that we had resolved the remediation problem out there had been taken care of, correct?

Ralph Kissinger: (Inaudible. Not at mike.)

Commissioner Mourdock: So, I don't know that. You need to come to the mike, Ralph.

Ralph Kissinger: (Inaudible. Not at mike.)

Commissioner Mourdock: Okay, so we have received the release from the IDEM, I guess? Okay.

Ralph Kissinger: I think you should have (Inaudible. Not at mike.) I'm sorry—

Commissioner Mourdock: Okay.

Ralph Kissinger: Absent minded. Yes, I did get a full release, and I think I, I think it was in February—

Commissioner Mourdock: It's been a while.

Ralph Kissinger: —when I turned that in to the Commissioners, but I do have some copies of that in my desk—

Commissioner Mourdock: Okay.

Ralph Kissinger: —if you need any.

Commissioner Mourdock: With having received that release, I don't know that we need anything in here for a line item.

Commissioner Fanello: I didn't know that we did either, but I asked Sandie Deig, and the Auditor's Office and they just said some had been budgeted in there for the past few years, so I wasn't sure if we wanted to go ahead—

Commissioner Mourdock: Yeah.

Commissioner Fanello: —and include any.

Ralph Kissinger: I don't think there are any ongoing, or any outstanding charges for that either—

Commissioner Mourdock: Right. If you end up using that soil off site somewhere, basically, the cost for transporting that would come out of whatever project it was going to anyway, so—

Ralph Kissinger: Right.

Commissioner Fanello: We could drop that.

Commissioner Mourdock: —I would just suggest that we drop that one.

President Mosby: That's fine with me.

Commissioner Mourdock: We just found \$5,000.

Commissioner Fanello: Okay. We just need a couple million more.

Commissioner Mourdock: Yeah, right. I'm good, but I'm not that good. The SCT items, we could talk about those in bulk here.

Commissioner Fanello: I don't know if you have it but, Dave Gumbiner sent me two revisions to the SCT budget. One was with a 5.76% increase and the other one was with a 23.2% increase, or some sort. 23.78% increase. One has to do with including the FASBE project in it, which is the financial upgrade, and one is without. Then one was with every project. It really, basically, the contractual started out at \$1.6 million. With the 5.76% increase it would be \$893,261, and with the 23.78% increase over last year, it would be, approximately, \$1.2 million. So, I guess, right now I have penciled in on my copy \$893,261. I think I originally put the \$1.2 on there, but—

Commissioner Mourdock: That's correct. The one that I have has \$1.2.

Commissioner Fanello: Okay.

Commissioner Mourdock: So—

Commissioner Fanello: To me—

Commissioner Mourdock: —you're at \$893,000.

Commissioner Fanello: Yeah, and I think we ought to go ahead and just put it in at the \$893,261, because I think a lot of discussion will have to take place with Council and the Mayor's Office—

Commissioner Mourdock: Yeah.

Commissioner Fanello: —because these are joint projects.

Commissioner Mourdock: Right, and that sounds good to me. My comments regarding the specifics here were simply in looking at the way that they were trying to phase some things in, and deferring FASBE, and if I'm hearing you correctly, you are saying they need to go ahead with FASBE?

Commissioner Fanello: I think they probably...the other things we could defer like the wide area network—

Commissioner Mourdock: Exactly.

Commissioner Fanello: —and I think they could defer part of the gigabyte or bit project, you know, over time, so, I think, probably the financial package and the payroll, even though, you are saying there is money already in there, those are probably things that are a little bit more imperative, but the Mayor wanted a chance to think that over and have some discussion about that—

Commissioner Mourdock: Yeah.

Commissioner Fanello: —as well, so.

Commissioner Mourdock: Well, just for reference, on page two of his original letter, the third paragraph on the second page, the one that starts with the first of the planned upgrade the network infrastructure with the VenNet domain to gigabyte service...with that being phase one, it seemed to me that made sense, but given where we are budget wise, what he has in that same paragraph is phase two, and phase three, didn't seem to make sense.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Then the next paragraph, I had cut the whole thing, which was the wide area network.

Commissioner Fanello: Yeah, did that have to do with the Alles Project with the Central Dispatch?--

Commissioner Mourdock: Yes. Yes. Yeah.

Commissioner Fanello: —and the Fire Department, yeah.

Commissioner Mourdock: Okay, so we went from—

Commissioner Fanello: So we are going to settle on the \$893,261?

Commissioner Mourdock: (Inaudible), of course. Yep. As a general comment, in those line item accounts we have things like Vision 2000 and some, oh, commitments that we otherwise make, but I don't see anything here for the pledge that we just made to Jonathan Weinzapfel and his group.

Commissioner Fanello: I'll tell you...I guess, I assumed we were going to take those out Riverboat monies.

Commissioner Mourdock: Uh—

Commissioner Fanello: If not, I guess, we could go ahead and put a line item in, and I had also called Jonathan and asked him exactly when it was going to start, because I didn't know if they were going to wait and set up...if they were going to set up the office now, or if they were going to set it up at the beginning of next year, and if—

Commissioner Mourdock: Yeah.

Commissioner Fanello: –we were giving them money for half the year this year, or if we would start out at the beginning of next year.

Commissioner Mourdock: That probably depends on when funding comes in.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: If it comes in from the other Counties.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: If we are going to do it that way, I wonder if we could almost set up the separate line item underneath Economic Development within those three budget areas. Does that make sense?

Commissioner Fanello: Then just take it out of the \$500,000?

Commissioner Mourdock: Yeah, yeah, because–

Commissioner Fanello: That's what I was thinking, but–

Commissioner Mourdock: Since it's a multi-year pledge that we are in effect making–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –I think we need it in a line item of some form, otherwise, it will get forgotten when somebody comes into town and we need money for Economic Development. Those were the only ones that I had on that page. On the next page, and this may be in line with what we have already done, I just want to be sure. You have the new Assistant County Attorney at the proposed budget amount of \$27,457. Is that a salary, or is that meant as contractual services?

Commissioner Fanello: That is a salary, and that is based on the Council Attorney's...what the Council Attorney's salary will be next year, so, you know, I am asking that we put an assistant in for Phil, and then, obviously, we would also have to have some contractual. I did not reduce the contractual account for next year, due to the fact that I didn't know if we were going to have any Jail costs, or litigation costs or anything like that.

Commissioner Mourdock: If we have...and I realize we never know how we are going to get sued–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –so, the contractual there has to be something in that line item, but I presume that if we are going to have a new Assistant County, I'm sorry, Assistant County Attorney–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –that wages are that monies that we are otherwise paying as contractual, would come out of this anyway, wouldn't it not? I mean, likely

this person would do that work?

Commissioner Fanello: You are saying reduce the contractual account by—

Commissioner Mourdock: Well, does that—

Commissioner Fanello: —well, and I would have reduced it had I, had we not had some special things going on with, you know, all the Jail...I'm not so sure that it's going to be feasible to reduce it next year. Under ordinary circumstances it would be, but with the Jail litigation and things going on I'm not... I wasn't sure, so. You know, we can always reduce it—

Commissioner Mourdock: Yeah.

Commissioner Fanello: —and go back and ask for more, so.

Commissioner Mourdock: Just as an observation, the Hillcrest Washington Home seemed to be a larger percentage jump than what we saw in other years, and then the other line items, and maybe you know more, you probably do know more than I know about that particular item, but I would just suggest that you take another look at that one and see if that isn't about—

Commissioner Fanello: And that is going to be—

Commissioner Mourdock: —50 grand too high.

Commissioner Fanello: —and it probably does look like a larger jump, but we did have to go back and appropriate some more money for that one, didn't we not? Was that what we did the last time? On the Hillcrest?

Tammy McKinney: We had...right.

Commissioner Fanello: We had some additional, so the additional money that we appropriated for this year would have been in line for what we are asking for next year. I can pull those copies for you.

Commissioner Mourdock: Yeah. Well, just check that one. Certainly it needs to go up a little bit. That was the last comment I had on that page. On the next page, which...let me, seeing the first line raises a question. The contractual services you were just referring to as far as the lawyer, which line item are we looking at?

Commissioner Fanello: That would be on the first page of the Commissioners budget, Department 1300, and that is—

Commissioner Mourdock: Oh.

Commissioner Fanello: —you might be looking at the CCD one.

Commissioner Mourdock: No.

Commissioner Fanello: Um....3610, Legal Services. It is on the second page, I'm sorry.

Commissioner Mourdock: Okay. Ah, okay. Okay.

Commissioner Fanello: Which was the same that was asked for this year, so I left it the same.

Commissioner Mourdock: Okay, going back to the other one, Discovery Lodge, obviously, we've gone from \$500,000 to \$1 million, let me skip that one and I'll come back to that in just a second.

Commissioner Fanello: Okay.

Commissioner Mourdock: University Parkway, otherwise known as Eickhoff/Koressel. I noticed that there is nothing in there budgeted.

Commissioner Fanello: I believe...John, isn't that all out of Local Roads and Streets this time, or? We didn't budget any for the University Parkway—

John Stoll: No.

Commissioner Fanello: —out of CCD. It's out of Local Roads and Streets.

John Stoll: Local Roads and Streets. We put a million dollars in on...it was...no...there was \$700,000 or \$800,000 in Road and Street, and then \$200,000 or \$300,000 in Cum Bridge. That was for the estimated local match for the earth work and grading contract that we hope to be able to bid out by, say next Fall.

Commissioner Mourdock: Of that roughly million dollars, are you talking all of that million for University Parkway?

John Stoll: Yes.

Commissioner Mourdock: Okay. Okay.

John Stoll: We don't have any firm cost estimates as of yet. I was estimating it would be around a \$5 million project.

Commissioner Mourdock: Okay. Well, then the next one on here, and I kind of pre-supposed, I had questioned whether the next two were both under Local Roads and Streets. Were the Millersburg-Greenriver Road Interchange work is that...it's showing nothing here, was that also out of Local Roads and Streets?

John Stoll: There won't be any money needed next year, because the money this year will get the design started, and probably two years from now additional money will be needed. If I remember right. I don't have my papers here, but we didn't budget any additional money for that project for next year, I do know that.

Commissioner Mourdock: Okay. Then for St. George-Oak Hill Intersection improvements, we have that as a new project for half a million dollars. Why that one over something else? I mean, what's the burning fire on this one?

John Stoll: The EUTS studies show that a traffic signal is warranted out there, and there is an accident problem out there as well. Putting the traffic signal in, just on the current geometry of the intersection didn't make a whole lot of sense to me. It seems like you would need to at least add left turn lanes for the northbound to westbound turns. Similar to what we are talking about out at Millersburg-Greenriver.

Commissioner Mourdock: Well, is it similar in the sense then, that as this year most of the money for Millersburg-Greenriver has been study money, that this much is study money?

John Stoll: In this case it won't be a Federal Aid Project, and because of that it won't take as long. So, potentially if we had a consultant hired early next year, you might be able to get it out for bid by the end of next year. Just because we wouldn't have all of the environmental studies and all of the design approvals and things like that.

Commissioner Mourdock: Alright. Will there be any consultant money in here, or will you do this all in house.

John Stoll: That would require consultants. Since it takes signal work.

Commissioner Mourdock: Okay, then with that being the case, is \$500,000 enough?

John Stoll: It depends on the project limits. Potentially—

Commissioner Mourdock: Ah!

John Stoll: —there is a culvert that we might get into up north, about half way between Keystone and St. George.

Commissioner Mourdock: Ah.

John Stoll: If we get into that, then we could get some Cum Bridge money, and use that in addition to this.

Commissioner Mourdock: Yeah. Cause I think that...my guess is that half million is going to be short when it comes time to do that project. Okay.

John Stoll: There again, too, since it won't be Federal Aid we might be able to avoid some of the overkill part of the Federal Aid process as well, because some of their design standards are a little excessive.

Commissioner Mourdock: Okay. Alright. Jumping to the next page for a minute, the Carpenter that is listed under Superintendent of County Buildings?

Commissioner Fanello: That's Bennie's position.

Commissioner Mourdock: Okay, I thought it was. Wasn't sure. Then Repairs to Buildings and Garage, down under Class 52, line item 3550—

Commissioner Fanello: Uh-huh. That's really meaning Old Courthouse repairs.

Commissioner Mourdock: Okay, so we've got that, plus we've got the Old Courthouse item down below it \$600,000.

Commissioner Fanello: That's for the roof, yeah.

Commissioner Mourdock: Yeah. So, it would appear that your total thinking as far as expenditures next year at the Old Courthouse are going to be \$620,000?

Commissioner Fanello: Well, I...I mean, the roof is going to be \$600,000, I

mean...the \$20,000 is just for general repairs. I mean, that doesn't include any extensive renovations we would do.

Commissioner Mourdock: Okay.

Commissioner Fanello: Which we are still..I think, the Old Courthouse Committee is supposed to come back in mid July.

Tammy McKinney: They are going to make a presentation on the 16th.

Commissioner Fanello: So we might...we are going to have a little bit more information from them.

Commissioner Mourdock: I'm wondering if these numbers aren't low.

Commissioner Fanello: Oh, I think they are low, but I didn't--

President Mosby: I would say they are very low.

Commissioner Fanello: Yeah. But, I...they are.

Commissioner Mourdock: If we are....well, let me make myself clearer. I'm not suggesting that this \$600,000...I think that's low for the roof, okay?

Commissioner Fanello: It's going to be a lot.

Commissioner Mourdock: I don't think we will get the roof done for that.

Commissioner Fanello: It's going to be more than that.

Commissioner Mourdock: Yeah, and I think that begs the question, what does our board want to do regarding Tammy's earlier question about how we finance, or how we otherwise fund some of these costs going into this thing when people need repairs to space. I would just urge us to consider if we can find some more money to put in that building--

Commissioner Fanello: I mean...I think that is a commitment on Council's part. I mean, I am committed--

Commissioner Mourdock: Well--

Commissioner Fanello: --to making the renovations, but I mean that is going to have to be a commitment on their part how much they want to take out of the General Fund to do renovations.

Commissioner Mourdock: Uh-huh.

Commissioner Fanello: So, the numbers you see at the top, the \$20,000 and the \$15,000 for contractual, those are just general everyday, those are not extensive renovations, and they are way low for anything beyond just general everyday maintenance.

Commissioner Mourdock: Yeah. Okay, and is everything under Class 52, is all of that related to the Old Courthouse?

Commissioner Fanello: Um....pretty much. There may be a couple of things–

Commissioner Mourdock: So, that 70 grand is Utilities for the Old Courthouse?

Commissioner Fanello: Yes.

Commissioner Mourdock: Okay.

Commissioner Fanello: Yes, yes.

Commissioner Mourdock: Okay. Jumping to the next page, obviously, the re-juggling, if you will, or juggling of the numbers, we've traditionally gone with the straight \$500,000, as you know. I'm just...I'm not adverse to changing the balance. I think, I would like to see us, perhaps, maintain flexibility, if we can, and maybe move some of the money back into the Welfare to Work, as we've structured it. If we need more money under the other items at a later time, and if we can shuffle it, obviously, this is a budgeting exercise, not an expenditure exercise.

Commissioner Fanello: Well, let me just tell you about the conversation at Council the other day.

Commissioner Mourdock: Okay.

Commissioner Fanello: I went back and asked for the appropriation that lapsed at the end of...the money that lapsed at the end of last year for Welfare to Work, and Councilman Raben brought up the question that he wasn't sure that we needed to give them the \$124,871 that lapsed at the end of last year, and I told them that we had gone through extensive discussion about that, and Gary Heck is supposed to come to the Council meeting tomorrow to kind of talk about why they had so much money left over, because as of May 31st they had \$1.2 million still unspent.

Commissioner Mourdock: I suspect what his answer will be for that is that's based on the rules that were imposed–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –for that program, they couldn't authorize expenditures.

Commissioner Fanello: I agree with that. I wouldn't expect them to go out and spend the whole \$1.2 million this year, though, but I think they wanted some discussion about that and I've talked to a couple of the Council members and they feel that maybe we don't need to budget as much money one year. Maybe the next year we give them more money, but–

Commissioner Mourdock: Okay.

Commissioner Fanello: –that's kind of the discussion going back and forth, so.

Commissioner Mourdock: Okay, well let me just add two words to that discussion, and those two words are the Child Care issue–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –because as you heard, uh, um...the lady's name has

gone out of my head..Phyllis Donahue make the comment about the way that the state has changed it's programs, I think, that we could have a lot greater demand in that area than what we've had before. One thing that has been eye opening, I think, a lot of us have worked with that program over the years, is that the Child Care issue is what determines whether somebody is working or not.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: If they've got a child at home, and they can't take care of the child, if they are working, they don't work. Which causes a whole other set of problems, so I would urge you to consider that in light of the Child Care.

Commissioner Fanello: And maybe...we...you know...and that's what Gary can explain to the Council tomorrow—

Commissioner Mourdock: Right.

Commissioner Fanello: —when he is there, so we can kind of go from there, I guess.

Commissioner Mourdock: Okay.

Commissioner Fanello: But, the reason I did up the Economic Development was, obviously, we have committed \$500,000 next year to Bays, so.

Commissioner Mourdock: Uh-huh. Okay, going back then to the Discovery Lodge and the Burdette Park situation as a whole. Did you want to talk about that at this point?

Commissioner Fanello: Uh-huh. Yes.

Commissioner Fanello: Last week you had asked me several questions about the way we had done our planning on that, and just as a bit of history, the Discovery Lodge, as you know, is something that has been in the works for awhile. It was originally something envisioned by Mark Tuley once the skating rink, the long ago skating rink was torn down. It was something the board has been supportive of, and we've always looked at that project very much as a pay as you go project. We did not want to deliberately make a long term, solid, uh, this money is absolutely spoken for type of commitment, because we recognize that the community has a lot of priorities, and we wanted to maintain flexibility so that this Commission had other options if they wanted to pursue them. It is not different in that sense than what we have done in the past with things like Burdette, or even, in a sense, what we talked about a few minutes ago with the phase in of some of this computer stuff. We just looked at it that way. As far as the source of funding that we saw, historically, of course, we've used General Revenue Funds, Aztar, and, I think, David, I think you were on the Aztar Selection Committee back years ago, were you not?

President Mosby: Uh-huh.

Commissioner Mourdock: They committed some money which became part of that original \$500,000. We've also picked up \$145,000 from Representative Becker and Senator Avery. I know Representative Weinzapfel has pledged \$90,000 of Build Indiana money, although, obviously, that's a little bit in, I won't say limbo, but at least it's in suspense given the Governors recent actions. Our longer term plan was to use, uh, those sources to do this project. Again, we wanted to maintain as much

flexibility as we could possibly have. One thing I want to make clear, too, and, I think, you....both of you understand this, but I know in the community after the reports of last week there was some question. There was some reading of the situation to imply that, gee, we've contracted our self into expenditures for which we do not have money budgeted. You understand that is not the case.

Commissioner Fanello: I know we haven't contracted, but we've spent a half a million dollars for site work, and—

President Mosby: I would consider it contracted.

Commissioner Mourdock: Well, it is not contracted money. We do not owe anyone money for which we do not have money in—

President Mosby: We did not owe anyone money, but as we've talked about earlier if you was to scrap this project tomorrow, you'll pay the State Funds back.

Commissioner Mourdock: That is true.

President Mosby: You've got Build Indiana Funds right here that you've done expended.

Commissioner Mourdock: Uh-huh.

President Mosby: So—

Commissioner Mourdock: That is true.

President Mosby: —outside of spending \$2 million to build a building, we would in turn have spent \$500,000, and we are going to pay them funds back if we don't build it.

Commissioner Mourdock: Well—

President Mosby: So, we are committed.

Commissioner Mourdock: Yes, we are committed. This board has traditionally been committed, and, again, if you are not committed to this project, that is your right to do that.

President Mosby: I am committed to Burdette Park—

Commissioner Mourdock: I mean, that's the way (inaudible- talking over each other) the board changes.

President Mosby: —and I'm committed to the project, but you sit here and tell me the funding, and I've yet to hear you say exactly where you were going to budget it from.

Commissioner Mourdock: Well, I said a moment ago we were going to go to the County Council for General Revenue Funds, and we were looking to work with our State Legislators to continue to bring Build Indiana money into the County.

President Mosby: I'm looking at a proposal here for Build Indiana Funds that says

work will begin early Spring of '99 with completion projected for the Summer of '99, and building construction would begin immediately in the Summer of '99 where projected finish date is May 1, 2000. That's only about a year and a half or two years off.

Commissioner Mourdock: That's true.

President Mosby: I mean, I would still be interested to know at the middle of Summer or towards the Fall of last year where you thought you were going to budget this from?

Commissioner Mourdock: I answered that question a moment ago. Last Summer we were planning on continuing this project over a period of several years on a pay as you go basis. We didn't want to do a bond, which otherwise affects the County's limits to bond other things. That was our plan. If you want to fault—

President Mosby: Okay.

Commissioner Mourdock: —our plan, you have every right to do that.

President Mosby: Okay, we are at the point where we need \$2 million right now to start construction of that project.

Commissioner Mourdock: We need \$2 million to finish that project. Add the element of time to this discussion.

President Mosby: We can't go out for bids and construction and not have the—

Commissioner Fanello: And not have the—

President Mosby: —money set aside.

Commissioner Mourdock: That is correct, but—

President Mosby: So, we need \$2 million.

Commissioner Mourdock: But...you...no, I would disagree. It depends on what you want to finish here.

President Mosby: I want to finish the building.

Commissioner Mourdock: Okay. In that case, what I would suggest we do, is we go forward and bid this with several alternates to see what we can get with the level of funding that we want to support for next year. If that means the building is not totally finished next year, and we want to finish it in 2003, we certainly have that as an option. Again, this is the way we have done other projects, that this board has done them long before it was Republican controlled, simply because we don't have unlimited sources of money. We go pay as you go.

Commissioner Fanello: I guess you understand that the Build Indiana Funds you would never, ever get that much funding from Build Indiana Funds.

Commissioner Mourdock: This project is one that is ideally suited for what the goals of the Build Indiana Fund are. Which is to say, under it's varied definition, the Build

Indiana Fund is to help education of kids, it's to help with aesthetic projects that are important to communities. We have certainly gotten support, and if...let me ask your question another way, have we gotten as much support from all of our State Legislators as I would have helped...or hoped? The answer is no.

Commissioner Fanello: Well, because they have to dole it out to several areas. I mean, you have Jonathan Weinzapfel who, you know, helps Posey County get money, I mean, you are spreading it out over a large area—

Commissioner Mourdock: That's right. We—

Commissioner Fanello: —there's no way they can only give it to one project.

Commissioner Mourdock: —have six different Representatives who are spreading money out. If each one of the six came in for \$80,000, which they could, under the monies they have—

Commissioner Fanello: But, that would...realistically, that is not going to happen.

Commissioner Mourdock: Well, it's happened with two of them.

Commissioner Fanello: Realistically, in the past years—

Commissioner Mourdock: Jonathan has pledged \$90,000 of his money. I mean, again, how well can we continue the support for this project is the important question. This board previously, and , I think still, I hope still, is committed to doing this project.

Commissioner Fanello: I'm committed to doing the project, but I don't believe in government operating like a credit card. I don't believe in the pay as you go system.

Commissioner Mourdock: Well—

Commissioner Fanello: You set funds aside for projects.

Commissioner Mourdock: —if you don't believe in the pay as you go system, I think that you are going to learn that County government can't get as much done as you hoped, because we do have to look towards the revenues that are coming in in future years, and we do need to maintain the kind of flexibility, if you will, so that we can deal with any crisis that comes up.

President Mosby: I totally disagree with you. I sat on City Council for thirteen years and we completed a ton of projects.

Commissioner Mourdock: Well—

President Mosby: The thing about it is. They were paid for.

Commissioner Mourdock: That's right, and the County government has a \$42 million budget—

President Mosby: When we go to contract—

Commissioner Mourdock: —and the City has, what is it \$100 million?

Commissioner Fanello: Yeah, but we're not--

President Mosby: Well, sharpen your pencil. I mean, you know...that...okay, I'm going by your theory right now, so we've got \$1 million for next year. So, what do we do? Do we call a contractor and tell him to put up \$1 million worth of building and stop when he gets to that point. Don't go any further because we can't afford the walls or windows. I mean that is what you are sitting here telling me, and--

Commissioner Mourdock: What I am sitting here telling you is that we have traditionally gone on a pay as you go basis. The people, the Burdette Park Advisory Board have understood that, and to say what we are going to do what you just suggested isn't as...you make it sound almost comical, it's not comical. It's not ludicrous.

Commissioner Fanello: We're not going to do that with the jail are we?

Commissioner Mourdock: It's the way we can do it.

President Mosby: At the rate you're going--

Commissioner Fanello: We're not going to do that to the jail are we?

President Mosby: --the building will be outdated by the time you get it done.

Commissioner Mourdock: Well, time goes by very quickly. Time goes by very quickly here, David. We heard the same thing with Burdette, or, I'm sorry, with Burkhardt Road. You know, if you're only going to do that phase, gee, what good does that do. Well, pretty soon that year was gone by--

Commissioner Fanello: Your talking about something a little different there.

Commissioner Mourdock: No, no I'm not. I'm not talking anything different, Catherine. As far as the source and the method of funding. It was pay as you go.

President Mosby: Let me tell you where the method of funding probably went. Since two Democrats got elected in January, the \$1.8 million that they returned to the General Fund that should have been carried over, would have paid for this project.

Commissioner Mourdock: Well, then let's go to the General Fund and get it. Again--

President Mosby: So, I can figure it out for you. I mean, at one point you are right, you had the money, and Bettye had encumbered it year over year over year.

Commissioner Mourdock: But, if we had...we could not encumber money for which we did not have a contract.

President Mosby: I welcome you to go to the Council and pick up that extra \$1 million dollars.

Commissioner Fanello: Well, you had a project here though.

President Mosby: I really do.

Commissioner Mourdock: I'm sure.

Commissioner Fanello: Okay, I want clarification on something. John Stoll for the past four years had written letters to the Auditor to encumber money for projects. Not specifically, maybe, having a specific contract at that point, but the projects were on the table. Why wouldn't this have been the same magnitude? This project was on the table.

President Mosby: I mean this project according to this was due to be done in the Summer of 2000.

Commissioner Mourdock: Then I will ask John to come forward and state which ones you are referring to, because the encumbering of money occurs again with a P.O.–

Commissioner Fanello: I don't have the papers.

Commissioner Mourdock: –or a contract.

President Mosby: She will get the paperwork for ya.

Commissioner Mourdock: That's fine. We can continue to go backwards and look over your shoulder here, or we can try to go forward.

President Mosby: I'm ready to go forward.

Commissioner Mourdock: Okay, good. Let's go forward.

President Mosby: At the time you tell me, no, we didn't have the money budgeted, and we didn't know how we were going to pay for it, that's fine, or are you telling me that we were going to use that \$1.8 million, which I'm sure we were at one point, until we forgot to encumber it–

Commissioner Mourdock: David, I'm sorry you see people in every grassy knoll. That was not the intent–

President Mosby: I'll use your phrase.

Commissioner Mourdock: –that was not the impression.

President Mosby: Somebody dropped the ball.

Commissioner Mourdock: Well–

President Mosby: That's your phrase.

Commissioner Mourdock: –again, if you want to say that, that is fine. My question to you is, do you want to look over your shoulder or go forward? I heard you say a moment ago you wanted to go forward.

President Mosby: Well, we got \$32,000 to go forward with at this point.

Commissioner Mourdock: And, I heard you say a moment ago that with the \$1 million there, it, uh, you would want to see us do something with that to see what we can do.

President Mosby: I don't know. No, I take that back. I didn't say that. I said this is

what you are going to get. No, I'm not going to build half a building. For people to drive by and look at for two years, and say I wonder if they will ever get the money to finish it?

Commissioner Mourdock: First of all, I'm not sure that your supposition is right that \$1 million won't get you something that is usable in the first year.

President Mosby: We seen a presentation for \$1.947.

Commissioner Mourdock: Which included some things that otherwise are on the outside of the building, which aren't necessarily pertinent to what—

President Mosby: From what I understood from Steve Craig, they cut that back as far as they could to get to the \$9.47. \$1.947.

Commissioner Mourdock: That's right, but there are still things outside the building that don't affect the interior of the building.

President Mosby: Okay. I'm just not used to—

Commissioner Mourdock: Again, the question is—

President Mosby: —operating a business like that. I don't think that it is good business, and I wouldn't do it with my money. I would not start a project at my house and tell the guy to come in and put in half the windows, but don't put the other half in because I can't afford it.

Commissioner Mourdock: Well, this Commission, not last year's Commission, it was this year's Commission that went ahead with this to the point of doing the architectural work. So, I mean, if you are going to fault us for doing that, it was this year when we hired the architect with this thing. To go forward with that.

President Mosby: This Commission right here did not spend the \$500,000 of taxpayers money.

Commissioner Mourdock: By your same logic—

President Mosby: So, now—

Commissioner Mourdock: —by your same theory, is to say, well, gee, if we did it then we'll go ahead and keep doing it? I mean—

President Mosby: No.

Commissioner Mourdock: —that doesn't make sense.

President Mosby: No, you have committed us to this project, and we just have to finish it.

Commissioner Mourdock: Okay, do you want to go forward? Or do you—

Commissioner Fanello: I want to go forward. I say—

Commissioner Mourdock: —want to go backward?

Commissioner Fanello: –you go ask Council–

Commissioner Mourdock: Okay, how do you want to go forward?

Commissioner Fanello: We go to Council and say you fund the whole \$2 million, or we are going to have to scrap the project.

Commissioner Mourdock: We are going to have a what project?

Commissioner Fanello: Scrap the project, until the whole \$2 million is set aside to do it, because, like David I am not going to build half...I'm not going to sign off on half of a project. I am not going to start a project like that without proper funding being in place. I don't even see how that is legal.

Commissioner Mourdock: Well, we'll have this discussion again, because if this Commission wants to be effective with some of our road projects...for instance, we are talking Eickhoff/Koressel here a few minutes ago. You know we are starting to build half a road out there. You just heard John say what the funding was. We don't have the whole thing in place. We are going to have a road that effectively goes to nowhere for awhile, but that is just the way you do it.

President Mosby: But, I heard him say that he needed \$1 million for the year 2002, and we funded \$1 million. You knew that you needed–

Commissioner Mourdock: What's the \$1 million buying you? It's not buying you 100% of the road that's the issue.

President Mosby: You know–

Commissioner Mourdock: It's the same theory.

President Mosby: –I looked at this proposal right here and it says , somewhere in here, that the total of this project, and we knew it at the beginning was \$2.4 million.

Commissioner Mourdock: \$2.74, I believe.

President Mosby: \$2.74, it's in here somewhere, because I seen it awhile ago.

Commissioner Mourdock: Yeah, the building is \$2.5–

President Mosby: Yeah, \$2.74 million. I would have never started this project unless I had the money set aside.

Commissioner Fanello: Or at least the majority of it.

Commissioner Mourdock: Again, you are looking backwards. I say that respectfully. You are welcome–

President Mosby: I would say–

Commissioner Mourdock: –to your opinion as far as what you wouldn't have done, but we are where we are today. We are going to do this again with other projects, like we just agreed to with Eickhoff/Koressel for budgeting. If you want to go forward with the full project, let me make this recommendation to you, okay? If you want to

do some level of funding with it, whatever the number is, I would suggest that we still try to do it incrementally with budget alternatives in it, which is how we did The Centre too, by the way, just to see what we can get for various levels. If we can save money with the other pressing needs that the County has, then certainly those are always options open to us.

Commissioner Fanello: I mean, aren't you—

President Mosby: Councilman.

Troy Tornatta: Troy Tornatta, County Council. I guess one way to look at the different ways of funding coming back to the Council, uh, early on in the year James Raben asked that we set aside \$2.7 million of monies that were brought in, and it's just an earmark, and , uh, you know, I don't think, I don't know where it came from, I thought it was coincidental where that money was from, and we looked back and it come from several different spots. That's just an earmarked group of monies that is going to that Jail, and there is no reason that that can't go to this project, if that is the case. Like I said, I don't think that anybody, I think that it was kind of something that came up to some of us as a surprise that we were so physically fit financially that we had that money coming in. So, \$2.7 of that would, obviously, be some of the monies that you are talking about, and if that's the case I don't think we have a legal binding to any kind of monies, except for the Jail, so.

President Mosby: If you would bring that up at the meeting tomorrow, I would welcome that.

Commissioner Fanello: I mean, I am willing to put \$1 million in the CCD Fund, but the CCD Fund itself will not support much more than that \$1 million, so the other \$1 million is going to have to come from the General Fund.

Troy Tornatta: Like I said, that money was set aside early...early, so I really don't know where the money came from. I don't know if it was...if that was the money that was not encumbered and brought back, and if it was I think that it should go back to the funds from which it was to benefit. If that is the O'Day Center, then I think that we need to look at benefitting the O'Day Center and finishing the project. Now, Richard, I don't, you know, I think there is a difference in a road project than there is a building project, because you have to...you have to have a building and you to have a structure to cover it or you are possibly damaging or eroding that building. If you are building a road, you can build a road so far and stop, and then build the road farther, but, uh, you know, that's a road project that is not an encased unit for which Steve is trying to accomplish here. Then we've got an issue on whether it is toiletries, computers, and we talked about that last time, that that was or was not entered into the...entered into the, uh, the package that Morley and Associates brought in. You have to have that for the Center or you just have an open shell. I think that if we do it, we want it done and we want it done right, and we want it functional and usable. If it doesn't have the computers in it, and it doesn't have the things that we got the credits for from the Build Indiana Funds, then why did we actually build it?

Commissioner Mourdock: Well, several points. First of all the funding mechanism between the roads and this building are no different. Once you have been on Council for awhile, you will learn...and this Commission is going to do it to, you've heard of the other example already tonight with Eickhoff/Koressel. You say it's different. No, it isn't different. It's pay as you go. As far as what you get for that

money, the last thing that I would sit here and suggest to you, Troy, would be that, gee, we build a nice building with walls, but don't enclose it, don't put the windows in, don't cover it. I would never support that. If we are going to have a building, even if it takes us a couple of years to do it, it would still be totally enclosed, it is not something that would be subject to the weather, it would not be something out there being in a constant state of deterioration before the construction was done. That's not my intention. It never was, certainly, Pat Tuley's nor Bettye Lou's intention when we talked through this process several years ago. You know, we want to have something the community can be proud of. That is why we felt for sure the Build Indiana Fund would be something that we could use, and I think, ultimately, it still will be.

Troy Tornatta: Why are we sitting back...why, why are we in favor of setting back \$2.7 million dollars for a Jail that has not even got an architect...an architectural drawing, but we feel comfortable in not funding a project at Burdette Park that has an architectural drawing. We saw a great presentation up here, and it's for juveniles...not juveniles, for kids and for the taxpayers, but yet we are not going to put any money behind that before we build it?

Commissioner Fanello: That would be a good question for your Council.

Commissioner Mourdock: You took the words right out of my mouth on the first part.

Troy Tornatta: Well, I...I.--

Commissioner Mourdock: That \$2.7 million--

President Mosby: I totally agree with you.

Troy Tornatta: I'm just saying it's the same preface. I mean that you would want to have monies in place. When I go to the bank to buy a house, I can't....they won't let me build as I go.

Commissioner Mourdock: Uh-huh.

Troy Tornatta: I don't understand how it would be any different with a project like a building project.

Commissioner Mourdock: Okay, as you defined it a moment ago, Troy--

Troy Tornatta: Right.

Commissioner Mourdock: --that money is earmarked. So, let's say, for example, we had earmarked, by your definition, \$500,000 a year going through the future so that we could use it for the building. But, by your definition of earmarked somebody could have come in and used it for something else anyway and we would be right back having this discussion.

Troy Tornatta: Well, there is a difference between earmarking and budgeting.

Commissioner Mourdock: Well, I'm using your term. It was earmarked.

Troy Tornatta: Well, yeah. I don't believe that there is such a thing as earmarked. I don't believe in that process. I voted against that. I don't believe that there is

earmarking for that, uh, I mean, I was not sold on that \$2.7 set back because I think there is other areas for which we could use that money. If we have anything over, yeah, can we encumber that over into that Jail project? Yeah, but I don't know why that had to be put in that Jail project at that time—

Commissioner Mourdock: The point is even if you want to now use the term budgeting, when that money is out there in the budget, someone, if for whatever reason, things change, someone can pull that money and do other things with it.

Troy Tornatta: But, it has to be transferred, and there is legal ways—

Commissioner Mourdock: That's right.

Troy Tornatta: —and earmarking—

Commissioner Mourdock: That's right, but it can still happen.

Troy Tornatta: —there is no legality to earmarking.

Commissioner Mourdock: Well, now we are back to earmarking, I thought we were talking about budgeting.

Troy Tornatta: Well, you're right, there is two different points, but we believe that one...but there's a budget—

Commissioner Mourdock: Let's go forward. Let's go forward.

Commissioner Fanello: Okay, so I'm just going to...I suggest we just leave the \$1 million in there for CCD and ask Council to come up with the remaining amount?

Commissioner Mourdock: Let me understand. You are going to leave this \$1 million in here from CCD, and just go to them for General Revenues—

Commissioner Fanello: Yeah, because the CCD Fund itself will not support much more than that. The CCD Fund is not a huge fund, so.

Commissioner Mourdock: Well, let me ask this question. Will you, the two of you, and this is a fair question, because it was certainly one the record will reflect that Pat Tuley was very interested in this, in getting the State Legislators on your side of the aisle to come forward to help fund this.

Commissioner Fanello: Sure. I mean, if we can get...I'm all for getting all the grants we can get, but right now, I mean, that's in limbo.

President Mosby: So, they—

Commissioner Mourdock: I understand that it's in limbo, and, again, that was one of the eventualities and that is why we do pay as you go. We didn't want to put all of our eggs in one basket, and say for sure that money is going to be here—

Commissioner Fanello: But, I—

Commissioner Mourdock: —but limbo (Inaudible. Talking over each other.)

Commissioner Fanello: –would suggest that the Council go ahead and fund it in full, and if we do happen to get the grant monies, well then we can cut back our funding, but–

Commissioner Mourdock: Okay, well–

Commissioner Fanello: –I think with the grant monies being in the Build Indiana Funds in limbo at this point, we don't know what is going to happen, so.

Commissioner Mourdock: Again, I'm not sure limbo is the right word–

Commissioner Fanello: Or suspended, whatever.

Commissioner Mourdock: –suspension might be the better word, but...and that's fine, and, although, this isn't necessarily the appropriate place for the rest of this discussion I would, again, continue to urge this board to consider as we go forward with this, that we look at what alternatives we can include in any bid packages we issue, so that we can defer some of those costs into future years. It makes sense. It doesn't mean you have half a building, it means you have a building that you can grow into over two years or three years instead of doing it all in one year.

President Mosby: Okay. Hold it. Tape Change.

(Tape Changed)

Commissioner Fanello: Are we finished with that?

Commissioner Mourdock: Yeah, those were all of my comments.

Commissioner Fanello: Well, I have one thing that was not in our original budget that I would, um, ask that we add to our budget. In the past I saw where vehicles for the Sheriff's Department had been budgeted out of the CCD Fund, and I would like to ask that...they are asking the County Council to fund ten new vehicles next year, and we may not be able to give them the full amount, but I certainly would like to give them, uh, \$125,000 for vehicles next year.

Commissioner Mourdock: Do we know where we are as far as the Commissary Fund as far as the total amounts of money available through that fund?

Commissioner Fanello: Maybe the Sheriff could help us with that.

Sheriff Brad Ellsworth: I didn't...I didn't....Brad Ellsworth, Sheriff. I didn't check the balance today–

Commissioner Mourdock: Sure.

Sheriff Brad Ellsworth: –but it is in the area of a balance of about \$200,000, maybe a little bit less.

Commissioner Mourdock: Okay.

Sheriff Brad Ellsworth: In that area.

Commissioner Mourdock: With that \$200,000, Sheriff, have you

earmarked/budgeted any of those funds for vehicles?

Sheriff Brad Ellsworth: For vehicles, no. Well, let me put it this way, some of the Jail up and extra vehicles, not squad cars.

Commissioner Mourdock: Transfer type vehicles?

Sheriff Brad Ellsworth: Transport vans. Are we talking about a transport van?

Eric Williams: (Inaudible. Not at mike.)

Commissioner Mourdock: Okay.

Sheriff Brad Ellsworth: I provide monthly a list of the expenditures out of Commissary to the Council. I would be glad to do that to the Commission also.

Commissioner Mourdock: My point is—

Sheriff Brad Ellsworth: Specifically, not cars. I mean there are tons of things that come out of there that I have not gone to Council for. Cars is not usually a thing...the way the law reads, I believe, it talks about that things not otherwise budgeted for by the County. Commissary can spend anything else not otherwise budgeted for in the County General Fund. Cars has traditionally been a General Fund item, and/or, over past history, we were able to...we basically asked two ways, General Fund and/or CCD. If CCD...if you all allow that, then we put in zero for the General Fund, so—

Commissioner Mourdock: Okay, so...go ahead.

Commissioner Fanello: I was going to say their total vehicle request for next year would be \$250,000 for patrol vehicles, and \$45,000 for a prisoner transport van.

Commissioner Mourdock: So, the \$45,000 is what would be coming from Commissary Fund, as you now see it?

Sheriff Brad Ellsworth: Not necessarily. That has been...former Sheriff Hamner bought a transport van to the tune of \$40,000 out of Commissary. Last year I bought an x-ray machine for the Court...for the Courthouse at \$28,000, instead of going to Council for it. So, like I said, it would take awhile to explain, but that runs the whole training center...training, several other areas of the department. Cars has not been one that we specifically...although when we need a car mid-year, we may buy that out of Commissary to supplement what the County has given us. There is not a traditional line item for squad cars, because we feel that's always been an area that the County has...been in a line item for the County.

Commissioner Mourdock: Yeah. Well, I would just make the comment that, obviously, there is a lot of time, money and effort that this board and the Council is going to be putting in on issues for the Jail...I'm sorry, for the Sheriff, slash, meaning the Jail, and, maybe, this is the time when we break tradition a little bit and use some of that non-traditional money from the Commissary Fund to help us with some of these, because, otherwise, we are going to spend, I mean, we are going to spend a lot of money on Jail issues this year.

Sheriff Brad Ellsworth: I don't mind helping. I do a lot of things...the dryers...the one

thing that the Council did when I had taken office, and running a Jail with 300 inmates is extremely tough on a \$50,000 that the Council provided me, it may have been \$60,000, I think it was \$50,000 this year. That ran out a long time ago. We are completely funding any Jail costs out of Commissary at this time. I made that pledge to the County that if they...when they zeroed me out as a way of paying back former Sheriff Hamner, I told them that if they would fund the \$60,000 back, I would then cover the cost out of Commissary. So, I'm running the Jail on Commissary Funds right now. I bought a ...what was the dryer, Eric?

Eric Williams: (Inaudible. Not at mike.)

Sheriff Brad Ellsworth: The dryer?

Eric Williams: (Inaudible. Not at mike.)

Sheriff Brad Ellsworth: My washing machine was \$24,000 to put them in...didn't go to Council or anybody. So, I would love to provide you and show you what we are doing out of that money already. It is healthy right now, but you don't know what's going...I'm not saying I won't help on these cars, but that has traditionally been a budgeted item, and, uh, I say...I've pretty shown...I think I've shown a willingness to use that Commissary in a very diligent manner with the County.

Commissioner Fanello: So—

President Mosby: I don't have a problem with that.

Commissioner Mourdock: Catherine, you were essentially saying there that all you were doing was—

Commissioner Fanello: Maybe—

Commissioner Mourdock: —assigning that line to the CCD.

Commissioner Fanello: Yes.

Commissioner Mourdock: Okay. Protocol dictates then that with these amendments...are we done with this?

President Mosby: Yes.

Commissioner Mourdock: Were there any other amendments?

Commissioner Fanello: No.

President Mosby: Not that I know of.

Commissioner Mourdock: Okay. With, uh, well, we just need a motion to carry this forward with these—

Commissioner Fanello: Yeah, motion to just at least carry it to the Auditor's Office so they can start finishing their budget information.

Commissioner Mourdock: Right. With the changes as discussed this evening. Is that part of your motion?

Commissioner Fanello: Yes.

Commissioner Mourdock: So, I will say second.

President Mosby: I have a motion and a second to send—

Commissioner Fanello: The budget to—

President Mosby: —the budget with amendments to the Auditor's Office. So ordered.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board? No, seeing none. That quick enough? County Department Heads.

County Engineer: John Stoll

President Mosby: County Engineer.

John Stoll: I don't have anything new to report this evening unless you've got any questions on anything.

Commissioner Fanello: Nothing new? Okay.

John Stoll: Nothing new.

President Mosby: Nothing new.

Commissioner Mourdock: What's the status on Fulton Bridge?

President Mosby: That's what I was getting ready to say. Can I ask you when we can drive across?

John Stoll: I put a call in to the Inspector today and he didn't return my call, so I'm not sure.

Commissioner Mourdock: Nothing new.

John Stoll: As of...before I went on vacation they were estimating sometime next week. So, unless something changed last week, hopefully, it will be sometime—

President Mosby: Sometime this week.

John Stoll: No, that would have been actually sometime last week. It would have been better when I wasn't here.

President Mosby: Okay. I just was wondering. I went by there. It looked like things were progressing.

John Stoll: They kept telling me the week of the 9th, so as soon as I get any new information, I will let you know. Hopefully, they will hit that target.

President Mosby: Okay. Thanks, John.

County Highway: Ralph Kissinger
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President Mosby: Uh, Ralph, County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my reports. I don't want to sound like John, but I really don't have anything new to report. Actually, I apologize for being late. My assistant was supposed to attend tonight, I am actually on vacation this week, but he called at the last minute and had an emergency, so I decided to come on down in case there were any questions.

President Mosby: This ain't double time is it?

Ralph Kissinger: No. No.

President Mosby: Okay.

Ralph Kissinger: This is a freebie, okay.

President Mosby: No problem.

Ralph Kissinger: No cost.

President Mosby: In that case. Thanks.

Philip Hayes: One...one moment, Ralph. You were—

Ralph Kissinger: Yes, Phil.

Philip Hayes: The personnel matter that was previously—

Ralph Kissinger: Yes.

Philip Hayes: —submitted will require...requires a motion.

Commissioner Fanello: Motion to (Inaudible. Mike not on.)

Philip Hayes: Medical Leave, uh-huh.

Commissioner Mourdock: Okay. You made the motion?

Commissioner Fanello: Yes.

Commissioner Mourdock: I will second the motion for the Medical Leave at the Garage.

President Mosby: Alright. So ordered.

Ralph Kissinger: So ordered.

Philip Hayes: Do you have your paperwork? Is it already in?

President Mosby: Uh—

Ralph Kissinger: The Auditor's Office has the paperwork.

Philip Hayes: Okay. Very good.

Ralph Kissinger: I will just need a...I think, they said it needs a pink slip.

Philip Hayes: Thank you.

County Attorney: Phil Hayes

President Mosby: County Attorney. Nothing?

Superintendent of Buildings: Tammy Mc Kinney

President Mosby: Superintendent of Buildings.

Philip Hayes: No further report.

Tammy McKinney: I don't have anything.

President Mosby: Good.

Burdette Park: Steve Craig

President Mosby: Burdette Park, Steve Craig. Oh, did you have a question?

Steve Craig: Steve Craig, Manager of Burdette Park. First thing that I wanted to, uh, talk to you about was, um, Rob Kerney had invited Dennis Au out to Burdette and talked to our Advisory Board about the restoration of some of the trails and buildings out there and he would like to approach the Commissioners next week about starting a Historical Society for Burdette Park. I would like to get him on the agenda.

President Mosby: Now, who wants to...Dennis or Rob?

Steve Craig: Rob.

President Mosby: Okay. I don't have a problem with that. Tammy...we'll just, Tammy put that on...Rob Kerney.

Tammy McKinney: (Inaudible. Mike not on.)

Steve Craig: You know, when like Dave was out there, some of those trails and that in the back, they think that there's funds to have those trails restored back to their natural thing, and by having a Friends of Burdette Park Historical Society, what they gave it a name, that we would have a better chance of getting these funds and that to restore them. Even maybe take one of the buildings and make a little museum out of it, you know, and put some of the WPA stuff in there, but, I mean, what they're idea is not to take any money from the County, but to do this, you know, because they know where the monies are available. It's not like there is a lot out there, but they think that they can get some of them because of the amount of WPA work that

was done at Burdette.

President Mosby: We'll put him on.

Steve Craig: Okay. Other than that I don't have anything really except my work reports.

President Mosby: No problem. Any questions?

SWCD and Ozone Officer Report

Commissioner Mourdock: I'll move we accept the reports as well for the Soil and Water Conservation District and the Ozone Officer.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Mourdock: Before we go to the Consent Items, there is in the Consent Package one...a form that is labeled Tri-State Orthopedic Surgeries. We need to pull that out. Just as a privacy issue that should not be part of the Consent File, in my opinion. Would you agree, Phil?

Philip Hayes: Yes, I would agree.

Commissioner Mourdock: Okay. So, with the exception of pulling that out of the packet, I would move approval of the other Consent Items as submitted.

Commissioner Fanello: Can I make one comment?

Commissioner Mourdock: Sure.

Commissioner Fanello: There was a Request for Telephone Service by the Health Department, and they want a Modem Line in their office. I think this is an appropriate time to ask them what their moving plans are, because why waste the money to give them a Modem Line if they are moving out of there quickly?

Commissioner Mourdock: I don't know if that was a motion, but I will second.

Commissioner Fanello: It's a motion. So, if we can pull that one out.

President Mosby: Okay, so we are pulling out the Modem Line?

Commissioner Fanello: Yes, for the Health Department.

Tammy McKinney: Now, I believe they paid for it out of their budget.

Commissioner Fanello: They have already done it?

Tammy McKinney: No, but--

Commissioner Fanello: Okay.

Tammy McKinney: –well, do you want me to check on that?

Commissioner Fanello: Yes.

Tammy McKinney: Okay.

Commissioner Fanello: Let's just defer it until–

Commissioner Mourdock: On that whole general subject, maybe we could have Tammy send a letter and invite the, several people from the Board of Health here to explain to us what the timing is of their move?

Commissioner Fanello: Well, I think...I talked to her today. You are going to send a letter–

Tammy McKinney: I'm going to send a letter.

Commissioner Mourdock: Okay.

Commissioner Fanello: That we talked about last week, and, I think, it would be nice if they just came in front of the board.

President Mosby: Okay, so we've pulled out two things, and we have a motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled Meetings.

Commissioner Mourdock: Given the status of the pending Jail litigation, I would like to see the County Commission meet in Executive Session, with the County Council, in Executive Session to go over that litigation package.

Commissioner Fanello: I agree. I think we ought to...next Monday at 5:00. Joint Executive Session.

Commissioner Mourdock: Okay. So, we need to communicate–

Commissioner Fanello: If...if we can do that.

Commissioner Mourdock: –with the President of the Board.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Yeah.

Commissioner Fanello: Susan is looking at me with a question on her face, and we will make sure that we can do that legally.

¹Consent Items listed on Page 44.

President Mosby: Legally.

Commissioner Fanello: In order to talk to about the Jail litigation, we feel it would be beneficial to do that.

President Mosby: I guess...Tammy is not going to be here tomorrow. Can you contact Ahlers? Talk to Jeff, because they've got a meeting tomorrow--

Philip Hayes: They have an Executive Session tomorrow in regard to claim settlement on this litigation and that is what we are trying to do is get around to the terms of the...of the agreement.

President Mosby: If you'll...yeah...if you'll talk to Ahlers tomorrow and see if 5:00 next Monday is okay with them, we'll do it right here. You.

Philip Hayes: I understand.

President Mosby: Then, Tammy--

Commissioner Mourdock: If for some reason--

President Mosby: --leave a message for her to talk to Sandie. Cause they got a meeting at the County Council tomorrow and they can bring that up.

Tammy McKinney: Okay.

Commissioner Mourdock: Excuse me.

Tammy McKinney: You want it in this room? In 307?

President Mosby: Hmm?

Commissioner Mourdock: That would be fine.

President Mosby: Here? Or do you want to do it in the Conference Room? We'll just do it here.

Tammy McKinney: Okay. This will be fine.

Commissioner Mourdock: And, Phil, if there is some statutory--

Philip Hayes: Any impediment--

Commissioner Mourdock: --limit that would keep us from doing that, please give me an e-mail--

Philip Hayes: Sure.

Commissioner Mourdock: --tomorrow, or give me a call.

Philip Hayes: Sure.

President Mosby: Okay, that leaves us a problem with, uh, Joe Ballard, do we need to call him?

Commissioner Mourdock: Oh.

Commissioner Fanello: Yes.

President Mosby: Are we going to have a problem? Because we've got a meeting at 5:00 next Monday already.

Commissioner Mourdock: Um.

President Mosby: Solid Waste.

Commissioner Mourdock: Yeah.

President Mosby: Of course Solid Waste will be in this office or this room.

Commissioner Mourdock: Right.

President Mosby: We are probably going to do it in the Conference Room. If Solid Waste continues on with their meeting.

Tammy McKinney: In 303? Or do you want to do it in the Council Chambers, 301?

President Mosby: No, no. 303.

Tammy McKinney: 303.

Commissioner Mourdock: That's fine.

Tammy McKinney: Okay.

Commissioner Mourdock: Tammy, would you contact Joe Ballard and let him know then that the three Commissioners will probably be occupied at 5:00 next Monday, which is when the Solid Waste meeting is scheduled. So, he needs to work real hard to make sure he can get the other four members there who could make the quorum.

Tammy McKinney: Okay.

President Mosby: Yeah, he needs to contact the Mayor and BJ and them to make sure they are going to be available, cause we make up the other part of his board.

Commissioner Mourdock: Yeah, Bill Smith and I can't think of who the fourth would be.

Commissioner Fanello: Who did you say?

President Mosby: Bill Smith, BJ—

Commissioner Mourdock: Bill Smith from Darmstadt, the Mayor—

President Mosby: —the Mayor—

Commissioner Fanello: Ed Bassemier.

President Mosby: Yeah, Ed Bassemier. Oh, Ed Bassemier will be out.

Commissioner Mourdock: Oh.

Commissioner Fanello: Yeah.

President Mosby: He's going to be at our meeting.

Commissioner Fanello: That's right.

President Mosby: Call Joe and tell him he don't have a quorum.

Commissioner Fanello: Yeah.

President Mosby: It's simple.

Commissioner Fanello: He will just have to reschedule it.

President Mosby: Yeah, because Ed Bassemier will be invited to the Council and the Commissioners Executive Session. So, that takes care of that. Solid Waste. Executive Session. I have Juvenile Detention scheduled for July the 6th at 1:00. Um, depending on the fact that I get with the Sheriff and Eric and Judge Niemeier might cancel that. Because I've got a meeting with Judge Niemeier. Any other meetings?

Old Business

President Mosby: Old Business.

New Business

President Mosby: New Business. Motion.

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 7:35 p.m.

CONSENT ITEMS:

Employment Changes:

County Auditor	Treasurer	Sheriff Department
Burdette Park	Recorder	

Travel Requests:

Auditor	Center Assessor	County Assessor
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Requests for Service:

Circuit Court	Public Defender
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Auditor:

Declaration of surplus items for auction.

Sheriff:

Weekly Jail information and Reports.

Declaration of Surplus Vehicles.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Bill Fluty	Tammy Mc Kinney
Madelyn Grayson	Phil Lawrence	John Stoll
Ralph Kissinger	Troy Tornatta	Steve Craig
Brad Ellsworth	Eric Williams	Others Unidentified
Susan Taylor	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 9, 2001**

The Vanderburgh County Board of Commissioners met in session this 9th day of July, 2001 at 6:20 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County, July 9, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Tammy McKinney, Superintendent of Buildings; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

Approval of Minutes

President Mosby: Motion to approve the minutes of the July 2nd meeting.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

**Phil Lawrence: Requesting Permission to Advertise Bids
for New City/County Payroll Software Package**

President Mosby: Phil Lawrence.

Phil Lawrence: I'm here again to request approval to advertise for the City/County Payroll Software Package.

Suzanne Crouch: If I may, I have prepared a time line for the documents, all the research that has been done by the Auditor's Office. As I am sure you all are aware, the County Auditor is entrusted with making payroll for the county. The Auditor's Office has been working in conjunction with the city and SCT since 1997 to provide a payroll upgrade replacement for our PDS system. Last year at budget time \$250,000 was set into SCT's budget from the county side, and \$250,000 was set in on the city side in order to allow that replacement for PDS be made or an upgrade, and a potential replacement upgrade of the FASBE system also. The reason this is such a critical...we are on such a critical time line, is that our current Legacy Version of PDS is not going to be supported by our current vendor after October 1st of this year. So, in order to try to alleviate additional costs on the county and city side we ask that the County Commissioners act upon this in order to allow us to meet that October 1 deadline.

Commissioner Fanello: I just have one question. Is this going to be a bid or an RFP? Because, I think, last week did you say RFP?

Phil Lawrence: It's an RFP. Yes.

Commissioner Fanello: RFP. Okay. Motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Let's just clarify that for the record. Since it was on the agenda as a bid, I had the same question. I was thinking it was an RFP last week. So, this is the RFP, not the bid?

Phil Lawrence: Right. Thank you.

Suzanne Crouch: Thank you.

President Mosby: You're welcome.

<p>Phil Hayes: Open RFQ's for Construction Managers for Jail, Community Corrections and Juvenile Detention Center Facilities Projects</p>
--

President Mosby: Phil Hayes.

Philip Hayes: We have the RFQ's for Construction Managers for the Jail and Community Corrections and Juvenile Detention Center Facilities Projects that will be required to be entered into the record as having been received. Is your preference that I read those in now?

Commissioner Mourdock: If you want to go ahead and open them, and then when we get to you and your report, you can read who submitted, or if you know who they are now? If there is only a couple.

President Mosby: Yeah, just go ahead and—

Philip Hayes: We have, uh, a total of two. The first submitted is by the Skillman Corporation (inaudible) Project Administration and Construction Management and they have submitted a statement of qualifications. They are a firm maintaining offices in Indianapolis and Merrillville, Indiana. Then in addition to that, James L. Shireman, Inc. of Corydon, Indiana is a designated response to RFQ for Construction Management services on Vanderburgh County Jail. That firm, as I say, is designated as having it's main office in Corydon, Indiana. There is three copies of that submitted for the record.

Commissioner Mourdock: With those two RFP's back to us then, logical question is how do we as a board want to deal with them?

President Mosby: RFQ's. You said RFP's.

Commissioner Mourdock: Oh, I'm sorry. RFQ's. How do we want to deal with them? Do we want to look at them individually? Have them come in and make presentations as we did with the architects?

Commissioner Fanello: I was going to say that since there is only two we might as

well have them come and make a short presentation, maybe no longer than 10 to 15 minutes.

Commissioner Mourdock: Okay. How about if we schedule that for two weeks from today? Would be July 23rd?

President Mosby: I'll be out of town.

Commissioner Mourdock: How about July 30th?

President Mosby: I can do July 30th.

Commissioner Mourdock: Okay. I move, then, that we invite the two respondents to the RFQ to give us presentations of no more than 15 minutes in length on Monday, July 30th.

Commissioner Fanello: Second.

Commissioner Mourdock: Tammy, if you would draft a letter up to that affect, I would appreciate it.

Phil Hayes: Request for Proposals for New Election Equipment

Philip Hayes: If you wish to proceed we have Request for Proposals for New Election Equipment, as well, which are here. We request permission to open those and we will proceed at your pleasure.

Commissioner Mourdock: I'll move the County Attorney go ahead and open the RFP's for Election Equipment.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Rob Kerney: Burdette Park Historical Society Proposal

President Mosby: Rob Kerney, Burdette Park.

Rob Kerney: Thank you. I appreciate the time to talk with you tonight. As most of you are aware, I am President of the Advisory Board at Burdette Park. We have numerous projects that we would like to look into, and don't worry we are not coming to you looking for money right now, so you Commissioners can take a breath right now. Included in this would be a future chalet, some lake management, we still have some buildings that are not ADA accessible yet. We would like to look into, maybe, a wheelchair accessible fishing pier and some other projects. We also found out recently that we have some WPA trails up behind the swimming pool that are in some need of repairs. Dennis Au, the Historic Officer came out and told us about that. As a result of this meeting, the board voted to look into starting a Friends of Burdette Park, or Preservation Society, a non-profit group to work at helping to raise money for some of these projects. In the past we have come to you for a Request for Proposal for a Grant Writer, so this is another avenue. We could do that instead of doing it through the actual government...or county government. We could do it through a non-profit group with a 501(C)3. The only thing I am coming to you tonight

to ask is to get your support to allow us to further investigate the possibility of starting up a Friends or a non-profit group for Burdette Park to help in these projects. We are not asking for the approval for the group tonight, we just want to make sure that you are on board with us before we spend a whole lot of time investigating this.

Commissioner Mourdock: Certainly...yeah...certainly sounds good to me. The only question I have is how much this board can be involved, Rob. I mean, if we are going to do a 501...correction, if there is going to be a 501-3C formed, I'm not sure that the County Commissioners, in any way, can be part of getting that started.

Rob Kerney: Well—

Commissioner Mourdock: I don't know all the legal ins and outs. I'm supportive of doing it, but I want to make sure we keep it clear so that it is a true 501-3C.

Rob Kerney: We have had a handful of people approach us about wanting to help, including Dennis Au as an employee who has an historic background on the park, and a handful of other people, so there are some other people that I was going to approach. As far as the Commissioners, no, but since you are technically over the Burdette Park, we at least wanted to let you know from the ground floor—

Commissioner Mourdock: Sure.

Rob Kerney: —what was going on at the park. So, as far as being involved, we are not asking for you to be involved. We just wanted to get you on board as being supportive of this idea.

Suzanne Crouch: It's my understanding, Rob might know something about this, that Burdette did investigate applying for a 501(C). I would be happy to submit the paperwork to our County Attorney, but even though we are not a 501(C), being a government entity we qualify for a very similar type of classification. So, I would be happy to submit that to the County Attorney—

Rob Kerney: Okay.

Suzanne Crouch: —and let him take a look at it and then he can get with you, Rob.

Rob Kerney: With that also...with a 501(C)3 there are some grants out there that we are still not capable of applying for being a county entity that we would be able to if we had a non-profit group to associate with us. So, it would kind of give us two barrels to fire at some of these projects.

Commissioner Mourdock: Yeah. What was the—

Rob Kerney: One of the projects that I did not bring up that is kind of important to us there has now been mentioned of creating a WPA museum because of the large amount of work that was done by the PA..or the WPA workers out there...at one of the buildings that the WPA formed. So, this would kind of fit in with the preservation idea also, so there is some historic grants out there that we could get through a W...501(C)3 that we may not be able to get through the W...or 501(C) as a county entity.

Commissioner Mourdock: Again, I'm supportive. I just want to make sure that we are squeaky clean—

Rob Kerney: Right.

Commissioner Mourdock: –so that no one who ultimately donates to this finds out, for some reason, that they don't get a tax deduction like they thought they were going to.

Rob Kerney: The organization would be–

Commissioner Mourdock: That's what we want to make sure doesn't–

Rob Kerney: –totally separate. Similar to the Friends of Mesker Park, a non-profit organization that would work hand in hand with the county government and the board along with the staff at Burdette Park.

President Mosby: I think Gary had a comment.

Gary Hohman: Yes. Gary Hohman, Assistant Manager of Burdette. To interject some information to add to Mr. Kerney's information that he is presenting. We have in the past two years submitted somewhere in the neighborhood of around 200 grant applications to the various groups and organizations and funding corporations. Over half of those have been sent back to us stating that the only way an organization such as Burdette can qualify for any of their type funding is to fall under the 501-C. By virtue of having a Friends of Burdette, this would allow that organization to act as the recipient for the funding for programs like Mr. Kerney indicated, the trail work and other avenues within the park.

President Mosby: Are there any other questions or comments? Are you just asking us to take this under consideration then?

Rob Kerney: Well, at this time we are basically just wanting to make sure that you are supportive of this idea. We are not really asking for a vote. If we could just get a nod of heads or something to make sure that we are going in a direction that the Commissioners are in support of.

Commissioner Mourdock: I would formally move that this board send a letter to the Burdette Park Advisory Board giving our support of the formation of the 501-C3 to help fund the park in the future.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Rob Kerney: Thank you. I appreciate it.

President Mosby: Thank you.

Commissioner Mourdock: Thank you.

Phil Hayes: Reading of RFP Responses for New Election Equipment
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President Mosby: Phil Hayes. Settlement Proposal.

Philip Hayes: I can proceed on opening the Proposals for New Election Equipment

submitted in response to the—

President Mosby: Okay.

Philip Hayes: —requests. There were two. One submitted by Election Systems and Software of Omaha, Nebraska. A second submitted by Governmental Business Systems, Inc. of Burr Ridge, Illinois. That would conclude the responses that have been submitted and opened as of this time, which I believe is the deadline date on the advertisement.

Mark Foster: If I may address the Commissioners in reference to that? We...I'm Mark Foster, President of the Vanderburgh County Election Board. We tentatively have scheduled a meeting for July 19th at 5:00p.m. We would like to invite both ES&S and GBS to have a demonstration at that time. They were both here when we had the five different vendors and demonstrated their software. Since they have both submitted proposals, we would like to have them come again and demonstrate their softwares for, and open it up, again, to all elected officials and whoever wants to attend.

Commissioner Mourdock: Meaning members of the public as well, Mark?

Mark Foster: We can...there will be the media there, I'm sure. They were invited at our last demonstration, so. We can do...well, we generally do it in the Council Chambers, so.

Carla Hayden: (Inaudible. Not at mike.)

President Mosby: You need to come to the mike.

Commissioner Mourdock: Yeah.

President Mosby: Never mind.

Carla Hayden: Carla Hayden, Chief Deputy Vanderburgh County Clerk. That meeting will be held on the 19th in this room 307 because the other, 301, is in use.

Mark Foster: We just want...I'll just say wanted to make you aware that we would like to invite these people here to demonstrate their systems again. If we are going to be spending this kind of money, again, we need to make sure we know what we are getting.

Commissioner Mourdock: Have all the members of the Election Board seen the type of materials that we received tonight, or should we make copies of all that material? Make sure all the Election Board members get a copy?

Mark Foster: We are...I can speak for the Election Board. We are all very familiar with the two systems we are talking about. We have seen both of them demonstrated at least three times now over the last course of about two years. We had both GBS and ES&S in a couple of years ago to demonstrate. We were the same board then, and, again, they were here just a few months ago. So, we have seen both of these systems demonstrated. Again, we would like to open it up for all elected officials, again, to see them because some people did not get a chance to make it to our last one. Obviously, this is an opportunity that we have now to purchase this new equipment where we are going to get at least 50% of the cost

paid by the state out of a fund that has been set up, so. I say we would like to at this time advise you of our next meeting. Advise you that we do intend to invite these people there, and, hopefully, you can attend to see what we are proposing to buy.

Commissioner Fanello: Now, I'm sure you are aware that before we can get the reimbursement we have to buy from a vendor that is on the State Quantity Purchasing Agreement.

Mark Foster: Correct.

Commissioner Fanello: Do you know when they are going to...do they have that out yet?

Mark Foster: Both of these systems are approved by the state.

Commissioner Fanello: The systems are approved, but vendors have to be on the Quantity Purchasing Agreement.

Mark Foster: I...do you know anything about?--

Commissioner Fanello: That was from after speaking with Jonathan....Representative Weinzapfel. The only way that you can get the reimbursement is that they have to be approved vendors on the state Quantity Purchasing Agreement.

Mark Foster: I can't imagine either of these not being on that list. I know ES&S has several counties in the state.

Commissioner Fanello: Just to make you aware of that in case you didn't know. I mean--

Mark Foster: Any, and by the way ES&S is our current vendor. That is who we are dealing with now.

Commissioner Mourdock: Both of these systems are optical scan systems?

Mark Foster: They are both optical scan systems.

Commissioner Mourdock: Okay.

Mark Foster: Thank you.

Commissioner Mourdock: Thanks for the information.

President Mosby: Thank you.

Phil Hayes: Settlement Proposal on Jail Litigation

President Mosby: Phil Hayes.

Philip Hayes: Mr. President, this is the issue of adopting a settlement proposal concerning jail litigation that has been variously negotiated by the County Council

Attorney and a commitment given to a draft by the County Council. This body has to consider a stipulation of parties to enter into private settlement. The Vanderburgh County Sheriff by it's attorney in this litigation, Tom Bodkin, has had an opportunity to review a draft dated July 6, 2001. There have been various suggestions from that initial draft point of view as to refinement. The matter can be approached this evening in any manner you deem fit. If you wish to have the settlement proposal first reviewed in it's outline form, I would be happy to do that for you for the record so that we have some map or some tracking device here to use as you may wish to comment or may wish to act upon various parts of it. If Mr. Bodkin is--

President Mosby: He's right there.

Philip Hayes: --in the room, and he is. Have I stated that to your satisfaction?

Tom Bodkin: (Inaudible. Not at mike.)

Philip Hayes: Okay.

Commissioner Mourdock: Rather than go through it line by line, let me just take a shot at it here. We need to have our summary minutes of the Executive Session put in the record. We forgot that, and I'll do that in a moment, but since our Executive Session this evening was entirely about this pending litigation issue, um, I think, it is appropriate to note on the record that, obviously, we are making some progress with the draft that we have worked through. County Council has certainly had input as well with that specific draft, and we have a bit of a deadline in front of us, self imposed, through the July 13th date that was established originally with the ICLU and the courts. It would seem that with the good faith efforts all sides are making on this, I think it would be appropriate to go ahead and try to work with the ICLU to see if we could extend that date. To make sure that the court is aware that we are doing all of these things together. I would also think that it is appropriate that we go ahead and continue forward with this draft with both ICLU and with County Council. Is that?--

Philip Hayes: Yes. That is a satisfactory summary, and I think an accurate summary of what's occurred. We're informed that, assuming that we can pass a version, or approve a version tonight...it's our understanding that the American Civil Liberties Union will join us in a petition to the court to ask to extend the time for filing a private stipulation on the basis that we are close. We feel that through the various negotiations and agreements that we have made at this point through Council that we will at least include for consideration those items that have been proposed by all of the parties that we will get such an extension of time. There will be a , I believe, Executive Session of the...or excuse me, I think it 's a public session of the County Council set for this Thursday. At that meeting, I believe, they will consider an approved version of our settlement negotiations to this point.

Commissioner Mourdock: Okay, well let me do this in several parts then. I would move that we direct the County Attorney to work with the Council Attorney and the ICLU Attorney and the Sheriff's Attorney--

Philip Hayes: Sheriff's...uh-huh.

Commissioner Mourdock: --to achieve a new date of July 30th? As a target date in place of the July 13th date.

Commissioner Fanello: I'll second. Second.

President Mosby: I have a motion and a second to work at a July 30th date instead of July 13th. So ordered.

Commissioner Mourdock: Then, I don't know that I need a formal motion on this, but I will try it anyway. I'll move that we direct the County Attorney to work, again, with the Sheriff's representative and with Council's representative to bring a new draft back to us at our Executive Session one week from tonight.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to have the attorneys bring another draft back in two weeks—

Commissioner Mourdock: No.

President Mosby: —One week.

Commissioner Mourdock: One week. The 16th.

President Mosby: One week, okay, that would be good. On the 16th. So ordered.

Commissioner Mourdock: Then just to formalize what we skipped on the agenda previously. I would move that we accept for the record the minutes of tonight's Executive Session which began at 5:00p.m., had all three Commissioners present, dealt solely with the initiation or pending threatened litigation and ended at 6:15.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to accept the minutes of the Executive Session. So ordered.

Lloyd Winnecke: Mr. President, may I address the Commission?

President Mosby: Yes.

Lloyd Winnecke: Lloyd Winnecke, County Council. We appreciate the extension offer. I think all parties involved feel that significant progress is being made toward the resolution. Just a couple of issues from the County's perspective. One, we would like a representative...if it's the County Attorney or someone from the Commission at our meeting on Thursday. It might make things more productive.

Commissioner Fanello: What time is your meeting?

Lloyd Winnecke: 2:30. The second thing, I guess, it's probably a little stickier is if there are things that require fiscal attention, and there seems to be in the latest alliteration, I think, the Council would like some...those things quantified at our meeting on Thursday. Specifically, the attention to recreation and all that language seems to be very vague. At one point that issue was out of the agreement, it's back in, and it says that the Sheriff can assess the recreational needs of the facility and the personnel needs to oversee that recreation. From my perspective does that mean additional bodies, or what? Those are some of the issues that I think fellow Council members might like to have some questions to on Thursday.

Commissioner Mourdock: Those very issues were some that we were doing some head butting on here an hour or so ago, so I think we are making progress within this Commission with the Sheriff's attorney, and I suspect that progress can continue with your group, with the Council as well.

Lloyd Winnecke: Great. Thank you.

Commissioner Fanello: Thank you.

President Mosby: Thank you. Are there any other questions? Seeing none.

Suzanne Crouch: Presentation of Form 144's

President Mosby: Suzanne Crouch.

Suzanne Crouch: State statute requires that Form 144's, which is a statement of wages and salaries of all offices and Commissioners and boards are submitted to you as a body. Then you have the option of making recommendations on any of those salaries to the County Council. In the past the Commission chose not to make recommendations and were silent on the matter, but certainly it is your option within the law, and, basically, tonight you just need to take them under advisement.

Commissioner Fanello: So, can we make a different suggestion than what was originally proposed?

Suzanne Crouch: Certainly.

Commissioner Fanello: Can I make one on the floor then?

Suzanne Crouch: That is your option.

Commissioner Fanello: I move...I would like to propose that we raise the County Engineers' salary to \$64,000.

President Mosby: I will second. I didn't know we could do that.

Commissioner Fanello: We can pay him or lose him.

Commissioner Mourdock: You just made the second so I don't know what to say. What do you want me to do, David?

President Mosby: I didn't know if you wanted to make a comment. You caught me off guard, but that's okay.

Commissioner Mourdock: It caught me off guard too not having heard of it. Obviously, John does a great job. I don't have any question about that. I just want to make sure—

Commissioner Fanello: It's something that came up today, so I'm...that's—

Commissioner Mourdock: Yeah, I wish we could have spoken of it under the personnel issues in the Executive Session, but with that I understand what the wages are for engineers these days, and I certainly know that the County in many

areas is a little lacking and that probably is one.

Commissioner Fanello: So...and the reason I did that was because we did not submit something in the budget, and I didn't have John change his in the budget, but Ralph did submit a different salary in the budget, so.

Suzanne Crouch: You might upon review of the 144's, if there are any other salaries that—

Commissioner Fanello: Uh-huh.

Suzanne Crouch: —you want to make recommendations on, you might want to do that in writing to Council.

Commissioner Fanello: In writing? Okay. Okay. Thank you.

President Mosby: Then we just take this under advisement and bring it back next week for final passage?

Suzanne Crouch: You can bring it back next week.

Commissioner Fanello: Okay.

Suzanne Crouch: That would be fine.

President Mosby: Thank you. Any other questions or comments?

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board? Yes, sir.

Richard Helzerman: My name is Richard Helzerman. I would like to speak to you primarily about the problem of jail overcrowding. But, I would like to make a comment on salaries. For the last six or seven years, probably eight years there has been an impression that there has been very little inflationary pressure on wages, and wages have been held steady. But that in the last six months or a year or so the pressure is off. I think that you need to think seriously about giving everybody at least a 10% or 20% raise.

Commissioner Fanello: I'll second that.

Richard Helzerman: I'll be happy to go into more detail about it, but that is my recommendation. You really should give him a 50% raise, but I think maybe a 20% would keep them from striking or something like that.

President Mosby: Is this a ploy to get more time at the podium, Mr. Helzerman?

Richard Helzerman: No, no. I'm very serious. It's very important that the county workers have an adequate wage to protect them from graft or payments under the table to get things done, or for them to be difficult getting, uh, I don't know, I don't want to say much more along those lines, but it's very, very important. The work that you do is so important to the prosperity and welfare of the entire area and the entire

region that you can't afford to have all your good people leave because they make more money somewhere else. I want to say the first thing that President Clinton did, and, excuse me you Democrats, I don't mean to say anything bad about Democrats, but the first thing that President Clinton did when he was elected President was change the formula for the cost of living index. As soon as he did that it looked like there was no rise in the cost of living and so people didn't ask for raises. A year ago, just before he went out, it was announced that they found a software bug in the program that calculated the cost of living index that deliberately understated the cost of living. Now, most of the reason why we have a Federal Budget Surplus is because the Social Security payments have not been going up with the true cost of living. They are tied to what the government says the cost of living is. So, you have eight years of pressure where the cost of living has been deliberately or accidentally or in some way understated. So, if the truth comes out and they fix the bug and look at these numbers, the real cost of living that people are paying is way up from it was. You see now...for eight years there were very few strikes, you know, people settled and most of the thing was not wage increases it was other than cash. The strikes you are getting now, they want more money, they want more cash in their pocket because it cost more when you go out to buy things. So, your people are more important than the programs that you do. A good person can save you millions of dollars in, you know, like when John designs something, if he designs it wrong, or doesn't catch some problem it's going to cost you way more than whatever raise you give him to keep him here. That's true of all the people in the county not just you, so. I appreciate you, and I can say more about it, but I think that's about enough. The first graph that I would like you to look at...these come from the reports that you all get. This is 6/6, but the same thing...I run these graphs every week and I have for probably six months. It is always the same. In this particular case, this is for one week. Over...almost 120 people, like 117 in that particular week, that got put into the jail were only there one day, less than one day and they got out. Under 20 people were in the jail two days, and they were out. Then three days it goes down to like four or five. Now, the point is if someone gets into prison and he's got a reasonable bail, he's in for just a few hours or a few days and he's out. If he doesn't get out in the first three days, which means he can't raise the bail, the chances of him getting out are almost nil. It drops down to almost nothing. This...I could show you 13 or 14 graphs that look the same way. This is not just one particular week. Now, the reason I say that is because I heard that the County Council has made a proposal and you guys are considering it, but in the paper it said that they were proposing to build a jail of 400. Now, I don't know if that is true or not, but that is what the paper said. Well, what number are they talking about then?

Commissioner Mourdock: It's not accurate. What...the number that you are referring to was a number that was discussed in the draft stipulation agreement that we were just talking about before you came to the podium.

Richard Helzerman: Yeah.

Commissioner Mourdock: That number is simply a number in the agreement. It is not certain at this point whether that number will remain in the agreement or some other number or there will be no number at all. The issue, as you have said many times, is about overcrowding. We're not...and I'm speaking for the three of us here, I think, we're less concerned about a number than we are about resolving the problem. Which is constant overcrowding.

Richard Helzerman: Okay. I have another graph for you to look at. I presume that this...one other time, but I would like to go over it in light of the number. Now, this

shows the population of the jail from the beginning of the year through the 23rd week, which was in June. I put...the numbers go up and down but there is an average or there is a regression line that they bounce around above and below it. For statistical purposes it's that regression line that you need to worry about or look at. Now, weeks one through 12 the regression line is the yellow line. You see that it is dropping just a little bit. The coefficient on the weekly number there is minus one, in other words, at the beginning of this year and for the first 12 weeks of this year, the pop...the average population of the jail was dropping one a week. Something happened the 13th week. If you look at that...and if you...when I did the regression line from week 13 on that is that blue line, the light blue line. You notice that one is going up. Now, at the time I presented this I asked you do you know what happened that 13th week? I don't know if any of you have had time to find out what happened? I will tell you what happened that week? Your attorney was quoted in the paper as saying that he had researched the Federal law regarding jails under which the third...the third, uh, lawsuit was put up. In that law it said that the Federal law forbids a Judge from ordering a county to build a new jail. I think all the people in the judiciary read that and thought the pressure was off for the lawsuit, and they relaxed their diligence to try to keep the jail down and started slamming unreasonable bails on people. You can see this line here, it went up five a week, okay? It went straight up to 350 in just those few months. The populace...the average population in the jail...the actual population went up to 350, way above the limit. Now, once they bumped into that court limit then people started putting pressure on them again and the numbers are going down. Now, the point is if you build a jail of 400, and the 400 number is not enough because two years ago the populace of the jail got up to 430. So, if you build a pop...a jail of 400, it's not going to be big enough. Now, the minute that the jail opens if you open it with 400 people, the pressure is going to be off just like it was during this time that started here, and the populace of the jail is going to go up at least five a week. Five a week and in exactly 20 weeks the new jail will be full. Now, you've spend a lot of time and a lot of money hiring consultants, but none of them has made an estimate as to how big a jail that you need. The \$100,000 study did not come out with anything other than what the standards are. Now, the standard is for a college town four beds for every thousand of population. Your population is 176,000. If you multiply four times 176 it comes out to 700 beds. Now, 700 beds if you look at the cost of jails that have been recently built, it costs over \$50,000 per bed to build them, and that's the ones that are completed now, were built before this pressure of the inflation. It's here and you guys are going to face it. Every bid you get is going to be way higher than what you were getting a year or two ago. I estimate that it is going to be \$75,000 a bed when you finally get around to getting a bid to build a jail. The \$35,000 or so...\$35 million that the Council has allocated will only build a jail of about 460. So, what I'm here to urge you...and in the paper it says that you Councilman Mosby are saying that it is going to take \$50 million. This is what my numbers and my study of it say is that it is going to take \$50 million purely for the jail itself, not all the other things that need to be there. The jail itself...you need to build a 700 bed jail and it's going to cost \$50 million. Now, this assumes that everything stays the same, but in the last year the state government has passed a new law, and that new law says that we can't just let people out of jail, or out of the penitentiary without easing them into society. They have said that they want to release everybody at least three months early, and bring them back to the local jail where they can get reintegrated, make contacts with their old friends or whatever and get...say released for work and gradually eased out into society. Now, and so this four beds per thousand that is an estimate that was made before the change in the law that says that the state is going to want to release people at least three months early. Now, I know...the people that I know that have requested that and Vanderburgh County turned them down. You don't have to take them back, but

the pressure is going to be there to get them back. See the people in the jail now are there at least three months waiting for trial, but the only people in the jail here now are the ones who can't afford to make bail. Everyone that goes up to the thing...to the...to the state, all of them are going to be looking for three months in your county jail or in your, in your Work Release Program, and so even this four per bed number is not going to be adequate given the change in the law. Now, the government is not supposed to increase your cost without providing you the money to do it. The state has with passing that one law, they have increased...and I can do the calculations to tell you exactly how many more beds you are going to need because of that regulation. If you like I'll do that, you are probably capable of doing it yourself though. But, but, but that is an unfunded mandate, and you have every right and every responsibility to the taxpayers of the county to go back to the state and say look you have put this mandate on us, you've got to pay for more beds. So, I...I, you know, I think that you have, you know, some, some way to approach the state. I've seen you have a good relationship between the county and the State Representatives here. So, another thing...that's basically what I want to say, but if you build a 400 bed jail you are still going to have to control the population through some other method. If, and I know you are tired of hearing this, but I'll say it one more time, very quickly, 100 people are in the jail because they are too poor to raise their bail. My guy that I visited...I visited him last Saturday night, and I visited him the Saturday night before. The Satur...three Saturday night backs when I asked to go visit the jail they said I'm sorry you can only stay a little short while because we are really busy tonight. The...the Evansville City Police have made a bunch of drug busts and we just, you know, we can't bother with you too much. You can come a little while, but not very long. So, I talked to my guy he said oh, yeah we got, we got one guy in our jail he was...he had a \$50,000 bond and they put him in jail and he complained about it and he had \$50,000 in his wallet. He bailed himself out at \$50,000, but his brother was in there on a \$100,000 bail, and this guy had made a phone call and the guy was coming up from Alabama and as soon as the guy came up with \$100,000 from Alabama, this guy got out. So, the high bail is only keeping the poor people there, not the big drug dealers, not the other ones. Now, and also this I wanted you to see this is from a science magazine. I'll give you this one when I am through here, okay? This is from Russia and this fellow that you see the picture of is a researcher and his study...the object of his research is Chernobyl. You know, when the atomic plant blew up and many, many people are suffering because of the radiation. Now, he did a study, he did a study of Chernobyl and he said there is another problem there that you have to deal with and the Russian government did not want to deal with, did not want to hear him so they flipped him in jail and he said he was stuck in jail for six months awaiting trial. See in Russia they can...it's not against the Constitution to give an unreasonable bail. I have been very isolated from people in my work. Now, Amnesty International designated Bandazhevsky a prisoner of conscience and the American Association for the Advancement of Science issued a human rights alert questioning whether he should be there. Now, when it came time for trial, if you look down the first paragraph under the picture, Bandazhevsky's trial is now under way despite a blow to the prosecution last year when a key witness recanted his testimony. In other words, they just got somebody to say that he would testify against him and threw him in jail for six months. There is very little difference between what is going on here by giving people unreasonably high bails. My guy in the jail says that they tease people all the time. There is one guy in there with a \$2,000 bail, and everybody teases him, why are you still in jail with that little teeny bail, but, you know, to him \$2,000 is a lot of money. To the bank robbers it's really not much. Anyways, I appreciate the efforts that you are making on the jail population and I just wanted to make those comments to be sure it would be very bad if you build a 400 bed jail and it is full in 20 weeks. Thank you.

Commissioner Mourdock: We need to change the tape.

President Mosby: Go ahead.

(Tape Changed)

Connie Engelbrecht-Hollander: Hi. My name is Connie Engelbrecht-Hollander. I'm just a citizen, and have been following what has been going on on this for quite a while. Not just in our county, but in other counties. Last time I was here, I was really concerned with...we really didn't, including yourselves, didn't really know who was liable for like your past persons signing, and who really gets to see...to speed up the courts or to speed things up. You're right. You are only liable for the buildings that they need. The only problem with that is, then there is no one to monitor the Judge and the lawyers to speed things up. They get to set everything at their own pace, and the more they see, the more money they make, as I have through the Indiana Codes. Okay? Also I've learnt that building prisons is a money making project. It's not...not our county that is going to make the money. I'm not putting...I'm learning politics myself, okay? This is our community, and I've been doing a lot of research on other types of ways to, um, to combat the problem with drugs, and most of our drug problem, I feel, in this area is the lack of nutrition in the area, and the education of people in the area, and if we don't start changing that at the younger level and trying to get families back together...and, to change that, like you said, you are going to fill up a 400 bed jail in no time, and all we are going to be doing is dishing out money to take care of people. I don't feel that threatened that I felt what happened the other day was necessary on a phone call. That scares me. I would rather see my...the law enforcement officers more educated at what they are doing, um, not so quick to jump like they did and fire in the St. Mary's Hospital area. That kind of freaked me out. I'm sorry... I know, okay.

Commissioner Mourdock: I don't know what you are referring to.

Connie Engelbrecht-Hollander: Well, it was, I guess...I was out of town, I just saw it when I got back. They had a high speed chase.

Commissioner Mourdock: Oh, okay.

Connie Engelbrecht-Hollander: On an alleged phone call, and six or seven shots were fired and the guy didn't even have a gun. So, um, and I think the law enforcement officers and...I'm just saying all across the board...our educators are the most important people next to these guys here, because those kids mentor these guys, okay? I had a cousin who was on the force for years, he finally retired out of it because he is just sick of it. I would like to see these guys paid and our teachers paid better and not worry so much about having a high walled prison for people who are basically sick. There is a lot of money to be gotten for us as a county by doing some of these special rehabilitation programs and medical centers, possibly even getting somebody like GFI or somebody to work with some of these people that are habitual, that have already become addicted that you have to almost, you know, give them a controlled dosage or someway of keeping them from getting out there and robbing their grandmas purse or the next door neighbor just because they need their fix. It's a world wide issue. I can go on and on. That is not our problem here, but it is our problem when you are talking about spending \$50 million in our little county for, you know, a 400 bed prison. I mean, if we are going to do that, we might as well go all out and build a state of the art and make money off of it like the rest of them do. That is what bothers me. So, I brought some kind of really interesting reading.

This is just a piece of stuff that I've been working on. Um, one of the best places that we could probably get some help would be the National Institute of Health and Child Services. If it is like a family situation with abuse or family situation, they will actually help fund that where they call it a Multi Systemic Therapies where they have high intense training. That would get us the doctors and the facilitators down here to help us with the problem. Because that is what is in the jail, let's face it. We don't have any high class bank robbers or, you know, we may get a high drug lord once in awhile pass through town, but that is what the Feds are for, I thought. By the way, they are the ones crowding our jail anyway, you know, and we've got to pay for it. So, you know, if they want to do their war, do it somewhere else and let us take care of our families here and try to fix things so. I'll give this stuff to you to read, and ,um, hope you can get something out of it, okay?

Commissioner Mourdock: Connie, what was your last name again?

Connie Engelbrecht-Hollander: It is Hollander.

Commissioner Mourdock: Hollander. Thank you.

President Mosby: Any other questions or comments? Any other individual...any other group or individual wishing to address the board? The Sheriff. Not sure you want to walk up there yet, right?

Connie Engelbrecht-Hollander: I just tried to get you paid. Get you some more experienced staff.

President Mosby: Thank you.

Commissioner Fanello: Did you pass one out to everybody?

Connie Engelbrecht-Hollander: I don't have enough.

Sheriff Brad Ellsworth: You all can share mine.

President Mosby: You just got one, right?

Sheriff Brad Ellsworth: I actually have two. Alrighty then. Brad Ellsworth, Sheriff Vanderburgh County, President of the Community Corrections Advisory Board. I would like to sit up here and tell you how proud I am of my staff and the wonderful job they are doing at the Community Corrections Center which, I will do that sometime, but today I've got a bit of a problem. Last nights storm took off a section of the roof at the Community Corrections Center again. It was the part of the roof that was installed by Thrifty Roofing. T-h-r-i-f-t-y. It is the same Thrifty Roofing that we have had problems with before. The roof blowing off, so, that was the part that Thrifty Roofing put on. We had, um, what is the name of the company on the estimate there? U.S. Industries come out today. Um, they have come out and corrected Thrifty Roofing's problems before for us and done a wonderful job. They have given us an estimate of \$32,000 and something—

Commissioner Mourdock: \$32,700.

Sheriff Brad Ellsworth: —that you see there. That is to replace the two areas of roofing that are outlined in green on the drawing on the back. That is strictly, as you can read there, for the roofing. Any decking would be pay as you go that has to be

replaced. As you can also see in the pictures, tons of water come in. It has ruined the drywall on the inside all the way down to the first floor, but, um, you know, I've got staff doing a wonderful job out there, I can't do a thing about the dang building. It is pretty depressing. I'm going to ask for the Commissioners guidance and leadership on this. I guess, it's probably necessary to declare some kind of emergency so we can get the blue tarp off and get some kind of roof back on.

President Mosby: Pardon? Uh, I guess, that is my question, who is responsible? I mean, we lease the building. Under the lease? We're responsible under the lease?

Sheriff Brad Ellsworth: Well, us and, Richard, do you have a recollection historically, last time when...on insurance, when that last roof that blew off...I...that was right in our transition period and I'm not real sure.

Commissioner Mourdock: My recollection is...to—

Unidentified: (Inaudible. Not at mike.)

Sheriff Brad Ellsworth: Wait...wait a minute.

Commissioner Mourdock: —My recollection is that there was a claim for insurance on it, and I don't recall the amount or what it was.

Sheriff Brad Ellsworth: I think they came up with some. I know we came up with...the county came up with—

Commissioner Mourdock: Yeah.

Sheriff Brad Ellsworth: —an amount, and, I think, we had some in Users Fees we threw towards it and I'm not sure but I'm about tap...after this last computer purchase, I'm tapped on User Fees because we have salaries and all of that coming out of that too. I'm not sure I can afford to do that.

Commissioner Fanello: Uh-huh.

Sheriff Brad Ellsworth: We've got it under a blue tarp right now, but it's—

President Mosby: Is this something that you feel like Thrifty didn't do an adequate job?

Sheriff Brad Ellsworth: T-h-r-i-f-t-y. Thrifty Roofing.

President Mosby: Well, do we have a recourse against them?

Sheriff Brad Ellsworth: I would like the County Attorney...we, we have at least...and this is from being up on the roof that they say it was not done right to begin with—

Commissioner Mourdock: Who says that, Brad?

Sheriff Brad Ellsworth: —These are the contractors with the good company that came out.

President Mosby: Well, then I would like to have that in writing.

Sheriff Brad Ellsworth: I don't know if they will do that, but where they are saying that...basically, what they have done, they have laid the rubber roof down over the top, sealed the ends and we were explained that there is a different process that you put down the tar paper that is then connected to the decking which is then hot sealed to the tar paper and then it's sealed. Apparently, what has happened is you can see in the pictures there, is we've got the rubber roof, no decking, no heat sealing and so, basically, when the air went up under the roofing it, basically, acts like a parachute, just blew it up and off. I mean, it's...the rubber stayed intact, there is just...it wasn't put on the right process.

President Mosby: I guess my question, Brad, is because it looks to me like out of these pictures that there is a whole lot more \$32,000 worth of damage.

Sheriff Brad Ellsworth: That...that's just the—

President Mosby: That's the outside. When we get to the inside, we've got other problems, so.

Commissioner Mourdock: There is another element of this too, Brad, and I don't recall, again, where your transition was. Were you doing the Community Corrections when Morley did his full assessment of the place? I don't think—

Sheriff Brad Ellsworth: Yes.

Commissioner Mourdock: Were you? Okay. Because—

Sheriff Brad Ellsworth: At least the second one.

Commissioner Mourdock: —okay.

Sheriff Brad Ellsworth: I was there during transition during Donan or Donan, however that is—

Commissioner Mourdock: Yeah, Donan. Okay.

Sheriff Brad Ellsworth:--and then Morley came in and then it went over to Beam, I think.

Commissioner Mourdock: It's been awhile, but, I think, my recollection is that part of that inspection, in fact, had to do with what the insurance claim might have been. So, I don't know if that was done prior to that bit of roof work or not, but if the roof work was in fact faulty then whether or not it was inspected and deemed faulty by Morley becomes a pretty important issue.

Sheriff Brad Ellsworth: Right.

Commissioner Mourdock: I mean, there are several components of this. I think we need to look at it from the insurance claim first and foremost to see if we can get some of that funding back. I think, the continued use of the building, certainly with everything else that we have been discussing, uh, is a serious question for us. We've all seen the movie the Money Pit, right? Somehow I have this sense of deja vu here with this roof issue. As soon as we declare it an emergency, which we did in the past, because it is an emergency, well, right away you step aside the normal safe guards that we have as far as low bidding and taking a...making sure people

are qualified and all that stuff. So, all that said, it seems to me the landlord, if the landlord would like us to stay there, this becomes an issue as to what part they wish to play and making this deal right too with the insurance. If they want a long term relationship, you know, that's something that if I were in their shoes I'd be thinking about real hard right now.

President Mosby: You say we're responsible though?

Sheriff Brad Ellsworth: I think the contract from what my recollection is of it that we pretty much got the improvements and anything like this and—

Commissioner Mourdock: But, but—

Sheriff Brad Ellsworth: —maintenance of the building.

Commissioner Mourdock: —I agree. That is contractually correct, but my point is that with the discussions we have been having about building the a new Jail and Juvenile Facility and Community Corrections Facility, all things are negotiable when those kind of things are in the air. We know short of shutting the program down, if we pulled the plug tomorrow and told DOC to come pick up all those folks, we know we are going to need a place, but whether it's that place or something new or some other place all those things put every aspect of how the financing is going to be done under negotiation.

Sheriff Brad Ellsworth: I think that just...and I haven't specifically talked to the landlord about this, but just in past, casual conversation I don't believe there is a willingness to share the cost on this.

President Mosby: Is that what you asked them the last time, and how did they respond?

Commissioner Mourdock: I don't know that it was asked last time, David. I would just have to go back and see. I don't know.

Sheriff Brad Ellsworth: We patched one section, I know we paid for that out of User Fees when a small section of it began to leak and blew off before, and we weren't willing...we couldn't pay for the whole thing, we patched a section to the tune of \$3,000—

Commissioner Mourdock: Yeah.

Sheriff Brad Ellsworth: —and, um that's what we...when they inspected the rest of it and said you've got future problems here.

Commissioner Mourdock: Yeah.

Sheriff Brad Ellsworth: It blew off one time before and I know that was a big point of contention before, who was going to replace and I think we ended up doing it.

Commissioner Mourdock: Yeah, and coming back to your question, David, I doubt that it was asked that way or at least that strongly at the time because we didn't have this other option out on the table of including a new Community Correction (Inaudible. Someone coughing on mike.)

President Mosby: Um.

Sheriff Brad Ellsworth: I mean, I don't know if we need—

Commissioner Fanello: We really haven't given him any kind of direction.

Commissioner Mourdock: I know. To me, the problem has to be fixed. I don't know what you do short of that.

Commissioner Mourdock: The problem has to be fixed and, basically, it's a funding source. I think, there are several alternatives, one being insurance. Two being some negotiated settlement with the owner. Three being any unappropriated CCD Funds, and fourth, since the courts always like the Community Corrections process and they feel it's an important one, are they willing somehow, is there any money there that they might find to put into this?

Sheriff Brad Ellsworth: I'm not sure there—

Commissioner Mourdock: I don't know either. I'm just listing it as item four.

Sheriff Brad Ellsworth: Like I said, I don't think the User Fees with that recent purchase of our computer package, I don't think I've got it in User Fees, because the salaries...I mean—

Commissioner Fanello: You are looking for us to say go ahead and fix it and give you some direction?

Sheriff Brad Ellsworth: Well, at least the roofing. Like I said, and if you say shut it down, I'll make the call. If we feel it's unsafe, I'll help you make that call...and Major Woodall is probably back there—

President Mosby: Boy, he is. He had his cell phone out when you said that.

Sheriff Brad Ellsworth: I say that because Major Woodall and the staff and the people we've hired have really come a long way. I'm real proud of this guy. I would have loved to have invited you out and seen how it was shaping up...the new back room that we were going to open up for the additional beds we've now forced everybody off the third floor and into that room that we were going to open up for additional beds. So, that, you know, is going to slow that down a bit...drywall we move into that slowly. Electrical, it's hard to say what's fallen in there and traveled in the electrical lines. I don't know anything about that kind of stuff. Drywall we can slowly replace with our maintenance crew out there, hopefully, but it's...like I said it is pretty depressing. It was really looking pretty nice out there.

Commissioner Mourdock: Well, putting this in several parts, um, the letterhead that is here in front of us, the U.S. Industries Group, are they the only ones that you have spoken to at this point?

Sheriff Brad Ellsworth: They have got a history with the building...a good history, and that was who we called today at least to get the estimate. They have replaced the other two parts and are very familiar with the roofing system up there.

Commissioner Mourdock: They have that size tarp in standby do they?

Sheriff Brad Ellsworth: I imagine they do.

Commissioner Mourdock: Wonder why?

Sheriff Brad Ellsworth: We were just glad that our roof wasn't blue anymore like it was for about six years. We were kind of excited about that until today.

President Mosby: I guess my thought would be to get a couple of estimates to make sure that is in line—

Commissioner Fanello: Uh-huh.

President Mosby: —we just—

Commissioner Mourdock: Yeah.

President Mosby: —replace the roof.

Commissioner Mourdock: Yeah.

President Mosby: Not saying outside of short that we go back after Thrifty.

Sheriff Brad Ellsworth: I don't know if any action was taken the last time on that when it blew off the first...I'm not sure, I think that was before my—

Commissioner Mourdock: Are you saying they did it the first time it blew off? Then they did it the second time?

Sheriff Brad Ellsworth: Right.

Commissioner Mourdock: I didn't recall that.

Sheriff Brad Ellsworth: I'm not sure who replaced it the second...the first time it blew off they had done the job and there was a question whether it was inmate labor and who they hired and that kind of thing. That was a...I'll say the previous Correction Center Administration, I'm not real clear, like I said, what the history of that was. I know...I only know who put the new roof back on. They may have come out and done it, I don't know.

Commissioner Mourdock: I'll move that we, uh, declare this an emergency situation and direct the Sheriff to get no more than three bids and with his discretion to act based on the quality of the bid proposal you receive and go forward to get this repaired.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. Three bids. Head forward.

Sheriff Brad Ellsworth: Okay. Thank you.

President Mosby: Thank you.

Commissioner Mourdock: Regarding the recoupment of funding on this, I think we need to look at all the different avenues out there as far as the four points I

mentioned before. So, Phil, I guess point number one on the insurance, would you check and report back next week.

Philip Hayes: The insurance issue, Madame Auditor, is there...we have a policy of insurance, a general policy of insurance on the lease hold operations as well as—

Suzanne Crouch: I believe so.

Philip Hayes: —Okay.

Suzanne Crouch: Do you want me to check and then get with you tomorrow?

Philip Hayes: I'd like to know...yeah, if I can find out who they're with, and I'm assuming our general agent. I'll call the general agent and if you can find any document—

Suzanne Crouch: I'll send it to you.

Philip Hayes: —that we have that would be helpful—

Suzanne Crouch: Okay.

Philip Hayes: —and you just have somebody get in touch with me, and I'll do that. We'll investigate the third party activity that was earlier discussed.

Connie Engelbrecht-Hollander: I just wanted to read something real quick. There is an idea that I read in here and I think...I don't know if we are trying to use some of these resources or not, but a county or any combination of counties may require premises and facilities for Community Corrections programs by purchase, lease or gift. The facilities and programs may be established and operated under a written contract of existing public or private agencies and institutions. So if you worked with GFI or one of these other places, a mental health center, uh, they can give us that. For research money they can get back from the big like National Institute of Health and other types of psychological programs that are out there. There is all kinds of government grants out there. To provide necessary funding for establishing, operation and coordination of Community Corrections programs, a local unit of government may use unexpended funds, use appropriate tax funds, accept gifts, grants and subsidies from any lawful source and apply for and accept Federal funds. Private agencies may receive funding from any lawful source, but must comply with all the rules and statutes of the Department of the State Board of Accounts. I mean, I would think that we would have a good chance of getting that if we tried a different angle, maybe. I don't know, maybe I'm all wet and don't know what I'm talking about, but it is sure worth a try. I hate to say it, but isn't that...the storm damage, doesn't insurance cover storm damage on buildings?

President Mosby: Well, that's what we have to find out tomorrow.

Connie Engelbrecht-Hollander: (Inaudible. Not at mike.) Okay.

President Mosby: Any other group?

Mike Howard: Mike Howard, Skillman Construction Managers. With DLZ under contract, why don't you have them take a look at it as well. You may want to have them do the specifications, and that might help you with insurance as well, if you

have to go back on this one roofing company. It wouldn't take too much for them to do that, and they could put specs together for Brad so that the three bidders then are bidding to specific specs designed by an architect and engineer.

President Mosby: I caught it, I'll catch you up to speed. Any other group or individual wishing to address the board? Seeing none.

John Stoll: County Engineer

President Mosby: Department Head Reports, John Stoll.

John Stoll: First item I've got is that I would like to recommend that Clark Dietz, Inc. be hired to do the design right-of-way and construction inspection work for the Greenriver Road and Millersburg Project. In reviewing their proposal they satisfactorily addressed the project and in the past they have given us good quality work when they did the St. Joe Commercial Court Intersection Project last year, and right now they are working on another locally funded project up in Evergreen Acres. So, they have given us good work in the past and also they have personnel who are experienced in Federal Aid design. Given the fact that we don't have sufficient in house staff for the project, that is why I would recommend that they be hired.

President Mosby: Comments or questions?

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next, I have a request from a Mr. Phil Goss regarding closing Kentucky Avenue south of Mt. Pleasant Road for a street festival in conjunction with the Frog Follies. In this packet of information he submitted he has provided a letter from the abutting property owners saying that they don't have a problem with the road closure. This would be on Friday and Saturday, August 24th and 25th. They have also provided a certificate of insurance, and location maps just all kinds of paperwork here on this. I had Phil Hayes review it and he said everything seems to be in order, so on that basis, it's requested that that be...the road closure request be approved.

Commissioner Mourdock: What was the block again, John?

John Stoll: It's on Kentucky Avenue south of Mt. Pleasant. You know where the McDonald's is out at 41 and Mt. Pleasant? It's east of there.

Commissioner Mourdock: I'm trying to see where Kentucky—

John Stoll: It's um runs south—

Unidentified: There's an auto auction.

John Stoll: Not out...not on that section. That's where those strip malls are out there east of 41, kind of a brown brick building. I can't remember any of the other businesses located in there.

Commissioner Mourdock: So, it is Kentucky Avenue south of Mt. Pleasant?

John Stoll: Yes. It's on the east side of 41. It would be the first street east of McDonald's. I believe there's a Japanese restaurant—

Commissioner Mourdock: Right. Yeah.

John Stoll: —in there.

President Mosby: I know where the Japanese—

Commissioner Mourdock: So, it goes back into that...it's almost a closed area anyway.

John Stoll: Yes, it's a dead end. It's a cul-de-sac.

President Mosby: I know where he's heading to. Do I have a motion?

Commissioner Mourdock: Yes. I'll move that we go ahead and grant the request as submitted.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The last item I've got is in regard to the Fulton Avenue Bridge. I spoke to Bernardin Lochmueller this afternoon and they felt that the bridge could be opened still by this Friday, but, um, still we don't have a firm commitment from the contractor on getting it open. The remaining work Bernardin Lochmueller felt was limited enough that the contractor should be able to get it finished, but still we don't have a firm commitment on that date. That is what they are shooting for.

Commissioner Fanello: Are we having a ribbon cutting?

Commissioner Mourdock: On Friday the 13th.

Commissioner Fanello: Let's make it Monday the 16th.

President Mosby: John, do I need to sign this?

John Stoll: No, that's just paperwork for the record.

President Mosby: Okay, I'll just pass it on then. Is that it?

John Stoll: That's all I have.

President Mosby: Thank you very much. Any questions or comments? Thank you, John.

Ralph Kissinger: County Highway
--

President Mosby: County Highway, Ralph.

Ralph Kissinger: Good evening. You have my report. I do have a couple of things to add this evening. First of all, I've talked with, uh, Chief Williams with the Sheriff Department and, uh, he has got some surplus vehicles that are...in order to save us maybe another year from buying some pick up trucks, we would like to take two of those vehicles off his hands and use them as parts running cars and different things if the Commissioners would approve of that.

Commissioner Mourdock: Are you otherwise getting rid of a couple of vehicles—

Ralph Kissinger: No.

Commissioner Mourdock: —or are we just adding those two?

Ralph Kissinger: No, instead of..I'm hoping to make our pick up trucks last another year by using these as parts running cars and different things and try to put a little less mileage on the pick up trucks we have now, because they are getting some age. There are a lot of instances where we really don't need a truck. To run parts or run mail or different things to the Civic Center as we do everyday. It might cut down on some maintenance on some other vehicles. I've had the mechanics look at these and they say these are probably the best of what is down there at Muensterman's now.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and second (Inaudible. Mike not on.)

Ralph Kissinger: The only other thing that I have....we had some break downs on the paver, we shut down for a week. We are ready to start paving again tomorrow. We are going to pave that short stretch of Tanglewood off of Bergdolt off of Oak Hill. We should be back...we are actually ahead of what I had scheduled, I don't know what the actual schedule was, but paving should be back to normal after this week. Any questions on my report?

President Mosby: No questions?

Ralph Kissinger: I would like to say that I wish I'd had Mr. Helzerman and this fine lady with us this afternoon when we were in front of the Job Study Board.

Commissioner Fanello: That's right.

Commissioner Mourdock: One question real quick, Ralph. Have you done any review yet to see where we are as far as the mix we've been purchasing and where we are in expended dollars this year versus what we expected—

Ralph Kissinger: Yeah. Yeah...I do—

Commissioner Mourdock: —with the price increase?

Ralph Kissinger: —Joe has some software that he has put together on a floppy, and I would be glad to report that on my next report to you.

Commissioner Mourdock: Please do, because if we are going to have to start

making some alterations to the paving schedule we don't want to wait until the final three weeks—

Ralph Kissinger: Certainly. I agree with you 100% on that.

Commissioner Mourdock: —of the Summer. It's easier—

Ralph Kissinger: I'll get that in next week's report. Anything else?

President Mosby: Any other questions or comments? Thank you, Ralph.

Ralph Kissinger: Thank you.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: There are...aside from the issues of the settlement there have been documents received today with regard to the voting system issue and I wanted to bring that to the Commission's attention. I have given the single copy that I received from Attorney Chris Lee of the County Election Board, and, I believe, it has a full set of the specifications. I wanted to call your attention to it and it can be copied and passed out before the demonstration on the 19th. I think that you are indicating—

Commissioner Fanello: I gave it back to you.

Philip Hayes: —that we have it. Either I have it or Tammy. We will provide it for you in the mailbox. Then, um, we are aware that, um, Joe Harrison has contacted me with regard to a halt in the litigation that we were joined in over the use of telephone tolls and charges that are considerably above normal rate for inmates. Apparently the seventh Circuit Court of Appeals is supportive of our position that it is a valid system. Joe had reported that one of the Illinois Council had indicated that that opinion would be appealed to the U.S. Supreme Court. It is another cost factor that comes in. It's a self supporting system. I don't know how to predict whether there would be additional costs to the county for providing telephone service. We'll need to get a report from Joe and we will do that on the full implications of it. That was simply something that came to my attention in today's mail and we didn't have a chance to fully review it. Other than that I don't think that we have anything significant that needs to be reported at this time.

Commissioner Mourdock: Just a question carried over from last week, Phil, on Emporia. I know—

Philip Hayes: Oh.

Commissioner Mourdock: —I saw some documents coming back and forth. Are they, meaning the Emporia Board, the way I followed the documents, are they going to act to rectify what we had originally requested by way of what our terms—

Philip Hayes: Yes. Pursuant to the activity of the Commission's last meeting I corresponded with Mary Wildeman at DMD. She is a member of the board as well as those persons named in her memo back to us. That memo, by the way, was in response to a phone call that I had made to her earlier the previous week. Her

memorandum says your investment is safe. She points out that Sunshine Market is a tenant of Emporia, Inc. For the record that is correct, and what then our letter states is that we ask that the board take action to recognize the commitment given in order to get the grant in the first instance and that those...that commitment was, in effect, to be considered conditions on the grant. So, we would expect a response from Ms. Wildeman. I'm sure that she probably will be getting that correspondence either today or will receive it tomorrow. We will get a response and appropriate action by the Emporia Board to document that condition on the grant.

Commissioner Mourdock: Okay.

President Mosby: Any other questions or comments?

Tammy Mc Kinney: Superintendent of Buildings

President Mosby: Tammy.

Tammy McKinney: I have nothing to report.

President Mosby: Okay.

Gary Hohman: Burdette Park

President Mosby: Gary.

Gary Hohman: Gary Hohman, Assistant Manager of Burdette. We have nothing to present other than our work report. If there are any questions regarding that report, I will answer any questions that you might have.

President Mosby: (Inaudible. Mike not on.)

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mourdock: We have in our file the Soil and Water Conservation District Report and the Ozone Officers Report. So, I would move those be added to the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: Move acceptance of the Consent Items.

Commissioner Mourdock: Second.

President Mosby: A motion and a second to accept Consent Items. So ordered.

(Inaudible. Mike not on.)¹

Scheduled Meetings

Commissioner Mourdock: The 16th...no, no, no the 30th.

President Mosby: (Inaudible. Mike not on.)

Commissioner Mourdock: Your mike is off.

President Mosby: RFQ's on the Jail Project will be scheduled for July 30th. We're just going to do that at the regular meeting or do you want to do it ahead of time?

Commissioner Mourdock: Regular meeting. Then next week at 4:30 we have the Space Allocation Review with the courts. Is that not right, Tammy?

Tammy McKinney: Next week at 4:30 you have Soil and Water and then at 5:00 you have the Space Allocation.

Commissioner Mourdock: Duly noted and corrected. Okay.

President Mosby: So, we have Soil and Water?

Commissioner Fanello: Solid Waste.

President Mosby: Solid Waste. That's okay. Solid Waste at 4:30 and Space Allocation at 5:00, and did we not have to have Exec...was we talking about Executive Session? What time are we going to do that?

Commissioner Fanello: We have to have it next week.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: Well, no. We are supposed to have Space—

President Mosby: I think we forgot about Space Allocation. So, we've got Solid Waste moved up to 4:30 and we've got Space Allocation at 5:00. How much time do we need?

Commissioner Fanello: Can we just cut the Space short?

Commissioner Mourdock: I would think so, if we started perhaps at 4:00 we could give each of those a half hour or so and, hopefully, knock them out.

Commissioner Fanello: Uh-huh.

President Mosby: Reschedule Space Allocation for 4:00?

Commissioner Mourdock: I would leave it at 4:30 and let's have Executive at 4:00 to talk about the courts...jail stipulation.

¹Consent items listed on Page 32.

Commissioner Fanello: We've got Solid Waste--

President Mosby: We've got Solid Waste at 4:30.

Commissioner Fanello: Which he told me it was only going to last about 15 minutes.

Commissioner Mourdock: Yeah. At 4:30.

President Mosby: 4:30...see--

Commissioner Mourdock: If we start at 4:00 with the Executive Session, we can nail through the jail discussion. We have the Solid Waste at 4:30. At 5:00 we have the Space Allocation, and I would suggest if we needed something more for the jail stipulation, if that Space Allocation goes to 5:30 or something we could still pick up a half hour for the jail discussion. Now, do we need to notify or advertise that Executive Session at 4:00, and I would say that we probably do.

Tammy McKinney: Right. Now, the Space Allocation starts at 5:00.

Commissioner Mourdock: Right.

Tammy McKinney: Okay. I thought I heard you say 5:30.

President Mosby: Yeah. 4:00, 4:30 and 5:00.

Commissioner Mourdock: Yeah. So, I would move that we advertise an Executive Session at 4:00 for next week.

Commissioner Fanello: Second. And then...oh--

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: There is a meeting this Thursday at 4:00 for the jail overcrowding committee or whatever you want to call it, but in room 318.

Commissioner Mourdock: Is that the get out of jail free committee?

Commissioner Fanello: That is the get out of jail free meeting.

Commissioner Mourdock: Okay.

President Mosby: Thursday at 4:00, in which room, this?

Commissioner Fanello: 318.

President Mosby: Okay. Any other meetings?

Old Business

President Mosby: Old Business.

Commissioner Mourdock: I thought the Health Department was going to be here tonight? When are they supposed to be here to report?

Tammy McKinney: They are going to come to the Space Allocation meeting. I spoke with Sam Elder Friday and he wanted me to send a letter to Dr., um—

Commissioner Mourdock: Heidingsfelder?

Tammy McKinney: —no, Maria—

Commissioner Mourdock: Ah, Maria Del Rio.

Tammy McKinney: —Yes. And invite her to present—

Commissioner Mourdock: Okay.

Tammy McKinney: —because she is actually the head of their board.

Commissioner Mourdock: Right. Okay, so they will be here at 5:00 next week?

Tammy McKinney: Right.

Commissioner Mourdock: Very good.

President Mosby: Any other Old Business?

New Business

President Mosby: Any New Business?

Commissioner Fanello: I've got three quick things here. Letter to the Association of Indiana Counties asking them to consider Vanderburgh County for the 2003 convention. Bob Whitehouse stopped by and asked if we would write a letter in support to try and get them here, since we lost it this year. So, that is in your file to sign. Also suggestion for us to appoint a member for the Area Plan Selection Committee, and, Richard, I don't know how that's coming along or if you've had a meeting since that all got talked about.

Commissioner Mourdock: I've... it was suggested that I be on that committee. Mark Foster, I know Jim Angermeier from the city and I don't recall who the others are.

Commissioner Fanello: That's fine. I just had a letter in case we're going to appoint that. Then a letter to the Mayor, Dave Gumbiner from SCT gave me a letter and I think Tammy attached it to the copy you guys have about the web services and, I believe, in total the contract to SCT was for \$89,800. Well, it ended up that the city got 98% of the time and we only got 2%, so I'm asking for the city to reimburse the county some money.

Commissioner Mourdock: Was the 98% to the 2% logged by SCT?

Commissioner Fanello: Yes.

Commissioner Mourdock: I mean, did you question about that?

Commissioner Fanello: I've got it attached to your letter and the documentation and so.

President Mosby: Found some money for your roof.

Commissioner Fanello: And, uh—

Sheriff Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mourdock: Are you adding those to the Consent Items?

Commissioner Fanello: Yeah...yes, yes.

Commissioner Mourdock: Or did we approve Consents already?

Commissioner Fanello: Yeah.

President Mosby: Yeah, we did.

Commissioner Mourdock: Go ahead and why don't you just make a motion to add those three things to the file.

Commissioner Fanello: Second.

President Mosby: No, he said for you to make a motion.

Commissioner Fanello: Oh, me to make a motion. I'm sorry you said motion to add the three letters to the Consent File.

Commissioner Mourdock: Second.

Commissioner Fanello: I thought you were—

President Mosby: No. I have motion and a second. So ordered. Any other New Business? Seeing none. Motion to adjourn?

Commissioner Mourdock: Second.

President Mosby: No, I'm not making it.

Commissioner Fanello: Second. I have a motion and a second. So ordered. Meeting adjourned.

Meeting was adjourned at 7:40 p.m.

CONSENT ITEMS:

Employment Changes:

Superior Court	Prosecutor	Coroner
Treasurer	Health Department	County Clerk
Burdette Park	Sheriff Department	Recorder

Travel Requests:

Perry Assessor	Health Department	County Clerk
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Requests for Service:

County Clerk

Auditor:

Submit monthly financial, cash and expenditure reports.
Submit Accounts Payable voucher.

Sheriff:

Submit weekly Jail information and report.

Commissioners:

Letter to Association of Indiana Counties.
Letter to Mayor Lloyd.
Letter to Area Plan Commission.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Phil Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Mark Foster
Carla Hayden	Rob Kerney	Gary Hohman
Richard Helzerman	Connie Hollander	John Stoll
Brad Ellsworth	Ralph Kissinger	Lloyd Winnecke
Mike Howard	Members of Media	Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
July 16, 2001**

The Vanderburgh County Board of Commissioners met in session July 16, 2001, at 5:00 p.m. in Room 307 of the Civic Center Complex for a special meeting dealing with space allocation with President Mosby presiding.

Call to Order

Commissioner Fanello: We are going to go ahead and start with our meeting set for 5:00 for space allocation. Um, if I can...if memory serves me correct, the last time we had asked Steve Utley to come back with, to work with the Judges and maybe come back with some recommendations. So, did you want to speak first, Steve, or? -

Steve Utley: Steve Utley with the Building Authority. I don't have a lot to add to that introduction other than, because the Judges actually gave me—

Commissioner Fanello: Okay.

Steve Utley: —a floor plan. All I did was put it on a blank, plain—

Commissioner Fanello: So, Judge Pigman, did you want to?—

Steve Utley: —for them.

Judge Pigman: Bob Pigman, Chief Judge of Superior Court. Let me lay this out for you. I think that it would be easier for you to see what I'm talking about. This is, uh, what I've laid in front of you there is the proposed floor plan for the Health Department. You really don't need to (Inaudible. Walked away from mike.) the area we are talking about in here. With the understanding that this was put together by some rank amateurs who, uh, worked on this...primarily Judge Niemeier and Judge Heldt and Allan Henson, um, but it shows a proposed layout for both the Juvenile Court, the Probate Clerk's Office and the Probation Department, um, that is currently up in Circuit Court and some other places in the court building. To the left there you will see the area, and to your left as you look at the diagram is the area which the Probation Department will occupy. Then in the center along the outside rim there where the windows are, are the court office space for Probation, the Judge, the magistrates. There are two hearing rooms that are set out in there. Some conference rooms, a holding cell. The conference rooms are particularly important in Juvenile Court because the law requires consultation between the juvenile and his or her parents before action can be taken. We think that, uh, like I said, these drawings were made without consulting an architect or any, you know, engineer or anything of that nature, but we think that, uh—

Commissioner Mourdock: Judge, with that in mind, did you, I mean, have you put a scale on here and ruled this off? Or is this existing space that you are just reassigning? In other words, are these rooms currently with some other names on it, or have you actually redrawn in the walls on here?

Judge Pigman: We've redrawn in the walls.

Commissioner Mourdock: Okay, and Steve Utley—

Judge Pigman: Mr. Utley, yeah, Steve gave us a diagram that had the existing walls

removed.

Commissioner Mourdock: Okay.

Judge Pigman: And this is what was penciled in.

Commissioner Mourdock: So, all of this, Steve, as far as you are concerned, is within the part of the possible, or within the realm of the possible?

Steve Utley: Right. It has been done to scale.

Commissioner Mourdock: Okay.

Judge Pigman: Yeah.

Steve Utley: It's as if it were completely empty, as the Judge said, and they dropped in whatever they (Inaudible. Not at mike.).

Commissioner Mourdock: But beyond the consideration of the walls, I know past requirements have resulted in some special HVAC things down there within the Health Department. Is any of that taken into consideration here? So, nothing has been added HVAC wise? Nothing taken out?

Steve Utley: It will all have to be redesigned for the most part.

Commissioner Mourdock: Okay.

Judge Pigman: Okay. I have, uh, unless you have some questions about that particular diagram or drawing, and I would be glad to answer any questions that you may have. I also have a smaller diagram of the proposed use of the area that will be vacated by Juvenile and Probate.

Commissioner Mourdock: Okay, before we go to that, I do have a few questions.

Judge Pigman: Okay.

Commissioner Mourdock: All of the 9' X 14' rooms that are across the north end, or, I guess, it's north, northwest maybe. What are all these individual...are those all individual offices?

Judge Pigman: Yes. The ones on the left side of the diagram are Probation—

Commissioner Mourdock: Over here?

Judge Pigman: Right. Adult Probation, and across the top—

Commissioner Mourdock: Across here?

Judge Pigman: —not all the way. Not all the way, um, I think it stops...this would be the end of the Probation Department here. This is all Probation. Starting here then and on down through the remainder of the space would be the Juvenile. This is Judge, this is his Court Reporter bay, these are all offices for Probation Juvenile Officers. This is the Juvenile Court hearing room, which is bigger than the one they currently have now. This is a second, um, hearing room—

Commissioner Mourdock: With the current staff you have, are these all going to be filled, or are there a few extras here for growth?

Judge Pigman: Well, currently they would fill all but one of these, but the possibility exists that one of the magistrates might be here. So, that would fill...if the magistrate was assigned this space, um, that would fill all of the existing offices. This would be the new Probate area. This would be an additional hearing room for the magistrate or the Judge, depending on how he assigns the work load. These are the holding cells and the conference rooms that adjoin them. These are a...he's also got some contractual relationships with CASA and some other people that he has to have offices with, but, uh—

Commissioner Mourdock: During our last meeting there was a lot of discussion about security in this building. In looking at those offices and where your courtrooms are, are those issues not even greater here? Or are you thinking something special along these (Inaudible. Mike not on.).

Judge Pigman: Well, it can be secured here...make one opening and secure it, you know, one doorway here. This doorway would be locked, I would anticipate. Or the hallway can be secured. The hallway is secured..you bring the entire Prosecutor's Office inside the, um, security parameter. I've spoken to the Sheriff, you may recall our conversation three weeks ago. I've spoken to the Sheriff about this, and, uh, he's very receptive to the idea of securing the hallway, if that's what we want. He believes he has...I mean, I don't want to speak for him, but his conversation with me indicated that he had enough money in the Commissary to pay for the equipment, and he believes that when his staff is up to full staff he will have enough officers to do it without hiring additional officers.

Commissioner Mourdock: That whole first floor hallway—

Judge Pigman: Could be secured. Would secure that whole Prosecuting Attorney's Office and then, actually, for what you could secure this hallway you could just about secure the whole building. Because you could close this door, close the access off to the Police Department, secure the two main entrances and secure the entire building. I have a smaller diagram here of the space that's being vacated by moving the Probate Office and the Juvenile Office. This is the space over here in the court building that would be vacated by that. Where we currently have the Probate, uh...this diagram may help just a little bit. The current area in blue here, is the area that is being vacated, uh, from movement to the Health Department. What you have there is a diagram of this area, which will show you our intended uses for the area in blue here that is highlighted as being moved out. Essentially, it is two fold. We are going to hope to move our Division IV, which is our divorce hearing room to the area currently occupied by the Probate Court, and that is the area in the upper left hand corner of the small diagram I gave you. This hearing room is, we think, adequate for those purposes. It needs to be fairly large as the morning roll call in Division IV is quite large frequently. The current room we have now is full. Then to the bottom of the diagram as you look at it, across the hall, or public corridor there, the area marked Criminal Hearing Room is the existing Juvenile courtroom with the right wall moved to encompass what is now the conference room and the Court Reporter pool. The wall that is shown there then would be the outside of Judge Niemeier's current office wall. That will give us some additional space needed for Division II, which is the felony hearing room. Again, this needs to be rather large as the audience for that frequently fills the Division II hearing room. Again, to remind you, this has the added benefit of being accessible through a prisoner corridor that

is tied directly to the jail, and, so we won't have to move felons across the public corridors and through the judicial corridor and set them in the jury boxes as we do now. The area in the upper right hand corner there marked Mechanical and Electric Room, it cannot be changed, or touched.

Commissioner Mourdock: Is that current—

Judge Pigman: Steven has given me the word on that. The current Mechanical Room and Electrical Room can't be touched, right?

Steve Utley: I haven't seen your drawing (Inaudible. Not at mike.)

Commissioner Mourdock: That room surely can't be 36' X 40", can it?

Judge Pigman: I believe it is. It is a pretty good size area.

Steve Utley: Yeah. That's got the large fans and pumps...it's right inside...actually, I think it's larger than that.

Judge Pigman: Yeah, it's pretty good size, uh-huh.

Commissioner Mourdock: I didn't realize...is there an incinerator over there then?

Steve Utley: It's gone.

Commissioner Mourdock: Okay, so—

Steve Utley: This incinerator room is now a housekeeping storage area. Our floor machines and that type of thing are in that room, but the incinerators are all gone. We had two of them.

Judge Pigman: Yeah. The area below that then, where we have hearing room, conference room, conference room, magistrate room is the remaining area that would be left in that portion of the building. We have, on this diagram, penciled in a hearing...another hearing room with two conference rooms in addition to the three magistrates offices. Ideally we need to talk to some professionals about the layout of this area. We are not committed to making that a hearing room. We have a desperate need for additional office space, as we have talked to you about before. So, it may be that the best use of this space would be office space where our other magistrates, and support staff, and Senior Judges, and court administrators and that kind of thing. The additional benefit of the plan here is that if we...with this space available we can open up what is now the, uh, lawyers lounge. Move it next door to where the court administrator is, and have an additional courtroom, six person jury room available for that courtroom. That gives us four courtrooms downstairs that have jury rooms attached that are available for use at jury trials. Upstairs then of the space that, some of the space that Judge Heldt will be vacating, we will have the capacity to create another jury room, which, in fact, was a jury room before Probation needed the space. Which would give us the capacity to try cases upstairs in what we now call short circuit. It will also create some additional space up there when he vacates for us to have additional offices for either magistrates or court reporter, I mean, court administrator, that kind of thing. So, we think the overall benefits of this plan are pretty universal. Everyone, I think, is on board as far as the court staff, the both courts and the Clerk, at some point there was some discussion with Marsha about moving. She was willing to move, but really doesn't...really prefers not to

move. This keeps her where she is. Which I think is really her desire. This leaves...it's not a permanent, long term solution for all of the problems, but it is an excellent short term, or medium range solution for most of the problems that we have now.

Commissioner Mourdock: Judge, can I see the original floor plan? The one you have over there.

Judge Pigman: Sure.

Commissioner Mourdock: You may want to throw that one up here too.

Judge Pigman: This is the (Inaudible. Not at mike.)

Commissioner Mourdock: Do you know, offhand, what the size of these offices are here that your magistrates are using?

Judge Pigman: These here on the end are 9' X 12'. That one is a little bit bigger than that, I don't know--

Commissioner Mourdock: Is this one actually divided?

Judge Pigman: Yeah. This is the current layout of what exists. This is the Judges office. This diagram here involves moving this wall to here and bringing this one out here to the (Inaudible. Not at mike.) Okay. This area then over here is (Inaudible. Not at mike.)

Commissioner Mourdock: Which one of these offices had the three of four desks in it?

Judge Pigman: That is actually upstairs.

Commissioner Mourdock: Okay.

Judge Pigman: That is actually upstairs.

Commissioner Mourdock: It would be right above this?

Judge Pigman: Right. Right, directly above it. That is the office of Magistrate Marcum--

Commissioner Mourdock: Right, right.

Judge Pigman: --and Moore.

Commissioner Mourdock: Say, again, that space, how is that going to be altered?

Judge Pigman: Well,--

Commissioner Mourdock: Or have you got that in the plan yet?

Judge Pigman: We do have it...a lot depends on what we do with this addition...this space that we just talked about. Whether we make it office space or we try and put another hearing room in there. Obviously, we haven't worked all of that out yet, and it depends, quite frankly, on how you can configure this. These are not done by

professionals, so we would like to get some professional input on them before we decide how to best use that space.

Commissioner Mourdock: You said earlier on this draft that one of those offices, that may be written on there, would be assigned to a magistrate?

Judge Pigman: Could be, yes. On the draft you have there in front of you there is one additional office that is vacant and unused given the current staffing.

Commissioner Mourdock: Okay, but—

Judge Pigman: So we could use that for a magistrate assigned to Juvenile Court.

Commissioner Mourdock: That is a current magistrate? Not another position—

Judge Pigman: No, no.

Commissioner Mourdock: —that has to be developed.

Judge Pigman: No, one currently on staff, currently working in the building.

Commissioner Mourdock: Okay. So, in fact, might then...I apologize for not knowing your system better, but might that magistrate be one of the people who is other wise banging knees against chairs upstairs—

Judge Pigman: Yeah, could be.

Commissioner Mourdock: —in the current building.

Judge Pigman: Could be.

Commissioner Mourdock: I just have this nightmare of approving something and then getting a call the next day saying well you have this all nice but our situation hasn't changed at all. That's, again, what I'm trying to avoid.

Judge Pigman: We share that concern. Again, let me caveat...you know, we drew these ourselves. I mean, these are amateur drawings. These are not architectural drawings. So, I'm sure there is going to have to be some adjustments made to..granted, but this is a rough idea of what we would like to do with the space if we are awarded the Health Department space.

Commissioner Mourdock: Just as Steve Utley looked at the original floor plans over here, took the walls out so you could go ahead and add lines as you wished—

Judge Pigman: He did the same there.

Commissioner Mourdock: Okay.

Judge Pigman: He gave us a print, took all the walls out and said—

Commissioner Mourdock: Okay.

Judge Pigman: —you know—

Commissioner Mourdock: So, none of the walls that you have taken out here are otherwise structural walls and that kind of stuff?

Judge Pigman: No. Questions?

President Mosby: That's what I was getting ready to ask. Any questions?

Commissioner Mourdock: I've been asking mine all along.

Commissioner Fanello: I just want to make sure, like Richard said, that the magistrates have...that we kind of take care of that problem.

Judge Pigman: Yes. I mean, we understand the pressing need the magistrates have. Whatever configuration ultimately is decided on in terms of specifics, I mean, we are going to get them out of the situation that they are currently in and in decent working conditions.

Commissioner Fanello: Just as an update on our request to the Health Department.

Tammy McKinney: I tried to contact Dr. Del Rio and she is out of town for two weeks. I did talk to Sam Elder and, I think...they really haven't had a proposal brought to them. They are just kind of like saying what they want and...but he did tell me that, um, I might not say his name right, but Bill Mazzier...Mazzier, M-a-z-z-i-e-r. He has an option to buy the building from Fifth Third, and then he would then lease it to the County. What he is looking for is a 20 year lease with...after the first ten years the County would have an option to buy this building from him. Sam Elder also said that he had an architect go in and kind of evaluate and he said that a conservative figure for renovation would be about \$900,000 for that building. He said that, Mazzier said that he would pay \$450,000 of that renovation cost.

Commissioner Fanello: So, really you are saying they haven't narrowed down a proposal that they want to accept?

Tammy McKinney: Right, right. Since Dr. Del Rio is the President of the Health Board, we really need to get with her—

Commissioner Fanello: Uh-huh.

Tammy McKinney: —and I will continue to try—

Commissioner Fanello: And she will be back..her two weeks started when?

Tammy McKinney: I think she will be back next week.

Commissioner Fanello: Okay.

President Mosby: Any other questions? Anybody else that wanted to make any comments?

Commissioner Mourdock: I think Judge Heldt—

Judge Heldt: I just wanted to also tell you what this would accomplish, not only for Probation Department, but for Circuit Court and the space problems that we have there. First of all, it's going to give the Probation Officers offices of there own. We

have two office...two Probation Offices where you have to walk through one person's office to get to other one. We have another Probation Officer that has two or three people in her office at all times, which is not a good situation. This will really help that situation, and it will give us, I think, one extra office for expansion. Is that right, Allan?

Unidentified: (Inaudible. Not at mike.)

Judge Heldt: Yeah. So we have some elbow...we have some growing room over..if we were brought over here. That would really be of benefit to us. I also want to show you just some, once again, amateur drawings of what we could accomplish in Circuit Court. (Inaudible. Walked away from mike.) Here you have the present configuration. I might say, certainly Mr. Mourdock (Inaudible. Not at mike.) In any case, as you can see this...Circuit Court when it was built had two or three conference rooms. There are no conference rooms other than the law library. (Inaudible. Not at mike.)

Commissioner Mourdock: So what area (Inaudible. Mike not on.)

Judge Heldt: (Inaudible. Mike not on.)

Commissioner Mourdock: (Inaudible. Mike not on.)

Judge Heldt: Here is a jury room. (Inaudible. Mike not on.)

Commissioner Mourdock: Okay. Alright.

Judge Heldt: So, right now I'm using two Probation Officers (Inaudible. Mike not on.) Turn this office into a copy room. (Inaudible. Mike not on.) Take all of these offices (Inaudible. Mike not on.) Right now there is a magistrates office here (Inaudible. Mike not on.) The jury room and the (Inaudible. Mike not on.) are on this side. (Inaudible. Mike not on.) Plus we get our Probation people out of this area right here (Inaudible. Mike not on.) It's a big improvement. As Judge Pigman said, it's not a 30 year solution, or maybe not even a 20 year solution, but it certainly is a several year solution to our Department. For me and the Probation Department as well, we are certainly in support of the plan for the Health Department.

Tim Born: Mr. President and fellow Commissioners, my name is Tim Born. I stand before you today not as an attorney for the Commissioners, but rather as the Vice President of the Evansville Bar Association, and I intend to speak on their behalf. As you may recall, we have presented this body with a report and a recommendation with respect to a number of things. Which really would provide the judicial system of Vanderburgh County with what it should be in the 21st century. I have met with the Judges and looked at the plan that they have proposed today, and we are here as the Bar Association indicated to you, as they do and echo their comments that this will indeed be a short term solution that we do favor. It does, for instance, give us four Civil, or Civil and Criminal Jury courtrooms. I'm sorry, currently we have four. It gives us two more, for an addition...up to six Civil and Criminal Jury courtrooms. Downstairs now, two of those courtrooms are being used for Division II and Division IV felony and for the divorce work. That gets moved into the space that will be vacated by the Probate, part of the Probate Court. So, that is a benefit. What I am here to tell you is that while it is true that this is not everything that we suggested to you, it is a favorable solution, at least to, in part, for the next several years, five or six years, I would say. I would also urge you not to forget if this were to be approved

that, if you do the jail, that you also consider having in that jail courtrooms. Dependent upon where it's location is. The other thing that I wanted to highlight with what Judge Pigman said was this situation being described to you now is a much more secure situation, on that first floor than we currently have. Currently we are bringing prisoners down the judicial corridor. Now they are going to be lined up into an area where they just come straight down in and off into a holding area. So, there will not be intermixing with the public.

Commissioner Mourdock: I guess, Tim, I have a couple of comments. The thing...the two things that struck me the most in reading the report that Jill Marcrum submitted to us, was that number one the security issue, and I don't think you will get any argument from any of us—

Tim Born: Right.

Commissioner Mourdock: —that we need to do a better job with that in this day and age. The second thing that struck me was, uh, in the report and one night here at the microphone, the comment was made about the ideal, and realizing that we don't live in an ideal world, but the ideal for a judicial system was that there would be one courtroom for each judicial officer. We are still a far, far cry from that.

Tim Born: We are.

Commissioner Mourdock: I heard you say that we need courtrooms in the new jail, and, I think, if I can define that a little better is what you are really saying is hearing rooms more than a courtroom. Is that accurate to say?

Tim Born: Actually, actually...we haven't really discussed that in great detail, but what I understand to be the proposal is actually hold felony jury trials in that area dependent upon it's location, Mr. Mourdock, because if we took it out here in the very back 40 it's not a good idea. If it's right up here, then it is.

Commissioner Mourdock: Well, Judge Tornatta, on the other hand has made the point of view that if, in fact, you have an—

Tim Born: Arraignment room.

Commissioner Mourdock: —yeah, if you had an arraignment room there, that would be one thing, but I know he spoke and if you tried to have a courtroom there you would lose the presumption of innocence when people have to go to the jail to sit in on a court case.

Tim Born: That is absolutely so. That is true. I'm reminded of that.

Commissioner Mourdock: Yeah, but in looking at the size of these courtrooms, I asked the question that I asked once before, can some of these courtrooms, otherwise, be logically divided so that we can get closer to that number of judicial officers and the number of courtrooms, so that this may be something more than a short term solution? It would be a longer term solution.

Tim Born: We have taken your comment, Mr. Mourdock, and the Evansville Bar Association, the committee that has prepared that report discussed that, and the consensus seems to be that that is not as workable a solution as it could otherwise be. Simply because, if I understood the description that you had given, if you were

to split these rooms, for instance—

Commissioner Mourdock: Uh-huh.

Tim Born: —it doesn't lend itself to...first of all you have to renovate the entire space. You've got your jury box on the right side as you face the bench. Then your witness box between that and the bench, and then the reporters area. So, there...it's really difficult to go down the middle, as you walk in, and to go the other direction then loses the access to the doors.

Commissioner Mourdock: I respectfully say we started with a blank slate over here in this column—

Tim Born: Sure.

Commissioner Mourdock: —and I'm saying let's do the same thing here. I mean, the fact that the jury box is on one side now doesn't necessarily have any weight on where it needs to be if we try to do something different. So, I guess, I'm just looking at it from a space allocation basis of raw square footage in these courtrooms. Do we need this much space? If the answer is no, and I'm not sure it is, but if the answer is no that all these courtrooms don't need to be that large, then I think we have to take the blinders off and say, okay with what we have how can we do something different? Again, to make this more than a five or six year solution. I mean, a five or six year solution is better than no solution, but given the kind of money it is going to take and, Steve, I don't know if you have any estimate at all with this, and I know that you are a cautious man, and I probably couldn't squeeze one out of you, but, you know, if we are going to do something I want to do it as right as we can do it the first time and, hopefully, have it be a 15 year solution as opposed to a five or six year.

Tim Born: I think that the term of the solution actually increases dependent upon the growth here in the County. We have seen a large growth over the last ten years in the litigation in this County, and if that continues, I think, that we begin to have to look at everything that we described in our report to this body earlier. So, what I guess I'm saying is if that growth doesn't maintain itself, this five or six year period actually can become a ten to 12 year period, where this would satisfy those needs.

President Mosby: Thank you.

Tim Born: Pardon me. Go ahead.

Judge Heldt: I would like to respond to that too. One of the things that we are really gaining by this plan is jury courtrooms. If we start cutting our jury courtrooms in half, they are no longer jury courtrooms. You can't hold a jury trial in half of one of our courtrooms. It's impossible to do, so—

Commissioner Mourdock: The comment was made last time, Judge, that that was the case because of jury selection, and putting all of those people in there as you select the jury? Is that still true?

Judge Heldt: Well, I mean there's any number of reasons...you just functionally can't hold a jury trial in, in my opinion, anything smaller than what we are holding them in now. Because you've got...first of all you've got the public, you've got audience, you've got jurors, I mean, there has to be some level of dignity to the proceeding.

I think, that if you try to squeeze all that, and if it's a 12 person jury, you've got a 12 person...or if 13 or 14 or 15 if you alternates—

Commissioner Mourdock: Right.

Judge Heldt: —you have, you know, you have the attorneys, you have the parties, you have the sheriffs, you have the court reporters, you have the bailiffs, and, personally, I wouldn't, I surely wouldn't want to try a jury, a 12 person jury trial in anything smaller than what we are using.

Commissioner Mourdock: I know that this is an impossible number to pin down, but in a typical jury trial, how many people do you have sitting in the audience for the course of the trial?

Judge Heldt: Well, it starts out with 40 to 50, because that is how many jurors we call in.

Commissioner Mourdock: Well, that was my question before, I mean, were you saying that you needed that size initially because of those original 40?—

Judge Heldt: Initially because of those, and depending upon the notoriety of the trial, it could be anywhere from nobody to full and overflowing.

Commissioner Mourdock: Okay.

Judge Heldt: It depends upon what kind of case it is.

Commissioner Mourdock: Okay, and would it be possible, though, and, again, I'm just trying to look at all the possibilities—

Judge Heldt: I understand.

Commissioner Mourdock: —if we have this much raw space and we had one or two of those large, large courtrooms to do what you are saying, when the trials begin, could they otherwise be scheduled or your juries selected and then you have that group move into a smaller courtroom, or otherwise get double use out of this space. I mean, I'm willing to grant you, because I know nothing about the process, that you need at least one of these big rooms for the reasons that you just stated, but—

Judge Heldt: That's only if you are only going to try one jury trial at a time. What I would like to do is to be able to tell the attorneys and the clients and the defendants we've got six jury trial rooms and we are going to schedule all of them for trial. So, we are going to go in and try your case, unless you want to plead, or settle, or whatever.

Commissioner Mourdock: Uh-huh.

Judge Heldt: It's not like if we average two jury trials a week that we only should have two jury trial rooms. Because if we all have them scheduled, but, you know, eight to ten at a time, so, you know, I think the more jury trial rooms, the faster we can move justice and the faster we can, quite frankly, we can get people through the jail. I think it's...I mean more jury trial rooms is a big help. By cutting them in half you are just taking jury trial rooms away from us again, which we don't need.

Commissioner Mourdock: Well, I hope you respect my point of view. I am just trying to get to the bottom here to find out how we get the most done—

Judge Heldt: Yeah.

Commissioner Mourdock: —in the least period, and dollars—

Judge Heldt: I would like to be able to try four and five and six jury trials all at the same time.

Commissioner Mourdock: Uh-huh.

Judge Heldt: There is no reason why we can't do that if we have the courtrooms to do it.

Commissioner Mourdock: Currently how many trials do we have going on in the—

Judge Heldt: It's impossible to say. I know that at times I like to try two at a time and I'll call down to Superior Court and ask if they've got a courtroom available, and invariably they will say, no, we've got a jury trial scheduled. Now, it may not end up going—

Commissioner Mourdock: Uh-huh.

Judge Heldt: —you know, it may get plead or settled. We've got to know several days ahead of time so that we can call in the jurors.

Commissioner Mourdock: Uh-huh.

Judge Heldt: So, just the availability of it, and I know people don't like to see empty courtrooms, but just the availability of a courtroom helps move the dockets.

Commissioner Mourdock: Uh-huh.

Tim Born: Mr. Mourdock, there is one other point that I want to make. You described the smaller rooms. We do have a smaller jury courtroom upstairs, second floor across from Small Claims. Judge Lockyear when he was on the bench and now Judge Tornatta's chambers, and, uh, Dan Mc Kinney and I tried a case downstairs on the first floor for the first four days of that week long trial, and we had the requisite amount of room to move around and try our case. We got pushed upstairs the last day and tried this case and Dan and I both felt like we were practically in the jurors laps, that close to the box. I don't... I do not know the dimensions of that room, but I dare say they are approximately half of the size downstairs. The other point that Judge Lloyd just made to me a moment ago was that if we did split these then you have to then double the number of jury deliberation rooms that you have. Currently you would have a sufficient amount because there is one for each courtroom, and with this renovation plan there ends up being one for each courtroom, but if we split them then we have to find another room for that jury to deliberate in as well. So, I just wanted to make those two comments.

Madelyn Grayson: Can we make a tape change please?

(Tape Changed)

Judge Knight: Judge Knight, Superior Court Judge. I can't resist. Speaking only of court trials, Commissioner, if a court trial case involves a zoning mess, it's not unusual to have—

Commissioner Mourdock: Why do you bring that to this board as an example?

Judge Knight: —because I think you can relate to that (Inaudible. People talking over each other.)

Commissioner Mourdock: We cause them, I think.

Judge Knight: I'll bet this room has been filled with neighbors to the point where it has overflowed into the hallway, and that happens in the courtroom as well in those kind of cases. I recently had a church case where the church was dividing and everybody in the church was quite interested in the outcome and for a couple of days there must have been 30 to 40 church people there. Medical malpractice cases can get complicated. A lot of liability cases that have three or four different parties will result in three or four different lawyers and their entourage, if you will, and whatever that brings. The audience in a regular, typical case may consist of two people, or it may consist of 20 or 40. When you allow for the necessary amount of audience space, say minimum of 20, you have left for other use, such a small sliver of a space that it, in my opinion, it would be impractical to use for anything else other than storage. That is my take on that.

Commissioner Mourdock: I appreciate the comment, and Judge Lloyd's comment regarding the jury deliberation rooms is one I hadn't considered as well, so.

President Mosby: Anybody else want to make any comments?

Commissioner Mourdock: I'll make a suggestion here, I think, what we have...this sheet which was the first draft of what the potential space might be in the Health Department, if we had that type of specific information again on a sheet like this it would be something better to work from. At least with that sheet, Steve Utley can take that and begin doing some budget estimates as far as what would be required in materials and potentially HVAC and all those kinds of things, but I want to caution us to understand that this is a series of dominoes. If we do something there, we are going to do something on the first floor, we're going to do something on the second floor, and we need to look at it as a total project from A to Z. So, I would encourage us to, and encourage Steve, if you could work with the courts to come up with another blank drawing of their building, as you did with this building, then we can get some better lines drawn, and, again, we can get a better sense of what the limitations might be. The status of the Health Department being what it is, I think, we've got a little bit of time to play with here, and I'm not sure how much, but, obviously, that is the key domino that has to fall to make all the rest of this happen. That would seem to me at least to be a logical way of proceeding.

Commissioner Fanello: I've got one question. This may be for Judge Pigman, or, I don't know...if we were to move Voters Registration from downstairs, like we are thinking about moving it over to the Old Courthouse, is there additional offices that you could move over here to take...that would free up?

Judge Pigman: Yes. There is always a need. This...well—

Commissioner Fanello: That would make this, I guess, a better, more long term,

longer term—

Judge Pigman: Solution.

Commissioner Fanello: —solution.

Judge Pigman: Well, yes. There is also the possibility that if you were serious about moving Voters Registration, that you could move...we could move our, or Judge Heldt could move the AAPS and DAPS program back into the building, which would be a tremendous help also. That is the Drug and Alcohol Probation Service that can go in there. Currently they are over on John Street, and, well, I don't want to say our Division II clientele is not the brightest in the world, but the closer we can keep all these people together, the easier it is for them to find out where they are supposed to be and when they are supposed to be there and that kind of thing. You know, as you can see from the plans, I mean, they are not, in what we have there for Probate and Juvenile, there is not a lot of room, there is no room for expansion if we put the magistrate over there. I mean, that's it. It fits our current needs, and will, I think, for a reasonable period in the future. If that other space becomes available, you know, we can make it work. We haven't looked at anything specific in that regard, but especially if it's brought inside that security perimeter. I think that's important.

Commissioner Fanello: I was gonna...is that something that we want to have them look at as well? I mean—

Commissioner Mourdock: Voters Registration, you mean?

Commissioner Fanello: Uh-huh. I mean, that's quite a big space down there. It's a very big office.

Commissioner Mourdock: At this time I would say that it is something we can certainly consider. Again, in a sense of raw space.

Commissioner Fanello: I mean, with that being on the first floor, and already moving some offices—

Judge Pigman: Right.

Commissioner Fanello: —over there, kind of keeping it in the same.

Commissioner Mourdock: Looking at the size of that space, and, again, I'm asking the question driven from the original report the Bar Association presented to us, I would have to wonder if that space is better suited for offices or courtrooms. It would seem to me that we go back to that courtroom situation if the ratio is supposed to be one to one or something closer to one to one.

Judge Pigman: Well, on the plan we submitted, it's 14, I think, hearing officers and 13 either courtrooms or hearing rooms, so we're getting close. That plan, I think, that you have in front of you is a 14 to 13 ratio, so—

Commissioner Mourdock: That's without dividing any of the upper—

Judge Pigman: That's right—

Commissioner Mourdock: —courts?

Judge Pigman: –without dividing any of the courtrooms downstairs. The other thing that I would like to weigh in on that issue, I mean, our...and this is, maybe, has no place in an economic discussion, but those courtrooms are crown jewels. They are...if you've practiced law throughout the southern part of the state, I mean, they are...they are nice the way they are situated. It never fails to impress me as a Judge that how ordinary citizens come in there and really raise their hand, they take an oath, they really try to, you know, be honest and tell the truth, even when it's not helpful to them. Jurors the same way. They sit in a courtroom like that that has some degree of dignity and majesty to it, I mean, I really think it helps add to the process that we call justice, or however you think about that. I'd really hate to change that, because they really, um, to the extent that aesthetics can help, I really think it does help. I think it adds a lot to the process. I would really like to keep those.

Commissioner Mourdock: If we use that argument, and you believe that argument fully, then we've got some great old courtrooms over at the Old Courthouse that we've already spent some money to renovate that could also be–

Judge Pigman: I've actually–

Commissioner Mourdock: –used.

Judge Pigman: –I've actually tried that, Commissioner.

Commissioner Mourdock: I know.

Judge Pigman: I've tried that several times, and had a whole lot of problems with that process. I think Judge Knight also tried that. I mean I did try and give that a go, and I...there is a lot that would have to be changed over there.

Commissioner Mourdock: In fairness, and, again, to consider all of our options. I would like to see the two of you who have used it, and, I think, Judge Bowers also used it–

Judge Pigman: I think so.

Commissioner Mourdock: –I would like to see a list on a page of what all the problems were.

Judge Pigman: Sure.

Commissioner Mourdock: So, again, we might take some aggressive attitude to find out how much it would cost to fix those problems if, again, it's going to give us some alternative that would give us more jury space, that would allow us, as Judge Heldt said a moment ago, to move people through faster.

Judge Pigman: We can get that for you.

Commissioner Fanello: In the meantime, I would like for you to take a look at the dimensions of the Voters Registration office and look at where you are still cramped over here and see how that might work into this–

Judge Pigman: Just as another option.

Commissioner Fanello: –just as another...looking at another option.

Judge Pigman: Okay.

Commissioner Fanello: See how that might fit in.

Judge Pigman: Alright. Thank you.

President Mosby: Any other questions or comments?

Commissioner Mourdock: Shall I–

President Mosby: Anybody else? Okay, if there is no other questions or comments–

Commissioner Mourdock: Let me...let me just be sure everyone here understands. I don't know if I need to put this in the form of a motion for the Commissions purposes, 'cause again I'll do it just to make sure that there is clarity here. I would move that we ask Steve Utley to work with the courts to develop some blank line sheets, basically, of the courts building to give them more flexibility in a draft as to what that building could, how it could be redesigned.

Commissioner Fanello: I'll–

Unidentified: (Inaudible. Not at mike.)

Commissioner Mourdock: I would just look to Steve to work with you at whatever is convenient. Just let us know and we can schedule something accordingly.

Commissioner Fanello: I'll second that.

President Mosby: I have a motion and a second. So ordered. I will take a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Fanello: Motion to adjourn.

President Mosby: Commissioners meeting–

Commissioner Mourdock: Thank you all.

President Mosby: –will start at 6:00. Thank you.

Meeting was adjourned at 5:50 p.m.

Commission Meeting Resumes

The Vanderburgh County Board of Commissioners meeting for July 16, 2001 resumed at 6:00 p.m.

Call to Order

President Mosby: Where is our Corporate Counsel? Is he here?

Commissioner Fanello: He's right back there.

President Mosby: Oh, okay. Are we ready? I guess we are ready to start. Oh, I see him back there now. I couldn't find him. You on?

Madelyn Grayson: Yes.

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for July 16, 2001.

Introductions and Pledge of Allegiance

President Mosby: We have with us tonight Tammy McKinney, Superintendent of Buildings; Corporate Counsel, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; uh, Auditor, Suzanne Crouch; and Madelyn Grayson, Recording Secretary. If you would, please stand and say the Pledge.

Rezoning Meeting Announcement

President Mosby: Before we get into Action Items, I don't know how many people here in the room are here for the rezoning tonight. Does that mean everybody? I know there are quite a few people out in the hall. I will tell you that that rezoning has been continued. I talked to the counsel for the petitioner at about five till four, and she did tell me that they have went down and refiled it with the Area Plan Commission. There is nothing that us as a Commission can do about that. They have that right to do that. So, it has been refiled. It will not be heard tonight. So, if there is anybody here for the rezoning, it will not be heard and I'm just telling you so you don't stick around until 7:00 and then say, why isn't it on the docket.

Commissioner Mourdock: Specifically, that is referencing the Schutte Road rezoning—

President Mosby: Right.

Commissioner Mourdock: —there is another First Reading tonight that is not, does not have anything to do with that one. It's the Schutte Road one, the Dan Buck petition, and I would presume, not knowing what was being refiled, certainly, this body would not hear it prior to our next regularly scheduled monthly meeting, which would be on August 20th, and may not hear it then. It would not happen any sooner than August 20th, if it comes back to us directly.

President Mosby: The understanding, the understanding that I have from the petitioner is that it will go to Area Plan, I believe, in August, and not come back to this body until September.

Unidentified: I was told September 5th.

President Mosby: Yeah, so we're looking at September probably at the earliest date that the Schutte Road rezoning will be heard.

Unidentified: (Inaudible. Not at mike.)

Commissioner Mourdock: You need to come to the microphone, sir.

President Mosby: You have to come to the mike.

Harold Beichner: My name is Harold Beichner. I live at 7524 Middle Mount Vernon Road. I've been shoved out of houses in this town for a long time. I lived on Fares Avenue, you took it away from me. I moved out here in the County. I have been surrounded by horses, cows, corn and beans. Now I'm surrounded by 19 acres of homes, and I thought that when I bought that home a number of years ago that I would be living there forever. I lost my wife three years ago, and I would like to have a nice place to live. I'm a disabled veteran and I'm tired of being shoved. This town,

you've got the Lloyd Bridge, you've got the First Avenue Bridge, this town is surrounded by what? It take five years to build a horse and buggy place, go for it. I'm bringing here in this room today, final rezoning A and B. I didn't read anything in the paper, and I don't know how you come about as a petitioner to develop a piece of property out there without advertising it. I see it here in my hand right now. I read the paper. I'm versed. I'm not stupid. I read here an article "West siders want development, just the right kind of development". Just east of us where we are living at there is a whole bunch of mud holes, building, dirt, whatever you want to put out there on the west side, but my west side was a nice place to live at. If you have to make me move, I'll go back to Pennsylvania. Thank you very much.

President Mosby: Thank you. Is there any other questions or comments?

Unidentified: When will this be heard then? I know you are saying September--

President Mosby: I have to get you to come to the mike and state your name. I don't mind...

Mark Brust: Mark Brust. 7407 Rich Lynn Drive, one mile south of Schutte. My question would be, is when will the final, I mean, you are saying September, but as a final, I mean, shouldn't we hear other discussions if they are going to go down and file for a final--

President Mosby: Okay--

Mark Brust: --shouldn't there be something else.

Commissioner Mourdock: The schedule as it works, the first Wednesday of each month is for Area Plan. If, in fact, and this gentleman may know more than we know because we got word at 4:00 today. If, in fact, they are taking it back to Area Plan, they would not be able to get it in, I don't think, in the August agenda because the deadline has already passed, so they would take it to September. Then it would be ruled the first Wednesday of September. Then this board, the zoning board of the County Commissioners meets on the 17th of September, right, the third Monday of September. So, it would be at 7:00 on the 17th of September.

President Mosby: Okay. And to answer your question--

Commissioner Mourdock: At the earliest.

President Mosby: --that is the final hearing.

Commissioner Mourdock: Yes.

President Mosby: The final hearing is September 17th here. September 5th at Area Plan is a recommendation.

Mark Brust: Okay.

President Mosby: Whatever Area Plan does is a recommendation to this body, and then this body hears it on the third Monday of the month as a final.

Mark Brust: Can I say one other thing?

President Mosby: Sure.

Mark Brust: I just started thinking about it. Just so you can kind of think about this long term is, um, as the college has grown and grown and grown out there. Just until...over the last year, we never had a stoplight out there at Schutte Road. It was always kind of helter skelter. There were so many wrecks that maybe eventually somebody did decide to put a stoplight there. Maybe you folks even voted upon that.

Commissioner Mourdock: The state.

President Mosby: It was state, yeah.

Mark Brust: The state. A couple of other things is that with that in mind, with the college adding Mahrenholz Road there, and also Clark Lane, think about closing those. I'm not opposed to development of the property there, but let's just do it right. Let's do it right the first time. The exit up there at Eickhoff going to USI, it's not being used at all. I mean, I live there. I'm there day in and day out. The sign that says USI college is after Schutte Road. It's actually about 440 yards from the Eickhoff turn off. That sign needs to be moved all the way back toward Red Bank acknowledging the students saying the college is ahead, use the Eickhoff, not Schutte Road. I'm not here tonight to say, you know, let's just stop any development at all, but we just need to look at the big picture down there. Alright?

President Mosby: I understand.

Mark Brust: Thank you very much.

President Mosby: Thank you. Yes, I will take him first and then if you want to come on around I will take you too. I will take your comments.

John Strange: My name is John Strange. I live at 931 Mahrenholz Drive. This, uh, development has brought up a good subject here. We fought that road Mahrenholz Drive up here, and they got it. They promised us after the third building (inaudible) after the third building was built that they would consider closing Mahrenholz Drive. They never did it. They promised that they would put trees to break the outline, they did put four of them out there. You can come out, David, and look at. You live on the west side. I can't understand why you people let people put commercial stuff out there, because if we put it on Schutte Road, then from there on other people won't have no remorse whatsoever, they will just...it will just go, right on down the line. You know that.

President Mosby: I understand what you are saying.

John Strange: You can't get no, not you people because you wasn't on the Commission at the time, but the other three was on there. They really cut our throats, see we come out and had a meeting, oh yeah, sit out there and took pictures in the middle of Mahrenholz Road with his little buddy. Oh we're not going to do this, what did they do. Just the opposite.

Commissioner Mourdock: When was that, John?

John Strange: So, I don't know if we can trust you people or not. I mean, this is the way I look at it, Dave, you know that.

Commissioner Mourdock: When was that, Mr. Strange?

John Strange: When did they put that through out there? It was before they started building them apartments.

Unidentified: Ten years ago.

John Strange: It's been about ten years ago, or something like that.

Commissioner Mourdock: Okay.

John Strange: They promised a lot of stuff, you know, and then they never come through with it. The way...the only person that helped us out was Shirley Jean Cox. She...they told her, and, uh, Borries that they was going to do this, and we happened to find out, we just found out about it. They didn't give us...I live right next door to the road. They never give us a notification or nothing. I went up there and fought it, and, uh, it was already cut and dried. So, Shirley Jean Cox and Borries found out about it, and they withdrew their thing because it...they lied to 'em see, and that went on. This went on day after day too.

President Mosby: Okay.

John Strange: It ain't gettin' any better.

President Mosby: Thank you.

Minnie Schapker: My name is Minnie Schapker and I live at 805 Schutte Road, directly across from the commercial proposition, and this may be a state question, but I read in the paper this Winter about a ten year range that they want to take all the lights off the Lloyd. Well, we really appreciate the light at Schutte and the Lloyd. It has helped tremendously, but if that is taken away, of course, I think it's a state thing—

President Mosby: Yes, it is.

Minnie Schapker: It is. What about all this commercial across from us? What's going to happen with all of that? If that happens, I'm concerned about that, but I'm also concerned about the commercial part of it, because our drive is directly across from it. When the college is in session, in the Winter time, we do have a lot of traffic, but they don't have a lot of places to exit. So, they have to come Schutte Road. It's an access road. So, um, it really makes it difficult for us if they do put in commercial. Thank you very much.

President Mosby: Alright. Thank you.

Pat Conner: My name is Pat Conner. I live at 6012 Feldstead. Just so that everybody knows, the people of Vanderburgh County, in particular, you know, this is a very important ruling on this rezoning. I personally am opposed to the commercial development for a number of reasons, and they were going to be spelled out tonight. I would like everybody else to know, the citizens of Vanderburgh County that, you know, there are a lot of people that are seriously interested in maintaining the character and the flavor of the west side, and we see, I particularly as a resident of the west side see, something far greater in potential than just putting in a bunch of commercial developments. I will be here next, next meeting. I guess, it's...we can

consider it a minor victory that it was postponed, but, uh, you know, we're...I can tell you this, we are not ready to give up the fight. I think that it is very important that it's done right and that there is a vision set forth that incorporates, you know, Evansville, Vanderburgh County, USI and the residents of the west side. For the people that are interested in additional information, there have been flyers, uh, set out with some names. If you would like to participate, I will be outside. So, if you want to...want some additional information, let me know. Thanks.

President Mosby: Pat, I would just be sure to tell you, be at the September 5th Area Plan hearing, and I know that's the date because I talked to their attorney, but everybody has a chance at that meeting too to also state their opinion. It's easier at that meeting if there is something that becomes an agreement right then at that point, they can change it, but once it gets to this body we cannot change the content of that zoning at all.

Pat Conner: Right.

President Mosby: It has to go back to Area Plan.

Pat Conner: Right.

President Mosby: That's the problem.

Pat Conner: That's our intention.

President Mosby: Okay.

Pat Conner: We hope that, uh, Dan Buck is willing to work with us in good faith. Again, the people that I have spoken with, we are not opposed to development out there, it just needs to be the right development.

President Mosby: Right. I talked to their counsel at five to four, she stated to me that there was a meeting out there Saturday—

Pat Conner: Uh-huh.

President Mosby: —she talked to him today, that's why they've withheld it, and they are going to try and contact you all and talk with you again.

Pat Conner: That's good. I'm glad to hear that.

President Mosby: Okay.

Pat Conner: Thank you.

President Mosby: Thank you. Is there anything else before we go on with our regular meeting. If not, I would just tell you that you are free, I mean, to go home and there will be nothing discussed on this whatsoever.

Approval of Minutes

President Mosby: Approval of minutes from the July...July 19th meet...or the July 9th meeting?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: You may want to wait a minute, Dave, this noise is going (Inaudible. People leaving the room.)

President Mosby: Okay. I'm going to try and let the room clear here for a second. I just thought that was the easiest way to go on that.

Commissioner Mourdock: Yeah.

Approval of Minutes from July 16, 2001 Executive Session

Commissioner Mourdock: I would also move approval then of the summary minutes of tonight's Executive Session that began at 4:00 p.m. and had Commissioner Fanello and myself in attendance, and that was regarding the pending, or, well pending litigation against the County. The meeting ended at 4:30.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second on the Executive minute meeting. So ordered.

Proposed Agreement with Johnson County Juvenile Detention Facility

President Mosby: Judge Niemeier, agreement with Johnson County. Comments, questions, or did you want to give us a little bit of an overview, or?

Bart O'Connor: No, I just wanted to, first of all for the record, my name is Bart O'Connor and I am Chief Probation Officer in Juvenile Court. Judge Niemeier was not able to be here tonight, so if you have any questions that I could answer I would be happy to do so.

Philip Hayes: If I may, Bart, from a legal standpoint, I've reviewed the agreement and understand the terms and if I summarized it pretty well, it would appear that we're, uh, we're going to initiate the request for admission there at the Johnson County Facility. They are going to provide services other than just housing. They are going to do some counseling and they are going to use their format, and if I also, uh, that is to say their format for admission and release on documentation that they dictate, and it would appear that, uh, the Judge is in agreement with it in general that it is a detention matter and that your department, as well as the Judge himself, will constantly review those conditions and for appropriateness and for efficacy and obtaining the goals you want?

Bart O'Connor: That's correct.

Philip Hayes: Okay.

Bart O'Connor: The only other thing I would mention is, we have not actually used

this particular facility for a couple of years. We primarily, uh, use both the local detention facility and the one at Southwest Regional in Vincennes—

Philip Hayes: Yes.

Bart O'Connor: —but, if there ever was an overflow problem and we wanted to use this facility, they are saying that we would have to have this contract in place—

Philip Hayes: Yes.

Bart O'Connor: —in order to use it.

Philip Hayes: I understand. Do you anticipate any potential for overflow?

Bart O'Connor: I certainly—

Philip Hayes: I know—

Bart O'Connor: —I certainly hope not.

Philip Hayes: —I know Judge indicated that there had been several commitments, and several referrals to Rescue just recently—

Bart O'Connor: Yes.

Philip Hayes: —and with their facilities—

Bart O'Connor: We're running fairly full—

Philip Hayes: —At this point?

Bart O'Connor: —at this point, yeah.

Philip Hayes: Okay, so it would be...it's not beyond the extension of imagination that we could be wanting to put this in place if the current trend in case disposition would continue at it's rate?

Bart O'Connor: Right, right.

Philip Hayes: Understood.

President Mosby: Any other questions or comments?

Commissioner Fanello: I will move approval.

Commissioner Mourdock: Um, I have a problem with this...just...and you mentioned, Judge, that it has been several years since we've sent anybody there. I don't, and I could be wrong, but I don't recall that we've seen this particular contract before.

Bart O'Connor: You have not.

Commissioner Mourdock: Okay.

Bart O'Connor: We've never had a contract—

Commissioner Mourdock: Okay.

Bart O'Connor: –with them before.

Commissioner Mourdock: Okay. Okay. The text of the contract itself, I guess, two points I would make. Number one is that the, uh, Knox County facility is certainly less expensive than this one. Their rate is lower than stated here. I think it's \$131.13 a day. I understand that they are trying to lower that, and I thought they were even going to be making a presentation to us (Inaudible. Someone coughing.) Oh, there he is back there. That rate would be something, I think, like \$122, but in addition to that this paragraph 16 in reading it, the indemnification, that they are asking us, Vanderburgh County, to indemnify and hold harmless the Johnson County folks for actions that may occur to those kids while they are in their custody. I find that unreasonable. They basically require us to prove negligence if anything happens up there, and just as a, and, again, I'm no attorney, but I just have some real questions whether that is in the County's best interest, and, Phil, maybe you can take a look at it or give me some other read on that one, but that was–

Philip Hayes: It's an unusual provision, and I noted that in the correspondence to Judge Lensing, and I'm assuming...that's undated, but I'm assuming–

Commissioner Mourdock: Right.

Philip Hayes: –that's timely, they just simply have the wrong Judge identified? When they sent the form?

Bart O'Connor: I'm not familiar with what you are referring to.

Philip Hayes: Oh, there's a cover letter from the Commissioners of Johnson County and it's undated but it's addressed to Judge Lensing setting the new fees. Going from \$100 to \$140, and that legal point is quite right and I doubt very much if we have any insurance coverage at this stage that would indemnify those officers of another county–

Commissioner Mourdock: Uh-huh.

Philip Hayes: –that would be a big problem. Not that we couldn't obtain something like that, but it would be a boost in our cost. I wonder if we could have some time with the agreement in order to look at that and there are a couple of other issues that, I think, along the same vein that need to be discussed. I don't know if, uh, and you are probably not prepared tonight to do that. One of the things that I was mentioning that it would be on their, um, on their program services and procedures, as they see it. That paragraph three and they cite the Indiana Administrative Code requirements. The other was...the other concern that I had was, um, let me find it, I've lost my place here. Yeah, the responsibility for the listed health care costs, it's in paragraph eight. Which may or may not be, uh, required now. I don't know whether the County provides all that, or whether Southwest provides that.

Bart O'Connor: No. When we have children at Southwest, and they have medical needs that have to be met, then those costs are forwarded in to us.

Philip Hayes: Okay, are the assessments made locally? Or Southwest makes the determination as to whether or not it's a necessary, uh, mental or psychiatric–

Bart O'Connor: No. Currently those assessments are made...are done locally here—

Philip Hayes: Are they?

Bart O'Connor: —Southwest, I think, has got included in that proposal tonight a component of assessment—

Philip Hayes: I see.

Bart O'Connor: —but we are not currently utilizing that.

Philip Hayes: I see. Okay.

Commissioner Mourdock: One other point, I know, that...and I'm certainly for keeping every option open at this point until we decide what we do with Juvenile—

Philip Hayes: Yeah, we have to, I think.

Commissioner Mourdock: —Yeah, and, you know, as a...if this thing can be worked out in a proper format so that it is acceptable, I'm not adverse to agreeing to it as some sort of overflow type mechanism, but I don't think we are at that point with this one yet. I do appreciate the fact that they are not requiring, you know, so many beds a night be filled and that kind of thing. That's a good thing, but the other thing that I would point out, or two other things is, number one is that their rates do not include transportation either. Which I know the Vincennes folks do—

Bart O'Connor: That's correct.

Commissioner Mourdock: —and then last, and this is really nitpicking, but for all the effort of the Council of Johnson County he can at least learn how to put the "h" on Vanderburgh County so that we have that spelled correctly.

Philip Hayes: I wasn't going to mention that.

Commissioner Fanello: I will withdraw my motion, and make a motion to defer until we can obtain further information.

Commissioner Mourdock: Second.

Bart O'Connor: Thank you very much.

President Mosby: I have a motion and a second to defer until later. So ordered.

Philip Hayes: Bart, I'll..I'll get with you tomorrow and we will talk about how to fix it up. Okay.

Dennis Szorcsic: Deaconess Comp Center

President Mosby: Dennis, do you want to speak to the Deaconess Comp Center?

Dennis Szorcsic: Dennis Szorscis with Deaconess Hospital. Incorporated and doing business as Deaconess Comp Center. The Comp Center is a full service occupational medicine facility. 99 1/2% of our business is the treatment of work

injuries, and provision of, what we call, employment related services. Health care services either requested by an employer or mandated by some type of state or federal agency or workforce. I submitted to you a proposal for our services, along with accompanying information. You currently are using a program through St. Mary's Medical Center. I had 50 claims, if you look on the right hand side the second item back, 50 random claims that were selected from your third party administrator out of Louisville. These were claims that were submitted all in 2000. If you will look, I've noted the date of service, the procedure codes that were listed for services rendered, the charge that was provided from St. Mary's, and went back through our fee schedule and compared to what we have charged for very, for the exact same service, actually. Looking to the back page, uh, the totals are summarized, uh, with just based on these 50 claims a savings of \$500, of about 21% cost difference. This is mainly due through our use of the Deaconess Health Plans PPO Network, which is usually utilized by area employers and insurance carriers from group health plans. We get access to that network for our employers for Workers Compensation care. Since it is a group health plan fee schedule, it is very aggressive. The first sheet on the right hand side is representative of charges for last year for six local employers that I tried to pick of like size or greater size than the County's workforce. Denoting the company, well keeping that confidential, the size of...the approximate size of the employer, the gross charges for Workers Comp care for that employer, and that includes services on a primary care level, any specialty services such as surgical procedures, referrals, hospital in-patient, out-patient services and any other health care service provided for Workers Compensation. The next one showing the net charge which is what that provider or all providers agreed to accept under our PPO arrangement, a savings and the savings percentage. You will note that the lowest one on here is a 25% savings overall. The biggest difference between what I did on my comparison and these is that almost all of the charges I compared were what is known as evaluation and management codes, which is just a face to face office visit with no type of procedure performed other than a physician visit. Those codes are usually reimbursable higher through fee schedules for PPO's because they like to keep things at a primary care level. Two differences in our program, we also employ a full time Certified Nurse Case Manager that we provide at no charge to our employers in order to direct any referral service that is necessary, any type of surgical procedure. Not there to limit care, but once the decision is made on a treatment plan to make sure that that employee goes through the process as quickly as possible. So, instead of waiting three weeks for a referral to an Orthopedic Surgeon, if we know a person is going to need surgery, we are going to get that referral within one or two days. Our program is designed to help our employers control our costs once an injury does occur. Obviously, work with any employer that wants to look at prevention efforts. The bar graph that I have put in here titled "Therapy versus Comp New and Follow-up", this is looking at all of our visits for injury care. We tracked back from June 1999 through May of 2000. You will notice the yellow linear line is all new injuries that we have averaged over the course of that time which, if you look, is pretty constant throughout the month. The light blue line in the middle that decreases downward is actually representative of how many follow-up visits we've had to spend on each type of patient. You will notice we averaged about one and a half to two visits per patient. We are now down to just one follow-up visit for every patient. Again, what we think is indicative of our services to provide the most efficient and effective care we can to the workforce, getting an employee back to work as soon as possible, but not dragging treatment out unnecessarily. The last piece that I included was this graph here which is a copy of two of our questions from our employer and our patient survey. We give a survey to every patient that comes through our facility as well as annually survey our employers, and as you can tell we are at 90% and above on our two large questions

of overall satisfaction with our services, and likelihood that either a patient or employer would recommend our services to someone else. Beyond that I've included with the proposal a subscriber agreement which is in the back. What this is is an agreement that ties into the agreement that we have with Deaconess Health Plans to provide the PPO services and rebilling. What happens under our program, whether an employee comes to see us or Tri-State Orthopedic Surgeons or Orthopedic Associates or goes to the hospital or has surgery at a surgery center, we have all those providers forward their bills into our facility, we re-price them according to the fee schedule before they ever go on to you or your carrier, whatever you prefer. That agreement ties into the agreement we have with the PPO to do that on your behalf, and achieve those cost savings. Consideration in return is for you to make best efforts to direct your employees in need of Work Comp medical care to our facility, which is something that you are currently doing, but just with a different provider at this time.

Commissioner Fanello: I was just going to say, just for a little history I would ask Dennis to come and make a presentation, because I had done some checking into our current provider and, um, I know the City switched over to Deaconess a few years ago and had some great success with it, so I had asked him to make a comparison with what we are dealing with now, and, um, so, I guess I would just ask the Commission to maybe review this over the next couple of weeks, but, I think... we do not have a contract with our current provider, so, um, I checked into that as well. So, if we could just take a look at it and, uh, have our attorney look at the agreement, but I do recommend that we go with them.

Dennis Szorcsic: Okay, thank you.

President Mosby: Thank you.

Madelyn Grayson: David, can we make a quick tape change?

President Mosby: Sure.

(Tape Changed)

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

T.J. Brink: Good evening. My name is T.J. Brink, I'm with the Southwest Indiana Regional Youth Village in Vincennes, Indiana. Currently we house residents from Vanderburgh County, female residents from Vanderburgh County, as well as students at the YCC that they are unable to maintain. So, we have a little bit of a variety of your students with us at this time. We have a wide variety of issues going on on our campus, we have a detention center, we have residential treatment, independent/transitional as well as a boot camp environment for youth. What I would like to talk to you a little bit about today is, I understand that you have several options on your table right now for your juvenile delinquents. The Youth Village would like to be one of those options as well. What we would like to propose to Vanderburgh County is that we would like to contract with the County itself, and in doing so we can lower your per diem from \$131.13 to \$122.01 a day. You only pay for the beds you use. If you have five students, you pay for five students. If you have none, you do not have a bill with us. That's the bottom line. We are also, for a trial

basis, we are trying to do free transportation for the County. One of the things that we have heard over and over from our counties is that transportation is an issue. We would like to try that out and see if that would help solve some issues for our counties. I appear before you tonight, possibly give you some information and answer any questions that you may have about our facility. We are an ACA accredited institution. We are only the fourth facility ever in ACA history to be accredited 100% accreditation with initial accreditation. We are 100% in detention standards with the state of Indiana. It is a good facility.

Commissioner Fanello: Could you say those amount again? What were the per diem amounts?

T.J. Brink: You currently pay \$131.13. With a contract we would like to lower that to \$122.01 a day.

Commissioner Mourdock: Mr. Brink, since, uh, in the discussion you heard previously that Judge O'Connor brought to us regarding the facility in Johnson County and the potential for overflow, what sort of capacity do you routinely run at? I mean, is there a likelihood that tomorrow or next week, I mean, two weeks from now that all of a sudden we get ready to send someone your way and you're not full? Does that often happen?

T.J. Brink: Um, no. We have never turned a student down to my knowledge. We run 188 bed facility. Overflow capacity up to 208. To my knowledge, we have not had to turn anyone down. With that contract, we will not turn you down. We will find you a space. Our contracts are first and foremost for us. Non-contract counties will have to find someplace else if we...if we ever did run into that situation. Like I said, we've been open just under seven years now, and we've not had that issue at this point.

Commissioner Mourdock: But you...your clientele, if you will, some are contract counties others are non-contract counties—

T.J. Brink: That is correct.

Commissioner Mourdock: —and you are going to maintain a certain number of non-contract counties?

T.J. Brink: We are going to maintain a certain number of contract counties. Currently we have 16 original counties, which originally signed on to us with a letter of intent to use—

Commissioner Mourdock: And they are—

T.J. Brink: —or we have—

Commissioner Mourdock: —contract?

T.J. Brink: —They are contract. We also have four other Indiana counties, which is a secondary, and we would like to make Vanderburgh County the fifth, as a secondary county contract.

Philip Hayes: If I might ask, has material from your firm been circulated through the Juvenile system?

T.J. Brink: Oh, yes sir.

Philip Hayes: If it has been, the Judge has seen that this year? Is that right? Okay.

T.J. Brink: Yes, we have had many meetings with Mr. O'Connor and Ms. Sumner and—

Philip Hayes: I'm sorry. I didn't have any material—

T.J. Brink: I've got some for you tonight.

Philip Hayes: —from you, there. You've got plenty of it.

T.J. Brink: Yes, sir. I sure do.

Philip Hayes: Okay. Great.

T.J. Brink: We've had many conversations with the previous Judge as well as the current Judge. We really want to be a good neighbor with Vanderburgh County, and help serve your needs.

Commissioner Mourdock: Just coming back to the numbers for a minute. You have currently 16 contract counties, and those contracts, in all cases, say that we are going to take your kids.

T.J. Brink: Uh-huh. Yes, sir.

Commissioner Mourdock: That's your obligation under the contract. If we joined in as a contract county, and the facility was full—

T.J. Brink: We will take your kids.

Commissioner Mourdock: —but the facility is full.

T.J. Brink: Non-contract counties will need to find another place.

Commissioner Mourdock: Okay, and with the 16 contract counties you already service though, you don't see that as a problem?

T.J. Brink: No, sir. In seven years time we've never experienced this issue.

Commissioner Mourdock: What's the maximum you've gone to, T.J.? Do you know?

T.J. Brink: Um, this was prior to the expansion we just went under...underwent an expansion last year. We added an additional 60 beds. I would say right now the highest we've ever been is probably in the 190's. We can go up to 208, so we still have plenty of room to maneuver, if needed. Like I said, we've never run into the issue. It would be an interesting situation. We've never been in that situation before. We would have a bed for you. With that contract we tell you, you have a bed.

Commissioner Mourdock: At this point do you have any contracts, or any counties you consider non-contract counties? Are there counties that are using your facility, much like Johnson is suggesting—

T.J. Brink: You are currently.

Commissioner Mourdock: Okay.

T.J. Brink: You are currently a non-contract county with us.

Commissioner Mourdock: For girls, of course.

T.J. Brink: Uh, yes.

Commissioner Mourdock: Yeah.

T.J. Brink: You use our facility for females and those students that YCC—

Commissioner Mourdock: Right.

T.J. Brink: —cannot maintain.

Commissioner Mourdock: Are there other counties doing it as non-contract?

T.J. Brink: Absolutely. Sure.

Commissioner Mourdock: Okay.

President Mosby: Any other questions? Thank you.

T.J. Brink: Thank you.

President Mosby: You can leave that information if you want.

T.J. Brink: Okay. We are available at any time. We would love to have you down for a tour of our facility and explain a little bit more about what we can do for you, as well as possibly get a contract in your hands.

President Mosby: Okay. Any other group or individual?

Richard Helzerman: My name is Richard Helzerman. I am here to speak to you about the problem of overcrowding in the jail. Last week I talked to you about the pay raises, and I noticed in the paper an article about the IU, and it's indicating the IU had to increase the number of people they paid \$100,000 or more from 325 to 388. They also go through and say, um, that in order to keep some of their key personnel, they had to give at least a 20% raise, and so I would just like to encourage you to be very generous with your raises this year, because there is a lot of pressure, and if you want to keep your good people, you really need to pay them. I think you guys should all get \$100,000 a year too, because, you know, what you're....you're spending millions and millions of dollars and it really should be a full time position. Um, the next point I have, um, I noticed that Wayne Brewer, 40, of Evansville turned himself in to police four hours after a robbery. Now, at 3:40 p.m. police said a man entered the restaurant, demanded money, and threatened to shoot an employee. The man showed no weapon during the incident, police said. Um, Brewer, the point is the man showed no weapon. Now, last Wednesday's report, if you look on there in the middle, Brewer, Wayne, they've got him robbery armed with a gun, commission house, IC35-42, \$15,000 bond. Now, he showed no weapon, and, but they've got here that he's charged with armed robbery with a gun.

Now, the same thing happened to one of the people that I know that is in the jail. He, he, he didn't have a gun with him, but they charged him with having a gun. When you have a gun, it's a Class B felony instead of a Class C felony. The bail is much higher. So, it's harder to get out. Now, this guy is given a \$15,000 bond, so you can look at that and see. On the next page is IC35-42-5-1, uh, it says:

A person who knowingly or intentionally takes property from another person or from the presence of another person by using or threatening the use of force on any person.

Now, he did threaten, according to the paper.

By putting any person, commits a robbery Class C felony. However the offense is a Class B felony if it is committed while armed with a deadly weapon or results in bodily injury.

Now, this fellow did not have a gun, and so it should be a Class C instead of a Class B, but he's got a \$15,000 bond. Now, so I looked through it happened...the same thing happened to a person that I knew personally, and it appears to have happened with this guy, I went through the last Wednesday's police report and I pulled out all of the people who were charged similarly. In other words, they're charged with armed robbery with a gun, and it was very interesting, Lonnie Wiseman has been in jail 349 days, charged with this, and he wasn't even given a bond. Now, that's okay by me because he is charged with murder, a capital...capital offenses should not be bailable. Miles Raphael's been in 271 days for armed robbery, but his bail is \$5,000. Finn, Timothy Finn has been in jail 132 days on a bail of \$2,500 with the same charge, robbery armed with gun. Fisher Travis has been in 100 days, 99 days on a \$15,000 bond. Darrell Cannon has been in jail 86 days on a \$2,000 bond for the same offense. James Johnson, 73 days, \$5,000, robbery armed with a gun. Dutsel Greene, who is...I visit every week, he got \$50,000 bond set for the exact same charge. Valerie Boren who was one of his helpers got a \$25,000 bond. Evens Deravil gets a \$1,500 bond and Wayne Brewer gets a \$15,000 bond. Now, a person just looking at these numbers could not discern any pattern. It is the same charge. It's the same thing that they did to society, but one guy has a \$2,500 bond, one guy has a \$1,500 bond, this last guy got a \$15,000 bond, somebody got a \$25,000, and my guy, the guy that I know, gets a \$50,000 bond. Now, what I'm saying to you, the reason the jail is overcrowded is because of excessive bond. Now, if you say that the...you don't...you're not going to defend the Constitution like you promised to do, you took a vow to defend the Constitution. The Constitution says you will not charge unreasonable bail. Now, whatever is reasonable, if one guy can do the same crime and get a \$1,500 bond, it's certainly not reasonable that another guy does the same thing and he gets a \$50,000 bond. So, uh, this is just in defense of what I'm trying to say. Now, the reason that you should be concerned about unreasonable bond is because just a few counties north of here there is an office holder who was elected by the people that got hounded out of his office by an unreasonable bond. I've got a copy of it here, if you look at right in the middle of this article it says sheriff:

Faced with paying \$120,000 to remain free from jail pending his trial, Clements offered to resign and be placed on house arrest.

Now, whatever you think of the merits of this case, and he's charged with some horrible, horrible things, he maintains his innocence. Our American system is supposed...you are supposed to be considered innocent until you are proven guilty, and you are supposed to have a reasonable bail. Now, they...if he is true saying that

he is innocent of these things, they trumped up one charge on him and they thought the bad publicity would drive him from office, but he was able to raise that bond and he was a stubborn German or something and he stuck with it. Well, they found two more people to raise a false or some kind of a charge against him. They got it up to \$120,000 and he folded. Now, this is the reason why our forefathers of our country insisted that Constitutional provision be a reasonable bail, because it is possible for someone in authority to manufacture charges against you and get a big bail against you and it's, without proving anything. It's a very dangerous precedent. It goes back to the 1600's with King Charles lost his...lost his head over it, not giving proper bail. It's a very serious civil right that, that, you know, is being, being lost here. The statement is, if you don't object when they do it to somebody else, when they do it to you, nobody is going to object. Now—

Commissioner Mourdock: Mr. Helzerman, we have a 7:00 zoning meeting. It is 12 minutes until 7:00.

Richard Helzerman: Okay. I will very quickly go—

Commissioner Mourdock: We have Department Head Reports yet and we have a number of other things to do—

Richard Helzerman: I appreciate all the things you are doing for the jail. Keep up the good work.

Commissioner Mourdock: —and I would appreciate....Thank you.

President Mosby: Any other group or individual wishing to address the board? Department Heads.

John Stoll: County Engineer

President Mosby: County Engineer, John Stoll.

John Stoll: The first item I've got is a letter to send to INDOT regarding the State Road 62 frontage road that they had asked the County to accept a relinquishment of several months ago. Basically, in reviewing it we found that the, if a truck is trying to go in and out of the road at the same time that the turning paths will overlap. So either the traffic cannot move or they would have an accident situation. I can show you that. (Inaudible. Not at mike.) these templates with two different size trucks. One, that's a 50' wheel base truck, and this red shaded area is where the turn paths would overlap, and it is because of that working Industrial Park that is right on 64 and 62. We went ahead and looked at a larger truck, these are what INDOT calls WB62 as a trailer...a 50 some odd foot trailer, so it is a larger truck than we would probably see out there. Here again, the red area shows the overlap areas, so, and it also shows that the front wheels won't even be on the pavement here. This cross (Inaudible. Not at mike.) is the shoulder, so their front wheels are going to be off the pavement, so it doesn't work for simultaneous in-bound and out-bound trucks at the same time. Nor does it work for a single truck that would want to go in and take a right turn on the frontage road, because as you can see here, it takes up the entire pavement there. So, on that basis I drafted this letter to say that it doesn't allow for efficient traffic movement. It presents a safety hazard. We've also got traffic control issues at that intersection, so the way I wrote the letter was that once those issues were addressed then they would resubmit something to you and then we would take

another look at it and then reconsider the relinquishment.

Commissioner Mourdock: It's an odd situation when the State Highway designs a road that does not meet our standards. It's the only one that I know of in the time that I've been on here, but that is exactly...that's what this is.

John Stoll: Yeah, this has been proved in other situations like Ruffian Way up at I-64 and 41. They just don't work for trucks, and when they are designed this way. So it just needs to be modified to make it work.

Commissioner Fanello: I will move approval of the letter.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: I also had a letter there to...this was a letter to FEMA in regard to Wolf Creek Subdivision, I mean, Wolf Creek Village on Wolf Creek Drive. This is located off of Eickhoff Road. A few weeks back we approved a plan to replace a metal culvert with a 6' X 5' concrete box culvert. The developer has since removed the old culvert, replaced it with the concrete box, and now as part of his development plan he has to submit to FEMA that the project will...has been done and that the project will be maintained in such a way that it will not restrict the flood water carrying capacities of the ditch and the culvert. Since Vanderburgh County will only be able to control the culvert because that is all that lies within right-of-way, I wrote a letter saying that we would be responsible for the maintenance, we would try to inspect it every other year, and more if abutting property owners requested us to look at it, and that the County Engineer and the County Highway Superintendent would be responsible for ensuring that the maintenance would be done. That letter would be submitted with some other documentation to FEMA in order for the developer to proceed with this project. I've got some pictures of the culvert here.

Commissioner Mourdock: Again, you are simply recommending that we go ahead and approve the signing of the letter?

John Stoll: Right. The project itself is not complete. In fact, the concrete hasn't even been replaced across the culvert as of yet, but it will pass the higher storm water flows now, and this letter is what the developer needs to proceed with his development.

Commissioner Mourdock: I will move the signing of the letter.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is, we received a petition last week from some residents of Autumn Wind Subdivision. This is located up on Mount Pleasant Road between Darmstadt Road and Old State Road. It's where the two 90 degree turns are in Mount Pleasant Road. The letter basically says that the streets are in poor condition and, in fact, they say in the letter that, uh, the condition is becoming critical and deteriorating rapidly. I had Tom Goodman in my office go out and take a look at it. He basically said that the streets do need some repair, but it is not a critical situation. He said primarily the streets need crack sealing and joint sealing more

than they need pavement repair. With your approval I will just draft a response to this. The only thing that I could see that we might do is once we know what the final dollar figure on our two contract paving jobs, we may have some money left over which would then be available to use for a project such as this.

Commissioner Mourdock: Has Ralph had a chance to look at that?

John Stoll: Not as of yet.

Commissioner Mourdock: Okay.

John Stoll: The, um, we just got this last week and I haven't discussed it with Ralph, but if he gets some crack sealing equipment, he might be able to take care of that part of it and depending on how much concrete pavement we needed to replace, then maybe it's something that would be appropriate for contract, and likewise his crews might be able to do it as well.

Commissioner Mourdock: I don't recall it being that bad. I'll take another look. I ran through there twice last week, and didn't break a nail.

John Stoll: That's what Tom in my office said. He said he has seen much worse conditions in other subdivisions, so he wouldn't put it on the top of the priority list by any means, but I can draft a response. I just wanted to make you aware that we did get that. Next I've got a request for an acceptance of the streets in Eagle Crossing North Subdivision. This is located up off Petersburg Road adjacent to the golf course, south of Boonville-New Harmony. The streets were constructed in accordance with the plans and it's recommended they be accepted. The streets are Championship Drive and that is .67 miles of street and Bunker Lane which is .15 miles of street.

Commissioner Fanello: I'll move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I've got a request for the railroad spur construction for the Vanderburgh Industrial Park for the use of Boonville-New Harmony Road as a detour route during the construction of the railroad spur. Basically, they will have to shut down Highway 57 to install the railroad spur, and they would like to use Boonville-New Harmony as part of the detour route between I-164 and Highway 57. They've presented a plan here, and they have stated that it would take no more than five business days to install the crossing, and in reviewing this I would recommend that it be approved subject to they give us at least 48 hours notice on the closure so that way we could notify the media and Central Dispatch.

Commissioner Fanello: Move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The last item I've got is in regard to the traffic signals on Burkhardt Road. I was talking to Dave Savage and right now the Burkhardt and Columbia and

Burkhardt and Vogel and Burkhardt and Oak Grove signals are not operating in flashing mode during early morning hours. The Wal-Mart signal and Virginia Street are on flashing mode. He was just requesting approval to run those flashing yellow for Burkhardt and flashing red for the cross streets between the hours of 1:00 a.m. and 6:00 a.m. just to be consistent with the other two signals out there. I didn't see any problem with it, and I would recommend that that be approved.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: He also said that, um, for southbound traffic on Oak Hill Road he had been getting some requests for a left turn phase on Lynch...at the signal on Lynch Road. He said, technically, it doesn't meet any warrants for a left turn phase, so right now he is going to go out and have the Traffic Department crews install another signal head out there on one of the signal poles to improve the visibility. So, if you get any questions about that, uh, that is what he is planning on doing to take care of that. That will be done within the existing budgets.

Commissioner Mourdock: What do you mean signal head?

John Stoll: Just the red, green—

Commissioner Mourdock: Flashing—

John Stoll: —yellow, uh.

Commissioner Mourdock: —alright, okay.

John Stoll: He'll just mount that on the pole, because as you are coming south on Oak Hill you're in a curve, so you will see the left pole first. So he is going to set a signal in over there. So, hopefully, that will help out that problem. He is going to get that done within the existing budget, so nothing needs approval. Just want to make you aware of it. That's all I have.

President Mosby: Any questions?

Philip Hayes: John, I had one. On the rail spur, is that...is that specific rail project the one that was anticipated for the Graham—

President Mosby: Yeah.

Philip Hayes: —operation?

President Mosby: That's it.

John Stoll: Okay. I was going to say—

Philip Hayes: If you know—

John Stoll: —I didn't know if it was specific to a particular business. I knew that they had drawn up the plans—

Philip Hayes: Okay.

John Stoll: --in advance, several months ago, but the way I last knew they weren't going to build it until they knew someone needed it.

Philip Hayes: Until someone comes...right, and then, uh, did they give you a calendar for the particular closing? Did they have it down that close?

John Stoll: Not yet.

Philip Hayes: Okay.

John Stoll: I can get that once they're at that point.

Philip Hayes: Of course.

John Stoll: Right now they are just asking for approval--

Philip Hayes: Nothing today.

John Stoll: --So they can submit to INDOT and say that is part of their maintenance of traffic package and then INDOT can say yes or no as to whether or not the permit is issued. So, I don't ...I don't even know if they've got a bid date in mind as of yet, but I can keep you updated as I hear more.

President Mosby: Any other questions? John, where are we on our bridge?

John Stoll: I almost got out of here.

President Mosby: I gotta ask. You won't get that lucky.

John Stoll: Last...this morning I talked to the inspectors and they said that they felt it would be Friday at the soonest. Like I said last week when one of the tv stations was interviewing me, there is no excuse for it. The subcontractors weren't getting the job done. That has delayed us to the point to where the guard rail crews were in there today and they supposedly have two days worth of work. The sod crews are supposed to show up Wednesday. Signs are going to be installed somewhere in there, but, uh, bottom line is there wasn't a whole lot of productive work going on, and that's what put us to where we are today.

President Mosby: Thanks for your honesty.

John Stoll: I can't say what I would like, it would be an R rated movie, I mean, an R rated meeting.

President Mosby: I can understand. I understand the frustration.

Ralph Kissinger: County Highway
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President Mosby: County Highway. Them are his papers. John, did you need these?

Ralph Kissinger: Ralph Kissinger, County Highway. Mr. Mourdock asked last week

if I could give him some estimates on the paving. As we look through there you can see we were doing pretty good, and then we hit a couple of spots where we started hauling mix from, uh, Jerry David Enterprises on the west side, and at \$3.05 a ton more, it started running the cost up quite a bit. So, I talked to Jerry David to see if there was anything that he could do, and he is supposed to get back with me this week to see if he can get more in line with Rudolph and Gohmann. When we were hauling mix from Gohmann we were actually coming in a little bit under budget, but I figured up if we buy 300 tons it costs \$900 a day extra, so I'm working on that. I still think we are okay. I don't, uh, right now we are around \$50,000 over budget, but if we can get some of that taken care of, and some of the other roads don't run too high, I think we will be pretty close on finishing the paving.

Commissioner Mourdock: Your projected that you are showing, Ralph, those are projected—

Ralph Kissinger: Projected what we—

Commissioner Mourdock: —out of the budget? Not the total—

Ralph Kissinger: —anticipated the cost would be earlier in the year, and the actual was, uh, over on the side here. For instance, St. Joe, the projected was \$49,000, and it came in at \$19,000. We saved \$29,000. As we go through there were...Boonville-New Harmony there was some, uh, underages there, but then we started getting over and we ran over on a couple of roads. Then at back I've got...Joe gave this to me today, we just got these in as of Friday. The budget we started with was \$1,054,000. Our balance right now is \$491,000 and the estimated cost to finish was probably \$556,000, so that is what we estimated it at. It may come in a little lower, it may not, but I am going to keep a close eye on it for the next two weeks to make sure that if we do get in trouble I can let you know ahead of time.

Commissioner Mourdock: That's the point. Know ahead of time.

Ralph Kissinger: Exactly. I don't want to get caught either. I am going to try to get everything paved that we can, but I don't want to get in the middle of a road and have to stop either. I'm on the same page with you on that. I've got one more thing that I want to talk to you about, and I'm going to have to pass the Polaroids around because I don't have the luxury yet of having another way to take pictures. We've got an emergency situation out on Red Bank Road. I'm just going to let you pass these. It's in the 1200 to 1300 addresses. As you turn north off of Upper Mount Vernon Road onto Red Bank Road the shoulder....there is no shoulder. It goes from roadway to ditch. Well, the ditch has taken over the roadway, and we have actually had...last week we had to barricade one lane partially, and it's, I'm afraid it's going to get into a terrible liability. I've talked to Valerie and I've talked with John Stoll about, uh, piping the ditch. Valerie gave us the technical information we needed as far as the pipe size and the drop box and how many inlets, but the problem we have is that at 1211 Red Bank there is a sand overflow running into the ditch. I've talked with Sam Elder with the Health Department, he sent his people out, and the consensus is the house was built in the 50's, it grand fathered in, he says there's not much he can do except let them run the septic where the septic is running to. Short of extending the sewer line, the city sewer, out that way, I don't know what to do. We've got a situation here where it's a case where the ditch needs to be piped. I'm afraid that we are going to have a serious accident there. As you can see the shoulder is actually gone, but the only problem we have is that overflow from that sand trap running out of that sand, uh, basin running into the ditch. I know that

earlier in the year we had a similar problem and you asked that I come before the Commissioners before I did anything on this, so I'm asking your permission to do something with this. If we can't pipe it, to get some other suggestions. The engineers and I have come up with, basically, the best way to do it is pipe the ditch, reclaim the shoulder and put a slight waterway for any run off to go down through there.

Commissioner Mourdock: Is there plenty of right-of-way? Is this all on our right-of-way?

Ralph Kissinger: We have enough right-of-way, yes. I did check the book of right-of-way and we have....according, now we will have to go back through the deeds before we do it and make sure—

Commissioner Mourdock: Sure.

Ralph Kissinger: —but according to what we have on record—

Commissioner Mourdock: Yeah, that was the primary issue last time when we had the question.

Ralph Kissinger: —I understand. I understand that.

Commissioner Mourdock: I'll move that we direct the County Highway Supervisor to act on this particular situation as quickly as possible.

Commissioner Fanello: Second.

Commissioner Mourdock: And report back.

Ralph Kissinger: Thank you.

President Mosby: I have a motion and a second. So ordered.

Ralph Kissinger: Do you have any other questions on my reports?

Commissioner Mourdock: Yeah. I'm going to go back to this one for a second. It just occurred to me something you said. That when you were getting mix from Jerry David it was \$3.05 a ton higher for transportation. In the past we would use Jerry David because he was closer to the other jobs, which means he should have been less on transportation.

Ralph Kissinger: It's not the transportation, it's the cost of mix.

Commissioner Mourdock: Ah. Okay.

Ralph Kissinger: The actual cost per ton. I think we're getting it, uh, I can't remember the exact figure, I think, it's \$24 versus \$27 something—

Commissioner Mourdock: Okay.

Ralph Kissinger: —and we...I...just for instance, Friday we bought 310 tons from him it came up to \$947 we paid extra for mix, which would have actually bought about four more truck loads of mix from one of the other suppliers. So, four more truck

loads of mix gets a 1/4 mile down the road, I mean.

Commissioner Mourdock: That's the way you need to think.

Ralph Kissinger: I've been told I can't run this County Highway like a business, but I have to try and save money where we can because we only have so much to spend. Any other questions?

President Mosby: I would prefer you run it like a business.

Commissioner Fanello: Yeah.

President Mosby: Believe me.

Ralph Kissinger: Well, I'm trying to.

President Mosby: You can run it like a business all you want.

Ralph Kissinger: Thank you very much.

President Mosby: Thank you.

Madelyn Grayson: May we make another quick tape change?

President Mosby: Sure.

(Tape Changed)

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: Thank you, Mr. President. With regard to the arrangement with Mr. John Bays to design a pedestrian skywalk. The Morley and Associates Consulting Engineers Surveyors and Architects have communicated with you. Mr. Utley was here earlier and we spoke also by telephone with regard to two items that we would need authority to proceed on. One is in the conditions on the grant relative to development of the hotel by Mr. Bays, from both City and County, there was a condition that a crosswalk be constructed. We've been notified that Mr. Bays has secured Morley and Associates. It will be necessary for an agreement between the Building Authority and the hotel owner, the City, the County to be entered into. Second, I'm informed that it would be appropriate for us to speak to the Centre architect in order to review the tie in to the building. In speaking with Mr. Utley, we believe that the lead agency is probably the Building Authority in this matter, but we'll need to talk to all of the parties concerned in order to make arrangements for an appropriate contracting, and appropriate liability language to be distributed not only to manage the risk but to manage the financial commitment that's been made. So if I have your permission to proceed with discussing that I would report back to you then with regard to any settled on procedures that we may wish to consider, or with regard to contractual requirements that we'll have.

Commissioner Fanello: I just have one question. You did say that Mr. Shoulders who was the original architect on the Centre—

Philip Hayes: Veazey, Parrott, Shoulders—

Commissioner Fanello: —is going to be involved?

Philip Hayes: Yes, they will need to review the plans. First of all we have a...it's a semi-private, semi-public undertaking. We want to review all of the tie ins between the hotel and the Centre so that...and that is recommended by Morley and Associates, who apparently have been retained by Mr. Bays for the designing of that work. We will have to look at his authority to retain, his authority to design and examine all the public/private aspects of that. At this stage, I think, a couple of preliminary meetings have been held and Mr. Utley this is his first opportunity today to get back to us since July 3rd and let us know what had been done and what the extent of his knowledge about it is.

Commissioner Mourdock: Just as an historical reference, again, the architecture that ought to be required on that change should be very, very insignificant, because we originally designed the building with the thought that one day that walkway would be there. It should just be knock out the exterior wall and they tie right into it.

Philip Hayes: Right.

Commissioner Fanello: I just was concerned about, not concerned, and this is no disrespect to Mr. Morley at all. Just to make sure that the walk matched the building. So, that was what my concern was that he just at least be given the opportunity to look over the plans. Just to make sure it matched the aesthetics of the building.

President Mosby: Motion?

Philip Hayes: I think simply your, your direction. This is by way of a report, we really don't have any firm commitment to give to you or firm recommendation because this communication is dated July the 3rd and we've only had an opportunity to confer with these parties after they've had their meetings. A couple of meetings, I believe, have taken place, and that's about it, so. Just simply for your information that we will proceed in that fashion and report back to you. I believe that is all that we have of this material today.

Tammy McKinney: Superintendent of Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything.

President Mosby: Burdette Park.

Commissioner Mourdock: Wait a minute. One quick recommendation on the Superintendent of County Buildings. In our Consent pack there are several things here from the Centre. One was this Preventative Maintenance Program and also an Emergency Procedures Plan—

Tammy McKinney: Uh-huh.

Commissioner Mourdock: In reading through those it occurred to me while it is probably wistful thinking to have a Preventative Maintenance Program over at the

Old Courthouse, uh, it's something we might try to think about, and, certainly, if we do not have something that we've distributed to the tenants over there and have given some thought to what the Emergency Procedures Plan is, we need to do that. So, you might look through those, Tammy, and see if they are in some way applicable to what we have at the Old Courthouse, or what we could otherwise construct.

Tammy McKinney: Okay.

President Mosby: Any other comments or questions?

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. We've been having some real good weather for the pool and that. We had an incredible weekend with a picnic we had with over 5,000 people, plus all the other buildings were rented and that. I would like to invite everyone here to come out this weekend. We have the World National Bicycle Race at Burdette. We've got 60 people from Australia that is going to be there. Their Australian team, and there is supposed to be 27 different countries, I think, and probably every state there is except, maybe, Alaska is going to be represented. Expecting a large crowd, plus it's really something to see. People from all over the world are going to be here. I don't know if anybody can speak Portugese and that, but I would just like to invite everybody out there. We are going to have a big weekend, and I would like for you to see it.

Suzanne Crouch: When does it start?

Steve Craig: Friday the race is going to start. They will probably be practicing and that Thursday. Then they have the second world race and the United States is going to be over in Louisville next week, so that is everybody is coming to the Midwest for this, so it's going to be a big turn out.

Commissioner Mourdock: Steve, something that's in the 2001 Acts of Interest to Attorneys, although I don't think there's really 2001, there is only about 80 that I can find here. There is one in here that I noticed on...some of you are quicker than others tonight. There is something in here about a state law that was just passed on special insurance for extreme sports facilities.

Steve Craig: Uh-huh.

Commissioner Mourdock: I don't know if you are aware of that, but I wondered with some of the bike stuff we do out there if that might have some applicability. You might just pull a file, or, Phil, if you would take a look and see if we need to do anything under that just as far as indemnification or otherwise insurance. It is on page 42, liability at extreme sports areas.

Steve Craig: Okay, um, I don't know what the new law is, but what the National Bicycle League you have to be a member of the NBL to race in the races, and when you buy a membership that includes your insurance to race in the NBL, but I would like to take a look at it if it is the 2001—

Commissioner Mourdock: It is.

Steve Craig: –copy. Then if anything has changed on it to make sure that they do have the proper insurance.

Commissioner Mourdock: Okay.

Steve Craig: Is that a federal or is that a state?

Commissioner Mourdock: State. State statute, which I'm amazed with all the things that are happening in Indianapolis somehow they found the time to have an extreme sports discussion.

Steve Craig: Well, that includes Burdette.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Yeah, I'm sure you're right, Phil.

Steve Craig: Do you have another copy of that so I can?–

Commissioner Mourdock: You can make a copy of this.

Steve Craig: Okay. You have my worksheets. Does anybody have any questions?

Commissioner Mourdock: I'll move approval of all the Department Head Reports as submitted.

Commissioner Fanello: I will second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: I've got a question if we are going to move into the Consent Items before we approve it. On the Preventative Maintenance Program, is that something that the Building Authority, do they, have they looked at that? Do they need to look at that?

Commissioner Mourdock: The copy of this should have gone through and they should have worked it together with the Building Authority, because the preventative maintenance on, especially, like heating and air conditioning–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –and the big units was something that Steve Utley was involved in on from the get go–

Commissioner Fanello: Okay. I just wanted–

Commissioner Mourdock: –so if he didn't get a copy, he needs one.

Commissioner Fanello: Okay.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: Then there was one request in there for , and I know this is not a really big deal, but a request for an additional phone line at the Darmstadt Extension Office. I don't know...are you familiar...exactly...are people in that office all the time, or are they out?

Commissioner Mourdock: They are in the office all the time.

Commissioner Fanello: Okay, I wasn't sure.

Commissioner Mourdock: I mean, some are out, but there is someone in the office all the time.

President Mosby: Three people trying to use one phone.

Commissioner Fanello: Yeah, so I just, I didn't know exactly.

President Mosby: I read it on—

Commissioner Fanello: Then I will move approval of the Consent Items.

Commissioner Mourdock: Just for the record make one little technical correction. On our agenda it says that it's County Clerks Commission budget, that is actually from the Assessor, but with that little significant change, I would second the motion.

President Mosby: I have a motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled Meetings. I will not be here next week.

Commissioner Mourdock: Okay. I will be meeting this Wednesday on the Community Corrections. The Advisory Board is getting together Wednesday at 4:00.

President Mosby: Wednesday at 4:00.

Commissioner Fanello: I think Tammy has scheduled the Old Courthouse meeting since David was going to be on vacation until the following week. Is that on the 30th now?

Tammy McKinney: Right.

Commissioner Fanello: Okay.

Tammy McKinney: I am going to make it for 5:00, since we don't have any other meetings.

Commissioner Fanello: So, would you send—

¹Consent items listed on Page 55.

President Mosby: 5:30, or was that 5:00?

Commissioner Fanello: –would you send a notice to the Council members and?--

Tammy McKinney: Yeah.

Commissioner Fanello: Okay. Make sure that they know.

President Mosby: Okay, any other meetings?

Old Business

President Mosby: Old Business.

President Mosby: New Business. Any New Business?

Commissioner Fanello: I think that...the only thing that I...this probably falls under Old Business is to set a time when we might make a final decision on, um, Steve Perry's proposal. I didn't know what we were thinking about that.

President Mosby: Okay.

Commissioner Mourdock: I would...let me just clarify something. Steve Perry has made a proposal, it is my thinking that if, in fact, without dealing with the specifics of that proposal, if this board wished to look to a non-governmental entity, once he gives us that proposal if it's something that would seem to be acceptable to us, it would seem to me that we also need to advertise to any other third party over some period of time to get a response to see if anyone else would want to come in with something similar. I don't expect that would happen, but, and, Phil, maybe you can tell me–

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: –okay, okay. I think that might keep us out of some problem down the road.

Philip Hayes: Well, and I think that...I think it's required (Inaudible. Mike not on.)

Commissioner Mourdock: Yeah.

Philip Hayes: Absolutely correct. It would be a contract proposal and we should, I think, treat it because of the size of it (Inaudible. Mike not on.)

Commissioner Mourdock: As far as the specific date, Catherine, have you got something in mind?

Commissioner Fanello: Well, I think that at that time as well we just, you know, as we are trying to negotiate this contract with United, we need to make some final decisions of, um, we just need to get down to a decision about bed size and things like that.

Commissioner Mourdock: Right, and the same is true of Community Corrections–

Commissioner Fanello: Exactly.

Commissioner Mourdock: –since that’s been discussed.

Commissioner Fanello: Uh-huh. I would say, not the 30th, but what’s the week after then?

Commissioner Mourdock: The sixth. The sixth of August.

Commissioner Fanello: That’s my proposal.

Commissioner Mourdock: So, our intention would be to define on August 6th, whether or not we would be seeking a separate party to deal with the juvenile, to build us a juvenile facility, and also are you suggesting the same night on Community Corrections? Or–

Commissioner Fanello: I mean, we have to make a decision at some point in time, so.

Commissioner Mourdock: Okay.

President Mosby: Are you saying make a decision on the Jail, Community Corrections, and a Detention Center?

Commissioner Fanello: As far as the size, so we can finish up negotiations–

President Mosby: So, truthfully, we really need to probably talk, or have Steve Perry come in...I feel familiar enough with the juvenile end of it that I know what I probably want to do, but I think maybe we ought to have Steve Perry come back in and maybe have Judge Niemeier come in. Or have a meeting at 5:30 or something to where Judge Niemeier can explain more to you of what his thinking is. I’ve sat in a couple different meetings with Chief Deputy Williams and Judge Niemeier and Mr. O’Connor and Gerald Sumner–

Commissioner Mourdock: Uh-huh. That’s a valid point. I’m wondering if we should do this in several special meetings. Have one special meeting for the Juvenile, in which, again, we advertise that as a special meeting. Anyone who wants to come in and tell us what they think we should do, and then we take that under consideration. The following week we do the same thing with Community Correction. Have Judges, whomever, come in and tell us what they think we need, take that under consideration, and then as soon as the third week, uh, at our regular meeting hash it out, determine what we are going to do and what the limitations are, because, clearly, before we can finish a contract with United and ostensibly with a Construction Manager, we need to know what the heck it is we want.

Commissioner Fanello: Uh-huh. I agree, I mean, that sounds fine to me.

Commissioner Mourdock: Alright.

President Mosby: You’re wanting to have a meeting with each group?

Commissioner Mourdock: I would think so. I mean, they’re pretty specialized as far as the Juvenile...it’s so different from Community Corrections, I don’t know if we could do it all at one time. You know, we could set it up as to not to exceed 90

minute type meeting.

President Mosby: I'm saying each one gets 15 minutes. So, if we start at quarter after five, we'll be ready by 6:00.

Commissioner Mourdock: I'm not...I don't think 15 minutes is necessarily reasonable. You've had the advantage of sitting in with the juvenile folks and going through all those issues, and I haven't, and maybe 90 minutes isn't the right answer—

Commissioner Fanello: I don't think (Inaudible. Talking over each other.)

Commissioner Mourdock: —but I'm not sure 15 is either, so I guess we're negotiating.

President Mosby: Well, what if we did, are we talking about August the 6th then?

Commissioner Fanello: Well, since we already have the Courthouse on the 30th—

President Mosby: Right, so what if August the 6th if we start at 5:00 and allow 20 or I don't know how much time we need. We could start at 4:30 and allow 30 minutes.

Commissioner Mourdock: Are you saying for both? Or—

President Mosby: 30 minutes for the jail, 30 minutes for Community Corrections, 30 minutes for Juvenile.

Commissioner Mourdock: —just one?

Commissioner Fanello: Why don't we do—

President Mosby: That's how I'd do it.

Commissioner Fanello: —why don't we do Juvenile one night. To me you could do, in my personal opinion, you could do the Jail and Community Corrections in a session, but do the Juvenile separate since we do have a—

Commissioner Mourdock: Yeah, and the Jail I'm more comfortable with, obviously, I've been involved with that one.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: I'm more inclined to know right now how I feel about the Jail—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock:—as well.

President Mosby: Do you think it would take over 30 minutes to explain what we talked about?

Eric Williams: You mean the proposal from the Juvenile?

President Mosby: Yeah.

Eric Williams: (Inaudible. Not at mike.)

President Mosby: Well, I guess, what I'm referring to is the proposal from Steve Perry and then what me and you and the Judge and we talked about the other day. I mean, I don't think it would take that much.

Eric Williams: I think it would take him that long to explain what it is they are offering and do that. It depends on the level of questioning, and how in depth you want to get. You and I have been to an awful lot of meetings and I feel like I know it by the back of my hand.

President Mosby: Okay.

Commissioner Mourdock: Yeah, this...if we go with a non-governmental entity like the Youth Care Center, obviously, this is a decision that we are going to be contractually bound with for some years to come. Same thing is effectively true of Community Corrections. If, in fact, we decide that...decide to make that a part of the new Jail, how many beds are going to be in that facility, the staffing level and those things are...we're going to be living with for a long, long time, so I don't want to give up a minute or two of information gathering time at this point just for our convenience. I want, I guess, at least the two separate occasions, again, the Jail I'm pretty comfortable with, but I think we need two separate ones, and if we could schedule something at 5:00 one day, go an hour, and then the next Monday schedule one at 5:00, go an hour, do something like that.

Madelyn Grayson: Will those require advertising?

Commissioner Mourdock: It would be a special meeting, so yes.

President Mosby: Oh, okay. I started to say you could do it next week.

Madelyn Grayson: We need to advertise three and ten days before the meeting.

Commissioner Mourdock: Say that again, Madelyn, if it's a special meeting it needs three days and ten days?

Madelyn Grayson: Right.

Commissioner Mourdock: So we couldn't do it—

Madelyn Grayson: I believe, is that correct, Phil, do you know if that's correct?

Philip Hayes: Right, but...is that what's anticipated it's not simply a subject matter special meeting where you give the ordinary notice, 48 hour notice?

Commissioner Fanello: Then why, okay, then I'm confused on our advertising, because why did the Council hold a special meeting last week and they only had to—

Suzanne Crouch: Theirs was an emergency meeting dealing with a court ordered expenditure, and by law that requires—

Philip Hayes: Uh-huh.

Suzanne Crouch: —a 48 hour notice—

Philip Hayes: Right.

Suzanne Crouch: –and a one day publication in the paper. A special meeting on the other hand is a meeting called to deal with a specific matter–

Philip Hayes: Right.

Suzanne Crouch: –that’s not an emergency, and then that requires ten days notice on advertising. I believe, at the time the Council set that meeting they were under a July 13th deadline, so it was kind of deemed as an emergency.

Commissioner Fanello: So we can’t set a meeting for 5:00 next Monday then?

Commissioner Mourdock: Right, that’s what she is saying.

Philip Hayes: Right.

Commissioner Mourdock: But we could for the 30th, only that was the Courthouse.

Commissioner Fanello: That was the Courthouse.

President Mosby: Courthouse, uh-huh.

Commissioner Fanello: So, it looks like–

Commissioner Mourdock: Do you want to do it at 4:00 again?

Commissioner Fanello: Yeah, I guess.

Madelyn Grayson: That would only require one time advertising for ten days, ten days prior to the meeting. Not twice.

Commissioner Mourdock: Okay, well I’ll move that we have the advertisement for a special meeting to begin at 4:00 on the Juvenile situation on Monday, July 30th.

Commissioner Fanello: July 30th, second.

Commissioner Mourdock: Then the following, oh, I’m sorry, go ahead, David.

President Mosby: Oh, that’s okay I’m just writing this down. July 30th at 4:00, Juvenile. Okay, a motion and a second, so ordered.

Commissioner Mourdock: Okay, and then to deal with Community Corrections and other issues, if folks wish to deal with the Jail, that’s fine–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –on–

Commissioner Fanello: the 6th.

Commissioner Mourdock: –August the 6th at 5:00. We have nothing else scheduled at 5:00 on that day, correct?

Commissioner Fanello: Right.

Commissioner Mourdock: That would be for Community Corrections.

President Mosby: Okay. So, that's a motion.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. So we've got August the 6th Jail and Community Corrections at 5:00. July 30th, 4:00 Juvenile, 5:00 Old Courthouse and Wednesday (Inaudible.)

Madelyn Grayson: I'll need permission to advertise that.

Commissioner Mourdock: I thought you were, yeah. I move permission to advertise the August 6th special meeting.

Commissioner Fanello: Second.

President Mosby: So ordered. Did I miss one?

Commissioner Mourdock: I think you got it all.

President Mosby: Okay. Your meeting is Wednesday at 4:00?

Commissioner Mourdock: Right. My meeting is Wednesday 4:00, Community Corrections.

President Mosby: Then she—

Commissioner Fanello: Yeah, we—

President Mosby: —then we have July 30th, Juvenile at 4:00, July 30th, Old Courthouse at 5:00, and August 6th, Jail and Community Corrections.

Commissioner Fanello: So, we will need permission to advertise the July 30th meetings as well, correct?

Suzanne Crouch: Yes.

Commissioner Fanello: So, motion to advertise July 30th.

Commissioner Mourdock: Second.

President Mosby: So ordered. Any other Old Business? Is that everything?

New Business

President Mosby: New Business. I have one thing of New Business, I wanted to mention tonight that I was contacted by the Parks Department to see if the County is interested in taking over Angel Mounds and Dogtown Boat Ramps. I told them that I would graciously attend a meeting Wednesday morning at 9:00 to look into an alternative. They, um, lost their provider who was maintaining Angel Mounds and Dogtown, and right now they have nobody running them—

Commissioner Mourdock: This is the state or did you say the city?

President Mosby: No, this is the city.

Commissioner Mourdock: That's not really the city, but—

President Mosby: The city...the city agreed to take them from the Corp of Engineers after they were built—

Commissioner Mourdock: Ah.

President Mosby: Then the City immediately, I think, I guess in '88 when I was first year on the Council, contracted with a guy by the name of Elbrink and then he gave them up and they contracted with another gentleman that they ended up kicking this gentleman out earlier in the year. Nobody is maintaining the facilities. I hear a lot about 'em. Everybody keeps saying the County needs to go down and do something with them ramps, and I try to explain that they are in the County, but we don't run 'em. They are interested in talking with us to see if we want 'em, and I've talked with Steve who's still sitting here noddin' his head, and, uh, talked with him maybe about putting the boat ramps under the Burdette Park Board and have that board oversee 'em if we decided we want to take ownership at no charge. So, they used to be money makers for the City when they were contracted out and we got a percentage. Right now they have no contract with anybody and—

Commissioner Mourdock: People paid to put the boats in?

President Mosby: Oh, yeah.

Commissioner Mourdock: Boats were a source of money?

President Mosby: People used to pay, was it \$5, \$3 a launch.

Steve Craig: It started out at \$3 and then \$30 for a season pass then it went to \$5 and \$50—

President Mosby: Yeah, I was going to say \$50 season pass was last year. I remember that, and \$5. Yeah, they always had a gentleman...they have a little house down there. They had somebody that collected money, and on weekends it could be a money generator.

Steve Craig: There's also...I think one of them is 28 acres and one is 27 acres with very large flat areas that go with 'em in grass.

Commissioner Mourdock: Are you suggesting they could be soccer fields?

Steve Craig: I didn't say that.

President Mosby: I was going to talk to Curt and see if I could sell him part of it.

Steve Craig: I'm glad I didn't say that, but they, um, they and Terry Poag and I had talked and when they had found out that we were interested in purchasing that ground by Burdette, he had said something about, you know, they didn't know if they would want to take them over. I don't know why the City took them over when they did, I guess, they wanted them, because the Corp built them and then looked for

someone to maintain 'em. Which at that time Ray Wolf, I think, was the Manager of Burdette, when they were built.

President Mosby: Probably.

Steve Craig: He was interested in taking over the Dogtown Boat Ramp, but the City ended up taking both of 'em over, but there...there is quite large grass fields at both of 'em that could be utilized for, you know, baseball, softball anything, but they were going to contact you after they had talked to me and see what interest was, if we was interested in--

President Mosby: I've had two or three conversations with Mr. Poag on it, so he is going to talk to Mr. Madriaga and we're going to possibly have a meeting Wednesday morning and I just wanted to make the two Commissioners here aware that, uh, there will be some dialogue taking place and I'll give you a written summary of the meeting before I leave on Sunday, so that you will know what happened. Something else for Eric to patrol.

Eric Williams: We already do.

President Mosby: I figured you did. Does the Park Rangers go down there too? Do they? I've seen them go up and down Old Henderson Road. Any other New Business? Motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: Motion and a second. So ordered.

Meeting was adjourned at 7:35 p.m.

CONSENT ITEMS:

Employment Changes:

Sheriff Department
Health Department

Treasurer
VCCC

County Clerk
Burdette Park

Travel Requests:

Health Department

County Assessor

Requests for Service:

County Clerk

Co-Op Extension

County Clerk:

Submit monthly report.

The Centre:

Submit Preventative Maintenance Program.
Submit Emergency Procedures Plan.

Sheriff:

Submit weekly Jail Information and Report.

THOSE IN ATTENDANCE:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Phil Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Bart O'Connor	Dennis Szorcsic
Judge Pigman	Judge Knight	Judge Heldt
Steve Utley	Tim Born	Mark Brust
Harold Beichner	Minnie Schapker	Steve Craig
Eric Williams	T.J. Brink	John Strange
Richard Helzerman	John Stoll	Pat Conner
Ralph Kissinger	Members of Media	Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
July 23, 2001**

The Vanderburgh County Board of Commissioners met in session this 23rd day of July, 2001 at 6:00pm in the Civic Center Complex Room 307 with Vice President Fanello presiding.

Call to Order

Commissioner Fanello: Call to order the Vanderburgh County Commissioner meeting for July 23rd.

Introductions and Pledge of Allegiance

Commissioner Fanello: Introductions, I have Tammy McKinney, Superintendent of County Buildings; County Attorney, Phil Hayes; myself, Commissioner Fanello; Commissioner Mourdock; Suzanne Crouch, County Auditor; and Madelyn Grayson, Recording Secretary. Please join me in the Pledge of Allegiance.

Approval of Minutes

Commissioner Fanello: Approval of minutes from July 16th.

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Fanello: Second and so ordered.

Jason Hisch: Camp Kramer

Commissioner Fanello: Jason Hisch?

Jason Hisch: Yes.

Commissioner Fanello: Is that it?

Jason Hisch: Hello. I just wanted to come and, one, provide some information for the Commissioners and let them know about Camp Kramers. We acquired the property last year, which was formerly Kramers Lake, from Mr. Kramer, and, uh, our fellowship has, and now we have implemented a camp this year. We've already had organizations like the Boys and Girls Club utilize our facilities, and also as well as the, uh, just local community has come out to different events that we've had, and have put on for them. One in particular that I wanted to address is skateboarding. We've built a skate park out there and we've had two, I guess, skate competitions out there that have been well attended with little or no effort at all as far as putting those on. We've had a great attendance, and what we are running into now is the Fall. We know with the Fall what comes into play is the darkness. So, what I'm coming, first of all, requesting is any lighting at all that may be torn off of old buildings, laying around, anything at all that would be available from the County to, uh, donate. We are a 501(c) corporation, the church is, so, therefore, it would be a contribution to a not-for-profit organization. Also just a little bit about my background, I'm a former police officer in Virginia Beach, Virginia, also a former United States Marine. What I've noticed in Virginia Beach, there's a huge skateboarding community there. Also with just seeing the change as I've come here

a year and approximately a half ago, I've noticed a change and a progression of where I live in the numerous amount of skateboarders that hang around the Vectren Building, around the Main Street area, Buehler's Buy Low parking lot, Roberts Stadium parking lot, Hartke Pool area. What that does is normally, one, causes the law enforcement officers to come up and run them off for trespassing or whatever may be going on there. Also, when kids begin to trespass...we know that that first misdemeanor or those first little petty crimes lead to more and more crimes. So, what I would...my hopes is, one, to receive lights. Secondly, to in every police car have a referral system. Instead of just turning the kids away and saying hey, get out of here, you know, run off, you're not supposed to be here. Or, you know, repeat offenders, eventually, they are getting issued trespassing warrants or whatever. This would allow police officers a chance to refer them somewhere to where they could go and skateboard, allowing them to come into a positive environment, a camp environment which is a Christian organization. However, we don't turn away organizations that we feel have a good, uh, social...like Boys and Girls Club, YMCA, we don't turn away organizations that would promote a healthy society, basically. We've got the Wheel and Sportsmen coming out in October, things like that. So, we are not just exclusive just to other churches. We do want to reach the community with the property, and that would be one way that we feel would help the City of Evansville. Also help the community by getting these kids off the streets, with the trespassing and leading to vandalism and graffiti, gang activities as well as drugs. The popular drug among skateboard kids is the ecstasy which is common in, uh, high school teenagers. So, therefore, just, hopefully, provide a spot for these kids to go. I'm coming now because I know Fall is coming. I do have, believe that I will have the resources to get the lights put in place and operational, um, the only thing that I am lacking is the expense for a lighting system. What I'm looking for is nothing great. I have a very small area that would be able to be lit safely. You know, something, anything that would adequately light to continue the work well into the Fall and even into the Winter as we have...some Winters here, but the kids will come out and skate anyway because it's physical activity, but the darkness you just almost can't do anything with. So rather than...a work that was started over two months ago, having two successful outings, we've decided to go to once a week on Thursday evenings to allow the kids to come. But with school coming and the Fall coming we are going to be battling the lighting situation. So, I just want you to know that Camp Kramers is available for the County to use. All it would take would be a phone call. I've worked with the Youth Care Center on a couple of things over there with Mr. Ames. You know, I've allowed other kids to come out and do their Community Correctional time out there at the property, and tried to just produce a positive environment for the kids. So, if there is anyway that you could help with the lighting system, or you have anything laying around, any contacts that you may have, it would be greatly appreciated. I believe my phone number is on the information sheet, and, hopefully, we can come together. Hopefully, what I would like to do, I would incur the expense of giving the officers in the County, as well as the City, cards when they do come upon a skateboarder that would allow them to point them in a positive direction, say hey you can't skateboard here, but this is where you can go and it has the information on it. Hopefully, that request will be granted. Just anything that you would have, I am willing to work with.

Commissioner Mourdock: At the very start of your comments, Mr. Hisch, you said the fellowship. What group purchased that?

Jason Hisch: New Beginnings Christian Fellowship.

Commissioner Mourdock: Is that a church? Local here?

Jason Hisch: Yes.

Commissioner Mourdock: As far as the lighting itself, I've been on the board now six and a half years and I don't recall anytime when we've had surplus lighting, but I could be wrong, but we'll certainly keep it in mind, and, the County Highway Superintendent and the County Engineer are the two people who if we ran across that would probably be aware of it and they are both back here, so they heard what you said. As far as dealing with the City Police and talking with them, obviously, you need to go to the City, but the Sheriff and Chief Deputy Williams here if you want to talk to them about the idea with the cards you are free to do that, certainly.

Commissioner Fanello: Thank you.

Jason Hisch: Thank you.

**Phil Hayes: Permission to Advertise for First and Second Readings
of Amended Emergency Management Ordinance
and Amendment to Title 17 (Rezoning) of Vanderburgh County Code**

Commissioner Fanello: The next item is permission to advertise ordinance for EMA.

Philip Hayes: With the approval of the Commissioners, I would like to consolidate both items C and D on the agenda. The second item was...first was Emergency Management, the second was amendment to the Zoning Code, and I would like to withdraw both of those this evening for re-introduction next week. We need to do amendments to the codification classification on the first, and on the second I would like to contact the attorney for the Area Plan Commission and speak to him about this, because I noticed that it's just simply a bare reclassification of use and I wanted to discuss that.

Commissioner Mourdock: Okay. I would move that we defer both items C and D then until next week.

Commissioner Fanello: Second and so ordered.

Philip Hayes: Thank you.

Any Other Group or Individual Wishing to Address the Board

Commissioner Fanello: Any other group or individual wishing to address the board?

Commissioner Mourdock: If you are here for Drainage Board meeting, that's the next meeting.

Commissioner Fanello: Okay.

Commissioner Mourdock: Seeing none.

Commissioner Fanello: Department Head Reports.

John Stoll: County Engineer

Commissioner Fanello: County Engineer.

John Stoll: First item I've got is a Notice to Bidders for the Boyle Lane Bridge. This is contract VC01-08-01. This is the bridge that we have brought a Notice to Bidders before previously. We thought we had to get a DNR permit based on some old correspondence in our files. Valerie did some checking and DNR said we do not need a DNR permit, so we're back to where we were six weeks ago. I have a Notice to Bidders, and this time it should be advertised and we're ready to go.

Commissioner Mourdock: I'll move that we advertise Notice to Bidders as requested.

Commissioner Fanello: Second.

John Stoll: On that same project, I also have a Mylar cover sheet for the plans that need the Commissioners signatures.

Commissioner Mourdock: I'll move approval of the engineering plans for the Boyles...what did you call it, Boyles Avenue?

John Stoll: Boyle Lane.

Commissioner Mourdock: Boyle Lane Bridge.

Commissioner Fanello: Second.

John Stoll: Next I have a supplemental agreement for the Burkhardt and Morgan widening project. This is a supplemental agreement for the construction inspection services which were done by American Consulting. The need for the supplemental is due to the fact that the project, even though it wasn't into liquidated damages, it's carried out into this year longer than we expected. So, the supplemental was needed to cover the additional hours of work done, inspection work done by the consultant. The total dollar figure on the increase is \$6 thousand....\$7,646.04 of which 20% will be Vanderburgh County's share of the costs.

Commissioner Mourdock: 20% of the \$7,600?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval.

Commissioner Fanello: Second and so ordered.

John Stoll: Next I have a change order on the O'Day Discovery Lodge site grading project. This change order is for a net increase of \$2,149.98. This is a result of several different adds and deducts on the contract. We had, primarily, the biggest overruns were the result of additional electrical conduits that were added prior to the paving at the request of Morley and Associates based on the plans that they are drawing up for the building. We had quite a bit of 2", 3" and 4" electrical conduit that was added in, in order to accommodate the building. That...and also we also had ductile iron and water line pipe that was added based on those plans, and also some water line fittings that were associated with that. We had some deductions associated with prime coat on the rock and we had, let's see, we originally had to fill three culverts underneath Nurrenbern Road, but due to some grading changes we only plugged two of those culverts. That's a rundown of the items and it's

recommended this be approved as well.

Commissioner Mourdock: Did you say the amount, John?

John Stoll: \$2,149.98.

Commissioner Mourdock: I'll move approval.

Commissioner Fanello: Second and so ordered.

John Stoll: The final item I've got is also a change order. This is on the Fulton Avenue Bridge project. This is for an increase of \$1,650, and the need for this is due to the fact that the original plans called for thermoplastic striping across the bridge. Thermoplastic never sticks to concrete very well, so the INDOT specs called for pre-formed plastic tape to be placed on concrete pavement and that is what this is. Basically, we are substituting the thermoplastic across the bridge with the pre-formed plastic. This—

Commissioner Mourdock: Did the original design from the state approve the thermoplastic on the concrete?

John Stoll: Yes.

Commissioner Fanello: How can that happen?

Commissioner Mourdock: It's the state.

Commissioner Fanello: It's the state, yeah, okay. That explains it right there.

John Stoll: The, um, as long as this project was under design, who knows. I mean, I don't know...the...this change order does not reflect the reduction in the thermoplastic quantities, so there is also a roughly \$400 to \$500 credit that is associated with this. So, our net increase is around \$1,200, but, uh, since this was a new pay item that is what necessitated the change order.

Commissioner Mourdock: Will we carry 100% of the cost of this one?

John Stoll: This is 50-50.

Commissioner Mourdock: Okay.

Commissioner Mourdock: I'll move approval of the change order.

Commissioner Fanello: Second and so ordered. Is it open?

John Stoll: No. They've got the center line striping down across the bridge, and were ready to start the dashed stripes for the lane markings when the rains hit about 1:00. By the time everything had dried off, the crews were no longer on the job site.

Commissioner Mourdock: What rains hit? Today?

Commissioner Fanello: Uh-huh.

John Stoll: Yeah.

Commissioner Mourdock: It rained at 1:00?

John Stoll: Yeah, it poured.

Commissioner Fanello: I hit a big storm.

Commissioner Mourdock: Not in Darmstadt.

Commissioner Fanello: Must be special out there.

Commissioner Mourdock: We're at a disadvantaged special. We need the rain.

John Stoll: I was going to say, I wish the bridge was in Darmstadt then, because it would have been opened.

Commissioner Mourdock: You're right. Yes, it would have. It certainly would have.

John Stoll: They were close, and they are supposed to come back out there tomorrow.

Commissioner Mourdock: Had I not heard something about when it first opens you'll do one lane at a time as well, because of something with some landscaping, or seeding on the sides?

John Stoll: It's not going to be constantly one lane.

Commissioner Mourdock: Okay.

John Stoll: There's still work remaining. They still have to place the sod, SIGECO has to place the light poles, things like that. So, there will be lane closures, but it's not going to be restricted to one lane each direction all the time.

Commissioner Fanello: I think this may be able...be the time to bring up a...I've had some people call me wanting a ribbon cutting, so—

Commissioner Mourdock: I'm hesitant to be at the Fulton...Fulton Street Bridge when any sharp objects and politicians are present, because—

Commissioner Fanello: --if we want to schedule one, I think that is something the board ought to decide to do. My hesitation...I thought it was a good idea at first, but my hesitation, and John made a very good point, um, we would be closing down to have a ribbon cutting—

Commissioner Mourdock: Yeah.

Commissioner Fanello: --so, I think, a lot of people would be angry about closing it to have a ribbon cutting. Although, some people might think it's a good idea, it really is probably more of a hindrance than a—

Commissioner Mourdock: Well, in my six and a half years here I haven't done a ribbon cutting yet for a County project, other than for the Centre. I'm hard pressed to see that we need to have something formal done here. I think the faster we can get it opened, the better off we are.

Commissioner Fanello: I would hate to have—

Commissioner Mourdock: That's as much as we need to do.

Commissioner Fanello: —citizens yelling at us for closing it down for a ribbon cutting—

Commissioner Mourdock: That would probably—

Commissioner Fanello: —so, I say leave it open and let 'em go.

John Stoll: One of the things I was telling Catherine about was, it was even before you were on the Commission, but when Waterworks Road washed out back when I first started—

Commissioner Mourdock: I remember that.

John Stoll: —with the County, there was some criticism about that ribbon cutting, because of the perception that it was held closed longer for a...specifically for a ribbon cutting. Which wasn't the case, but that claim was out there.

Commissioner Mourdock: Yep. We just need to get it open without fanfare.

Commissioner Fanello: (Inaudible. Mike not on.)

John Stoll: Okay. That's all I have.

Ralph Kissinger: County Highway
--

Commissioner Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. Excuse me. I got a letter from the Indiana Department of Environmental Management. John got one, I don't know if the Commissioners received a copy, but I made copies if you didn't. I would like to give those to you. It's a mandated project that is going to come up...I'll leave that for David.

Commissioner Mourdock: Mandated project.

Ralph Kissinger: Yes. It's a federally mandated (Inaudible. Not at mike.) John and I are going to talk about it...oh, I'm sorry. I did have some more.

Philip Hayes: (Inaudible. Mike not on.) One for the Auditor.

Ralph Kissinger: I just wanted to give those to you to read up on. There are some kind of scary things in there that I thought you might want to be aware of if you hadn't gotten a letter. Other than that, uh, the paving I'm keeping up to date on it as Commissioner Mourdock requested. We are doing...we're pretty well right on budget right now on Koring Road, which we are...we have one lane completed, we should complete the other lane by Wednesday morning barring any bad weather. Then we will, uh, go over to, uh, Felstead after we finish off there, so, hopefully, it goes according to plan and we get back on budget. We are not...we're doing pretty good out there right now.

Commissioner Mourdock: Okay, and I apologize for not getting with you this morning, Ralph. I will probably give you a call tomorrow, or try–

Ralph Kissinger: I know you're busy.

Commissioner Mourdock: –to get with you tomorrow.

Ralph Kissinger: That's fine. Unless you have any questions on my report that's about basically what I have.

Commissioner Mourdock: Just give me this real quickly. Did I hear you say John Stoll got one of these also?

Ralph Kissinger: Yes.

Commissioner Mourdock: Okay, so I guess the two of you are going to put your heads together and report back on anything–

Ralph Kissinger: Yes, and he–

Commissioner Mourdock: –we need to do.

Ralph Kissinger: –actually had time to get on the Internet today, and I'm going to try and get on tomorrow and see what they have on that website. John, you may have something to add to that.

John Stoll: Yeah, I was just going to say that somewhere in that letter it gave a website where they were going to give–

Commissioner Mourdock: Uh-huh.

John Stoll: –training seminars and in true IDEM fashion, the website lists that the meetings were held in May and June. So–

Commissioner Mourdock: This would be the same state of Indiana departments we were referring to a moment ago.

John Stoll: It said that, uh, no further ones were scheduled at this time, but if enough requests were made that they would reschedule some additional ones. I'm not sure how this will all affect everything. I'd heard about it in some of the seminars I've been to, and some of it sounds expensive because they want us to treat the storm water before it goes into any of the bodies of water. So, until we get some more details we really don't know what the answer is going to be, but Ralph and I can try and find out.

Ralph Kissinger: I'll download what information I can and try and have it for you the next meeting. Any questions? Thank you.

Phil Hayes: County Attorney

Commissioner Fanello: County Attorney.

Philip Hayes: No report.

Tammy McKinney: Superintendent of Buildings

Commissioner Fanello: Superintendent.

Tammy McKinney: I have an issue that was brought to me by the Building Commission about, um, a lady that won't mow her yard. It has gotten to be almost five feet tall, her weeds. So, I need some sort of direction about a Nuisance Ordinance and how this might involve Rodent Control? Who needs to go out and inspect? Is it me? Is it the Health Department?

Commissioner Mourdock: I'll throw in a bit of an historical perspective, but the Health Department has been, typically, the ones who've dealt with this through code enforcement. If there is a health issue out there. Tammy brought this up to me earlier. I think if this is simply one neighbor looking at another and they don't like the lack of maintenance on the property, if there is not a clear cut health issue, it would seem to me, that it is more of a civil matter as a common nuisance. The County wouldn't necessarily be involved unless there is that health issue.

Tammy McKinney: There is more than one complaint in here once I got looking through here.

Commissioner Mourdock: Are they also health type issues? Or, is it just other neighbors? Is that what you mean by—

Tammy McKinney: Other neighbors.

Commissioner Mourdock: Okay. Maybe the best thing we can do is have, Phil, you take a look at it and see if, again, there is some health aspect to it or County...or Code Enforcement people get out there and look at it. This is a classic property rights issue. You know, do we have a right to go on somebody's property simply to beautify the property to somebody else's standards? I'm hard pressed to think we have the right to do that, but if it's a health issue, that's another matter.

Tammy McKinney: Well, there is a picture of the lawn mower in the yard. She pays her taxes, she just won't mow her yard.

Commissioner Mourdock: Yeah. Any quick comments, Phil? Or anything...other suggestions? If she lived in Darmstadt...I know it isn't in Darmstadt 'cause we haven't had enough rain to grow that kind of weeds.

Sheriff Brad Ellsworth: Sheriff Brad Ellsworth. If you want me to get my compliance officer, the one who does the abandoned vehicles and that, he's done some pretty good work in those areas before. I can send him to see if he can get with Code Enforcement and—

Tammy McKinney: That's something else I wanted to know, you know, what are my limits and how far? You know, can I have the Sheriff go out there? Or, so that is something I wanted to know, what my limits are.

Sheriff Brad Ellsworth: That's specifically what I've got him designed to do is those type things and be able to put the complainant with the people that need, you know, bridge those gaps when nobody else knows what we can do. So, I can take a look at that and have him go out and...because he's established a rapport with those

other agencies to take them all out there at one time and tell him if there is something we can do.

Tammy McKinney: In this...what the Building Commission gave me....this, that stack has been going on for a year, and they told me they had more they just purged it because they thought sooner or later she's going to mow it. Well, she hasn't, so.

Sheriff Brad Ellsworth: Give me a little time with it, and I'll see what we can come up with on it.

Tammy McKinney: Okay.

Sheriff Brad Ellsworth: If that's okay?

Tammy McKinney: Alright. Thanks. Thanks, Brad.

Gary Hohman: Burdette Park

Commissioner Fanello: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. You have the work report. The only other item that I have is more informational than anything else. I don't know whether any official statistics have been kept on attendance at our facility in the past. We feel like this past weekend we had somewhere in the neighborhood of 16,000 patrons went through Burdette Park with three events. One being the Pre World BMX races, and then two excessively large company picnics. Both of those, each picnic exceeded 4,000 company employees. I must admit that all in all it went off with relatively smooth operation. We did have some instances with the BMX races which is typical, accidents and so forth, but all in all it was a real good weekend. That's all I have.

Commissioner Fanello: Thanks.

SWCD & Ozone Officer Reports

Commissioner Mourdock: I'll move that we accept the Soil and Water Conservation District Report and the Ozone Officers Report which was submitted in writing.

Commissioner Fanello: Second and so ordered.

Consent Items

Commissioner Fanello: Consent Items. I had a question on one, probably Suzanne can answer it. On this grant, is that something that comes to the County or are we just like a pass through?

Suzanne Crouch: It's just a pass through. We always send it through the Commissioners meetings.

Commissioner Mourdock: I'll move approval of Consent Items as filed.

Commissioner Fanello: Second and so ordered.¹

Scheduled Meetings

Commissioner Fanello: Scheduled meetings. On July 30th we have the Juvenile meeting at 4:00, Old Courthouse at 5:00 and that's confirmed, is that correct?

Tammy McKinney: Right.

Commissioner Fanello: Okay, and then our regular meeting at 6:00, which, I believe, also will include the presentations by the Construction Management proposals.

Commissioner Mourdock: Okay. There is another meeting that I was going to mention. Oh, just that the interviewing for the new Soil and Water Conservation person to replace Erin Breetke is well, not next Monday, it's the following Monday, August 6th.

Commissioner Fanello: Okay, and then also on August 6th is the Community Corrections meeting at 5:00. So, and I did not have down...you asked this question earlier, Richard, when is our next space allocation meeting?

Tammy McKinney: I don't think one was scheduled. I think—

Commissioner Fanello: Were we...we were going to wait—

Tammy McKinney: —Steve Utley was supposed to get with the Judge and then—

Commissioner Mourdock: Yeah, we were going to wait because they needed to get the other blue prints from that building to revise them, and once they did that they were to get with Steve Utley—

Tammy McKinney: They were supposed to come to us when they are ready.

Commissioner Mourdock: Okay.

Tammy McKinney: Right.

Commissioner Fanello: Alright.

Old Business

Commissioner Fanello: Old Business?

Commissioner Mourdock: Couple items that were in kind of the circulation file, just to mention real briefly. One is on the precinct maps, Bill Jeffers had sent through a note to the County Clerk, do you have anything new to report on that? Are they still making progress?

Commissioner Fanello: I think they are still making progress on that, and, um, I

¹Consent Items listed on Page 21.

haven't heard of anything new.

Commissioner Mourdock: Okay. September 1st is coming, so that one, I suspect, whenever we get the information that will probably take a lot of time in one of our meetings—

Commissioner Fanello: Uh-huh. Okay.

Commissioner Mourdock: —so we need to be planning ahead. Second issue also out of that file, I have a copy of correspondence from Robert Faulkner to Phil regarding the ASAP contract.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: What kind of service are we providing at this point? Are we—

Commissioner Fanello: Phil, on the ASAP contract, what's your communication about?

Philip Hayes: In checking on that what we have finally come up with is that we are getting some compliance, but we are alerted that we should be making other arrangements. Because at any time they could financially give up the service that they were prodded back into. They have not on a voluntary basis complied with our request concerning formalizing the contractual arrangement by letting us look at the necessity to approve. I'm not sure we want to approve at this point the transfer that was made. We have...earlier talked to the METS people and I've asked that Rob Faulkner proceed to talk to them in earnest through the Board of Works to determine whether or not we can pick up these additional patrons through their service as we now—

Commissioner Mourdock: Okay.

Philip Hayes: —know them to be giving it. We spoke about that early last week, Tuesday or Wednesday, so I would expect to hear some progress on that by next meeting.

Commissioner Mourdock: Okay. The other last Old Business item I would have, Phil, also any progress on the meetings between the counsel for the Council and the Sheriff and Mr. Falk or anything?

Philip Hayes: I was just speaking to the Sheriff this evening, their Sheriff Department changes have pretty well been satisfied, I think, and Mr. Bodkin will embody those. My intention is to proceed to circulate then the draft—

Commissioner Mourdock: Okay.

Philip Hayes: —that was discussed...where we don't have a lot of guidance from the County Council because they didn't act on any draft, but from the standpoint of what we know the draft to look like, uh, it would appear to me that, um, we should be able to have one that can be voted on by this body, hopefully, by the first meeting in August. Because the extension of time is until August the 13th—

Commissioner Mourdock: Right.

Philip Hayes: –and the Federal Judge through...by and through the magistrate, Magistrate Hussman, extended that time. So, we have–

Commissioner Mourdock: On the 13th or just to the 13th?

Philip Hayes: –we have a written order, yeah, to the 13th of August. So, depending on what your anticipation is of more draft discussion between the two bodies, I would think that we will have one where every indication is that all three parties will–

Commissioner Mourdock: Okay.

Philip Hayes: –sign one up by the first meeting in August.

Commissioner Mourdock: Okay. I said that was my last item of Old Business, one other item–

Philip Hayes: Sure.

Commissioner Mourdock: –of Old Business just by way of a report. As Sheriff Ellsworth mentioned before the start of the meeting we had the Community Corrections Advisory Board meeting last Wednesday, I think, and it was a pretty good discussion, particularly on the grant that we've received, but as we go forth...and I did make all those Advisory Board members aware of the fact that on August 6th we will be having that meeting, so I'm hoping a lot of the Advisory folks will be here to talk about that. Um, I guess, the main question that came up was will we have a good idea as to how much of a facility we need until we know what the state's going to do, and as we've joked about a couple of other items tonight regarding the state, I don't know that we will have any more guidance with them on that.

Sheriff Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mourdock: Sure, if you'd like. Go ahead.

Sheriff Brad Ellsworth: Brad Ellsworth, Sheriff. I had a phone conversation with Joe Fistrovich today with D.O.C. and also Robert Ohlemiller requesting a meeting with them, basically, to line out what we talked about, you know, what D.O.C. is going to, uh, any guidance that they can give us on the beds that they think we are going to require for a Community Transition Program, as well as bed days living quarters versus day reporting. They say with their budget hearings going on it was going to be impossible, probably, in August that their schedules were full. So, he is supposed to call me back by August 6th and set up a meeting for her for the first week in September, hopefully, with the Director of D.O.C., Mr. Fistrovich, Mike Brown and Robert Ohlemiller to discuss these very issues. So, we should have that stuff by...that won't help us for our meeting next week, uh, but they promised us a meeting and would be glad to do that in early September.

Commissioner Mourdock: Okay.

Sheriff Brad Ellsworth: So, that's about the best I can do on setting that up–

Commissioner Mourdock: Yeah.

Sheriff Brad Ellsworth: –but I lined out what our concerns were with what we are

going to build, and what their expectations and, or help could be.

Commissioner Mourdock: At that meeting, one of the Advisory Board members asked me if how I saw the process coming together, and I tried to describe it and just visually it's what's on the black board back there at the moment. Which is, I see this process kind of going in somewhat of a circle. In that, I think, there will be several reiterations of how we review this, but we are going to start out with some number of beds for the three facilities. I think, United will then take into some preliminary design, they will come back with some costs both operational and capital. That will go to the Council, the Council will say yes or no to all or parts of it, and then it will come back to United for some secondary review and then, I think, back to us. Like I say, my guess is we'll go several times around that circle because there is a lot of unknowns still at this point.

Sheriff Brad Ellsworth: Another thing...phone conversation I had today with, um, Federal Marshall Chambers who informed me that the Federal Marshall Service possibly is going to have a \$20 million in aid for people building jails, and I expressed to him, and I, of course, earlier didn't think you would mind that we would at least be interested in negotiating the housing of Federal inmates, you know, he didn't give me a dollar figure, but we would have to intend to write a letter saying that we would be interested in negotiating that for housing up to 25 to possibly 50 Federal inmates, um, but they are going to require some things from us. They usually require the drawings and the blue prints and all that, and I told them that we weren't there yet, um, so he is going to set up another meeting, uh, with their, the State Marshall, or the Chief Marshall, whatever you want to call him and, uh, we will try and line out, you know, give us a better idea of what kind of dollars we can expect. They have a formula so it should be easier than DOC, you know, if we can house 25, it's this much money in the system. If it's 50, it's this much.

Commissioner Mourdock: Do they negotiate in the true sense of a contract? If they negotiate for 25 beds, they, in fact, pay for 25 beds?

Sheriff Brad Ellsworth: They still pay the \$41 per day, for a—

Commissioner Mourdock: But they won't guarantee how many people is what I'm saying.

Sheriff Brad Ellsworth: Right, but they don't see...he's got Henderson and Warrick County has just contacted the Marshall about they would like to get in on that. He's got 25, I think, in Henderson...we've today, I think, got eight in our jail. Uh, so he doesn't see a problem keeping those. Like I said, that does not include the price of bricks and mortars, does not include the \$41 a day for the contract.

Commissioner Mourdock: All those people are preajudicated people?

Sheriff Brad Ellsworth: That's correct. That's correct.

Philip Hayes: Sheriff, uh, if I may, this is exactly the same inquiry...did Marshall Chambers say that has been previously made by the Chief Marshall during this Spring, uh, publicity about our project, or do you know? If he didn't mention it, there...that makes sense, because there was a previous mention of one from the office of the Federal Judge, and it's the very similar to what you are talking about. But, I think, what we are saying is that it is strictly a rental deal. They want to locate an office here for probationers in the Federal system in this tri-state area. Is that the

premise? Doing that, um, they want to have some two fold purposes served. One is they want preajudicated persons to be able to be held under certain circumstances, some persons in the jail, and then the bulk though would be Federal probationers both in the western district of Kentucky, the southern district of Indiana and the southern district of Illinois, if I understand it right. So that it's a tri-state kind of facility that they were interested in. You mentioned Henderson, Kentucky and that dovetails with what was explained to us.

Sheriff Brad Ellsworth: The reason..the reason that he moved the inmates to Henderson was because last year when we had the—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —severe overcrowding, we basically told him he had to come get 'em.

Philip Hayes: He didn't have any room—

Sheriff Brad Ellsworth: Right.

Philip Hayes: —and he had to go there. No, my remarks go to the information that we were given earlier was that the Marshall's...the Chief Marshall's inquiry had to do with even possibly specifying that they locate the facility...they locate facilities themselves in Henderson, Kentucky, and maybe just use one, uh, or another on a preferential basis, because Henderson will have, what, how many? They have 25?

Sheriff Brad Ellsworth: They have 25 right now he said.

Philip Hayes: They'll...will they have more for their facility maybe later?

Sheriff Brad Ellsworth: He didn't really say.

Philip Hayes: Well, in any event that—

Sheriff Brad Ellsworth: He didn't mention that to me, though, that this was...he called it Y...not Y Cap...Cap Dollars—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —that they are offering—

Philip Hayes: It amounts to another hotel deal, basically. They are paying \$41 a day, DOC and other, uh, jails will pay \$35 for housing.

Sheriff Brad Ellsworth: He said if we will commit to that they will put these dollars, you know, whether it's, you know, not only the \$41, but whether it's \$500,000 or \$1 million towards—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —our building a facility if we will commit to housing 25 of their inmates is what it...he didn't say anything about probation, you know, or—

Philip Hayes: That there might be though a bulk of money on the back end. Might

be, quote unquote.

Sheriff Brad Ellsworth: Right.

Philip Hayes: That they might give us something for that.

Sheriff Brad Ellsworth: Towards...but he wanted to know when our funding was going to be in place. That's the things that he'd like to know—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —or the Director wanted to know—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —from us was—

Philip Hayes: Right.

Sheriff Brad Ellsworth: —when our funding was in place, when we have drawings, you know, some kind of commitment.

Philip Hayes: It's a good hearted move, the trouble is it's way, way, way, way on the front end of the threshold for us. They want to move relatively quickly—

Sheriff Brad Ellsworth: Well—

Philip Hayes: —Did Rick say—

Sheriff Brad Ellsworth: He said 2002 they think they think are going to have \$20 million, uh, budgeted for that—

Philip Hayes: Nationwide—

Sheriff Brad Ellsworth: —nationwide to give it to somebody, so he said—

Philip Hayes: —through the D.O.C., or through the, uh—

Sheriff Brad Ellsworth: Federal Marshals.

Philip Hayes: —the bureau, and the Federal Marshall—

Sheriff Brad Ellsworth: He said that if you want to get on that 2002...now, he said 2003 it may be available too, but he said if you want to get in on the \$20 million that they are thinking that they are going to get...now this came from an order down, you know, to him. They called and asked about us, if we were getting close and so they were actually looking for—

Philip Hayes: It might be taken away by this Congress in the next—

Sheriff Brad Ellsworth: Could be.

Philip Hayes: —they might go back and take it away because it was in before—

Sheriff Brad Ellsworth: Right.

Philip Hayes: –I understand.

Sheriff Brad Ellsworth: I'll be the first to send a letter and tell them that we are interested in–

Philip Hayes: You get with them right away. Anyway, yeah, thanks for the dialogue. I just wanted to be sure–

Sheriff Brad Ellsworth: Sure.

Philip Hayes: –that we were both on the same track–

Sheriff Brad Ellsworth: Right.

Philip Hayes: –with that.

Sheriff Brad Ellsworth: Okay.

Commissioner Fanello: Thank you.

Commissioner Mourdock: Two other quick issues from the Community Corrections meeting, one is that, uh, and I've forgotten the gentleman's name, but a person from the School Board who had served on...Gary Staley, had served on the, uh, Advisory Board. He's retired so the School Board has to make a recommendation to us, and then we have to appoint someone. That should be coming to us shortly. Secondly, the board also is to have a member made up of a criminal...of an attorney who does a lot of criminal work. Originally Terry Nofsinger served that position. He is still on the board, but he informed us the other day that he's no longer doing much criminal work and he really thinks it's inappropriate, so if, Phil, if you want to make a recommendation as to an attorney in the community who does a lot of criminal work. I know Jeff Canada's name was mentioned to me as one, but that is said with no preference, I just...we need somebody who does criminal work to serve on that board.

Sheriff Brad Ellsworth: Do you need an official...because I know the letter to us was recommending Randy Heidorn from the School Corporation.

Commissioner Mourdock: Right.

Sheriff Brad Ellsworth: I don't know if you need official correspondence, or if you've taken care of that, or–

Commissioner Mourdock: I have not, and that is why I bring it up here. I mean, I don't know Mr. Heidorn. Catherine?

Sheriff Brad Ellsworth: He's, obviously, going to do it. I think if they sent the letter to the–

Commissioner Mourdock: Right.

Sheriff Brad Ellsworth: –Advisory Board, he probably agreed to do it.

Commissioner Mourdock: Yeah. If you're comfortable with that, I'll go ahead and make the motion we accept Mr. Heidorn as recommended--

Sheriff Brad Ellsworth: He's a former police officer. After 20 something years, certainly has a good grip on the criminal justice system, so--

Commissioner Mourdock: Okay, I move that he be--

Philip Hayes: Is he defending?

Commissioner Mourdock: No, no, no. No, he's a member of the School Board.

Commissioner Fanello: He's a member of the School Board.

Philip Hayes: He's on the board? Right, okay.

Commissioner Mourdock: He's representing the School Corporation, not a member of the School Board.

Philip Hayes: I understood.

Commissioner Mourdock: Okay, I'll move that, um, Mr., what's his first name?

Sheriff Brad Ellsworth: Randy Heidorn.

Commissioner Mourdock: Randy Heidorn serve on the Community Corrections Advisory Board as recommended by the School Corporation.

Commissioner Fanello: Second and so ordered. Okay.

New Business

Commissioner Fanello: New Business. I had a couple of things. Okay, we've got a letter here that I would like to send to Marsha and the Election Board, and they've had the demonstrations for the new election equipment and we've received RFP's, but we have run into a couple of slight complications, of course, involving the state. So, you had a suggestion that you wanted to make in the letter.

Commissioner Mourdock: I would suggest if, perhaps, Tammy you could send me an electronic version of this I'll make a couple of corrections in it, but I like the general gist of the letter which is Vanderburgh County doesn't feel that we need to move too rapidly to make all of these things happen. I think that is fully appropriate. The more I've looked at the situation and understand what the legislation that went through the State House this year intended to do, it intended to do two things; number one, replace the lever type machines--

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: --and also cause all of us who are using punch cards to do away with those systems by 2004. As you point out in the letter, quite accurately, the state has budgeted \$4 million to handle all of these areas, and spreading \$4 million across the state to solve voter reg...or voter election equipment, is like spreading peanut butter over a parking lot. You can spread it thin enough to do it,

but it doesn't really show up much. My concern here, I think, that we ought to suggest to the state that maybe they use the initial part of that \$4 million, instead of simply giving it to whoever is the first one in the door, the real problem seems to me to be with those lever machines, because they break down, they can't get replacement parts. Clearly, that is more of a crisis, I think, than what we have with punch cards. So, I think, it would be appropriate to put something like that in the letter, at least to make it as a suggestion. Other than that, um, I think your letter is right on base. I think, yes, obviously, we need to do this. The state has mandated that we do it, but how we do it, I think, we need a little bit more time to study the issue and make sure the funding is going to be there.

Commissioner Fanello: Just to give everybody a little education in case they are interested, um, we can't enter into a contract until the state has finalized their Quantity Purchasing Agreement which would...they would have a list of vendors that would be approved, so, and we don't want to do that until they have the QPA because we won't get our 50% reimbursement back if we do that, so.

Commissioner Mourdock: That begs the...

Commissioner Fanello: It's a major item.

Commissioner Mourdock: -yeah. That begs the question, if all the counties do this, will the amount of funding be present in either year from the state budget to even take care of 50% of the funding?

Commissioner Fanello: Exactly. You know, like I said, the state election office estimated \$13 to \$18 million for everybody to replace their systems, and they're assuming that this is going to be made up in the 2003 budge process, and I just...at this point in time, I mean, we are losing all this funding, I don't know how that is going to happen.

Commissioner Mourdock: Right.

Commissioner Fanello: So-

Commissioner Mourdock: I agree. Well, I'll be glad to turn this around yet tomorrow afternoon, Tammy-

Commissioner Fanello: Appreciate it. Thank you.

Commissioner Mourdock: -if you can get it to me in the morning.

Commissioner Fanello: Let's see...I have one other item that I would like for us to pursue doing, uh, I have reviewed our travel budget, and I think we...I don't know if this is because there are new Commissioners on board or what, but I think we've kind of gone overboard with our travel budget. Would it be, uh, a good idea to maybe have a travel policy in place? There may already be one, I don't know-

Commissioner Mourdock: Uh-huh.

Commissioner Fanello:-but, would you be open to doing something like that?

Commissioner Mourdock: Sure. There is a travel policy in place, but, if I hear what you are saying, I think you are raising the issue not of how it's done, which is what

the policy—

Commissioner Fanello: Exactly.

Commissioner Mourdock: —states, but you are raising the issue of who does it and where they go?

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: I'm open to looking at things.

Commissioner Fanello: Okay.

Commissioner Mourdock: Yeah.

Commissioner Fanello: I just wanted to bring that up because I noticed our travel budget was, uh, we're spending a little bit more than we did last year, so.

Commissioner Mourdock: One other item then as New Business. Last week you had mentioned the, uh, and we had a company come forward to give us some information on Workman's Comp issues—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and the handling of those issues. You had suggested possibly as soon as next week you might be wanting to do something with that, I think.

Commissioner Fanello: I think Phil was going to review the contract for that.

Commissioner Mourdock: Okay, if we're going to review it and do something, I think in it's best interest in a business sense way, the current vendor and anybody else for that matter, if they want to respond to something maybe in thinking about it since last week, maybe we need to define an RFP and get a better response. Because there are a lot of companies out there—

Commissioner Fanello: That's fine.

Commissioner Mourdock: —and, uh, just because we get a few that come through here that may not be the total universe, so—

Commissioner Fanello: We could probably write a short one page—

Commissioner Mourdock: Yeah.

Commissioner Fanello: —or two page deal for that.

Commissioner Mourdock: Yeah.

Commissioner Fanello: Okay.

Commissioner Mourdock: I would like to see us do that.

Commissioner Fanello: Okay. Any other New Business?

Commissioner Mourdock: None here.

Commissioner Fanello: Okay. Seeing none.

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second. Drainage Board will start in five minutes.

The meeting was adjourned at 6:45 p.m.

CONSENT ITEMS:

Employment Changes:		
VCCC	Prosecutor	Public Defender
Burdette Park	Recorder	Commissioners
The Centre	Auditor	Superintendent of County Buildings

Travel Requests: None

Requests for Service:
Superior Court

Recorder:
Declaration of Surplus Equipment.

Treasurer:
Declaration of Surplus Equipment.
Submit monthly report.

Auditor:
Submit Grant Award Letter from Indiana Criminal Justice Institute.
Declaration of Surplus Equipment.

Sheriff:
Declaration of Surplus Equipment.
Submit Weekly Jail Information and Reports.

THOSE IN ATTENDANCE:

Catherine Fanello	Richard E. Mourdock	Philip Hayes
Suzanne Crouch	Tammy McKinney	Madelyn Grayson
Jason Hisch	Brad Ellsworth	John Stoll
Ralph Kissinger	Gary Hohman	Members of Media
Others Unidentified		

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
Special Juvenile Detention Meeting
July 30, 2001**

The Vanderburgh County Board of Commissioners met in special session this 30th of July, 2001, at 4:00 p.m. in Room 307 of the Civic Center Complex to receive and discuss information on the new Juvenile Detention Facilities with President Mosby presiding.

Call to Order Special Juvenile Detention Meeting

Commissioner Fanello: I appreciate everyone showing up and I think what the agenda, the way that we will do this is to take public comments, this is a public hearing.

Madelyn Grayson: Do you want people to sign in if they are going to speak?

Commissioner Fanello: Yes. Yes, Madelyn is going to pass around a sign in sheet for you to sign in the order of which you would like to speak.

Madelyn Grayson: Only if you wish to speak.

Commissioner Fanello: The Commissioners goal tonight is to decide on what to do about a juvenile detention facility. Whether we will seek private proposal or whether we will build our own facility along with the jail facility that we are currently considering. So, with that in mind, I saw one person sign up to speak already, so if you want to go ahead and come forward. We'll take it from there. State your name please.

Kerry Glaser: Kerry Glaser.

Commissioner Mourdock: Before you start, Mr. Glaser, anyone who does wish to speak, you do need to come to the microphone and state your name and address so that we have all of that information for the record.

Kerry Glaser: I live at 4120 Oak Hill Road in Evansville, Indiana. I am probably the only one in here, anyway, that can shed a little more light on what goes on inside a juvenile facility because I am one of the guys that was on the inside of a juvenile facility. About 17 years ago, when I was coming through this system, doing my underage drinking and my petty crimes and the things that I did, I was sent over to the Youth Care Center where Roger Mason was taking care of the place at that time. I stayed there for a couple of weeks while I was awaiting to be transferred to Plainfield up in, at Indiana Boys School. Although Roger tried to get me to be able to stay at the Youth Care Center, it didn't work out and Judge Lensing went ahead and sentenced me to the Plainfield, Indiana Boys School. When I got up there, the first thing that they did was that they set me in a cottage. They put me in cottage ten and they told me, the counselors told me that when I got in there that I am going to be a career criminal, I will either be a murderer, I am going to be assault and battery, I am going to be a rapist, I am going to be all of these things. Now, here's the first time that I am in there, and they are telling me, this is how I am being rehabilitated. Okay, I ended up going to cottage ten, I get in there, here is how they take care of problems inside of boys school. If you had a problem, with another person, that was in the cottage, out of 52 people that were in my cottage, you made a big circle in what we called the Day Room. The two people in the middle that had the problem, they would get in the middle and they fist fought. They fist fought until one was

either knocked out or one gave up. This got bloody, it got ugly and I was shocked. Before I went to Boys School, I was just a little old scrapper, your regular little guy, getting into his regular old fights. When I came out of Boys School, I was totally different, after being through four months of that and I never did have one problem in there because I was scared to death, but after being through four months of that the first thing I did, the first night I got out, I went down to North Park and I picked a fight. Because it bothered me and I had it built up inside of me, that's being rehabilitated up there in Indiana Boys School. Okay, the last day that I was out Indiana Boys School, Sargent Smith, which is his name, we called him Smitty, he was an African American man and this white guy was getting out of the other side, the adult prison, I am sure that the Sheriff could tell you, it is the other side of the fence, he was playing lock down, and it is being built up about what is going to happen, Smitty and this McGovern guy is going to have a big fight, well that night McGovern gets transferred back over to cottage ten and sure enough, Smitty, who was our sergeant and McGovern, who literally looked like the incredible hulk, they fought, and they fought, and fought and fought for about 15 minutes, windows breaking everywhere until the Indiana State Police came in and put everybody, shut it down and put us on lock down, okay. That is what I left what, that is my rehabilitation from a juvenile. When I came out, I had a lot of anger built up and I am just now, 17 years later, working on my anger management, this is seven assault and batteries later as an adult. I think if Judge Lensing knew what was going on inside of the Indiana Boys School at Plainfield, I don't think he would have sent me there. Sometimes I like to think, know it did it, he just didn't like me. But, I really think if he knew what was going on inside of Plainfield, I don't think that he would send kids up there from Evansville. You guys are talking about wanting to house 24 youths for this town, for Evansville, that is a joke. That is ridiculous. This town, you want a casino, you want to all build up the downtown, you want a new jail, but we want keep on washing our hands of the juveniles. We just want to throw them, send them somewhere, to Boys School, we don't need them, when they are done they will come back and get more beat. I think it is ridiculous to have to fight for a 24 room, a 24 bed facility for juveniles. I think it is time that Evansville stood up, if we are going to build a new jail, it is time that we stood up and starting taking care of our juveniles. Start rehabilitating our juveniles instead of just locking them away and throwing away the key.

Commissioner Fanello: I would like to add something to that, so that everyone is clear, and I think the other two Commissioners share this sentiment. What Vanderburgh County is looking at building, is just a holding facility only.

Kerry Glaser: Right.

Commissioner Fanello: It would be up to Judge Neimeier to-

Kerry Glaser: And to that I think it is ridiculous to just build a holding facility to get ready for them to be shipped off to where? Up north to Plainfield or to Gibault, right?

Commissioner Fanello: That's up to the judge.

Kerry Glaser: To either one of those, which none of us knows what goes on inside of there. Of course, 17 years later, and times change, but 17 years ago, did anybody think that went on behind there? I don't think that they did. So, I am, I think it is ridiculous that we can't even, we are talking about a holding facility and we are still going to send them somewhere. This town wants to grow, we want to build up downtown, I think it is ridiculous that we can't build a juvenile facility and house at

least 100 juveniles and start rehabilitating our juveniles. Instead of sending them away for little petty crimes and then have them come back with a lot of anger built up and going all the way through the court system for another 17 years.

Commissioner Mourdock: Mr. Glaser, you mentioned at the outset of your comments, about being involved with Roger Mason and some of the others. Do you want to talk about that part at all?

Kerry Glaser: Sure, that was probably one of the best times after I did commit by petty crimes. When I went to the Youth Care Center over there, there was a lot of religion over there. I came from a religious background, although I started slipping away as I started drinking young. When I went over there, Roger Mason, I think that there was about 12 beds, 12 rooms, over there. It wasn't locked up, I could have ran, I could have walked right out of there. But, Judge Lensing agreed to let Roger Mason keep me over there and give me some therapy and work with me. Roger took me to the Pit when he worked out. He took me with me, he basically took me under his wings for two weeks and he fought for me. He said that you are going to stay here at the Youth Care Center, you are not going to Boys School and he was just as devastated as I was when I was sent to Boys School and I wasn't all that surprised because I didn't have much faith in the juvenile, any of them that time, the system.

Commissioner Mourdock: Was that the only time that you were involved with the local Youth facility?

Kerry Glaser: Yes, it was. I was there for two weeks and what time I was there, went well. Like I said, it wasn't a total lock down. We went through different things as far as religion as far as doing the right things with your life and trying to get straight. So, as far as that, and a holding facility, yeah, it is great. But, I still can't see, you know, I can't see, it is the big picture, you know. We are still just trying to house 24 kids to then ship them off somewhere when it is time for them to be shipped off. I am a little late, I know that, but I had this, it has bothered me for sometime and I thought maybe it is time that I come and somebody from, that has been in there, sheds some light on what goes on in a juvenile detention, what goes on behind the fences.

Commissioner Mourdock: Okay, thank you.

Commissioner Fanello: I have a question. Is Sheriff Ellsworth back there?

Brad Ellsworth: Yes.

Commissioner Fanello: Sheriff, could you come forward and maybe clarify something for me, so that I understand? Already, you are already in the hot seat. Just so that all of us better understand. Could you, you know exactly what we are looking at, as far as if the Vanderburgh County builds it's own detention facility, could explain the perimeters of what that facility would do, if we were to undertake that?

Brad Ellsworth: Sheriff Brad Ellsworth. I will try based on the question. What we are looking at. For years now, this goes back several years, when the state law changed, we used to house juveniles in a ten man cell in the Vanderburgh County jail. The law changed where we're not allowed to house juveniles at all. Then it was weakened a little bit, where it was sight and sound separated and you couldn't house them more than six hours. You have to understand the difference between correction and detention. What the Evansville Police Department, ourselves and the

State Police are facing is, when there is a crime on the street, is that we happen to become very creative in what we did with a person under the age of 18 when they committed a crime. So, basically, what we did, we either drove around with them in the car for a long time, we would take them out to the Command Post or the Evansville Police Department and sit with them for awhile. We would try to call their parents and get one of them to come and take custody and a lot of times we got told we don't want them, we can't deal with them, you keep them. That put us in quite a predicament, you had one or two \$45,000 a year police officers, sitting with, acting as a jailer. What I have collected out of our meetings is that we need a place, you have to have detention, you catch an inebriated drugged 16 year old on the street who has committed a serious crime and you have to do something with them. Up to this point, the Youth Care Center has not taken anybody that is under the influence of drugs and they haven't taken females and yet there is still a need to detain. You know, it is not one of those that you are going to pat them on the back and send them down the road and go home to mom. A lot of times, mom isn't there. So, we have to detain. What we are talking about is for that short term detention and we have to go to court within a certain amount of house, 48, 24, 72 hours before they get in front of the judge and he makes the best determination as to where that person, where that juvenile should go, whether they should go off to Gibault's, whether they go to the Youth Care Center, where they go to the Methodist Home, whatever that might be. That is, the guy in the black robe has to make that determination on what is going to be the best path for that child. Whether it's electronic home detention, whether it is community service, but we are talking about a place, an immediate detention to take him off the streets for his safety and the public's safety until such time as the judge sees him and decides what to do with him. Is that it, Commissioner?

Commissioner Fanello: That (inaudible), is there a maximum amount of time that we would have a juvenile?

Brad Ellsworth: When he goes, I think, the discussions that I have had with Judge Neimeier, is that when he sees that juvenile, he will start determining what the best course of action is. Whether that's within, say he gets arrested Friday night for burglary. He is in the house, he has a gun, whatever it might be. He is in there until Monday morning. When he goes to court Monday morning, the judge immediately decides, starts determining, is this child better in lock up? Can I ship him home with mom and dad? Does he have a stable environment there? Do I need to send him over to the Youth Care Center, they are best equipped and we have even talked about the Youth Care Center does early intervention by coming to the jail and visiting. Who might be the best person, you know, eligible for their program based on that. Because the way that Steve and I have talked, early intervention is still the best key, but we are still talking about detention until such time as that judge makes that determination. I couldn't say only 72 hours, it may be six days, it might be seven. But, with the understanding that there is only 24 beds and there are a lot more juveniles about committing crimes in Vanderburgh County, he knows that he is going to have to filter those out to where, and make the decisions on that.

Kerry Glaser: I just want to say finally, and get out of everybody's hair and let the professionals take over this and I would like to see Evansville do something for the juveniles instead of just shipping them off and ending up with more people like me that is going to commit five or six assault and batteries. It would save a lot of heartache and a lot of money. Thank you all.

Commissioner Mourdock: Thank you.

President Mosby: Madelyn, do you have a list of speakers?

Commissioner Mourdock: It is still circulating.

President Mosby: It is still out in the audience? Does somebody have the list of speakers that signed up?

Unidentified: Steve Perry.

Commissioner Fanello: Were you second on the list, Steve?

Steve Perry: Yes, I think I was.

Commissioner Fanello: Okay, then come on up.

President Mosby: Okay, there we go.

Steve Perry: My name is Steve Perry and I am with the Evansville Rescue Mission and I know that I have troubled you all a lot but I am going to have to take a few minutes anyway to bend your ear. I want to give to you some copies of some things that I have been looking at. The first thing that I want to say is that there are some real advantages to the Evansville Rescue Mission continuing to provide juvenile detention services for the county as listed there, there are 11 important reasons why I think this is important. The list identifies 11 ways that juvenile defenders receive corrective treatment during secured detention at the Youth Care Center. First, there is a compassion staff. We offer a non violent, non threatening approach to detention. We offer secure detention to protect the child and society from danger but also use secure detention to helping youth not to run from personal problems. In a short period of time, clients can learn problem solving techniques that can take them, that they can take with them for life. Two, experience working with juvenile offenders. We have operated a detention facility for 19 years protecting the community and detainees from harm without a major incident. We haven't had a major incident in all of our 19 years. Number three, treatment verses punitive. We provide courses in anger management, job readiness, drug and alcohol education, personal hygiene, independent living skills, sex education, parenting classes, courses for high school credit and character education. We treat clients with respect. Treatment during early detention can modify behavior in teenagers whereas this may not be the case with adults. Four, interpersonal relationships between staff and clients. Our children are in secure detentions, but they are not just locked up and left unattended. Clients are only locked up in their rooms for rest and relaxation or if temporarily placed on room restriction. Otherwise, they are interacting with our staff in the Day Room. Number five, non secure programs serve as an incentive for detained juveniles to remain on good behavior so that they do not return to secure detention. The two concepts, secured detention and non secured detention work very well together. Six, recreation time, is interpersonal. Staff participates while teaching clients how to enjoy play without getting overly aggressive. Clients learn to use exercise as a tool to relieve stress. Number seven, plenty of time for one on one staff and client relationship building. This component increases trust and self esteem, active listening is extremely therapeutic. Number, eight, parent and staff relationships. Mutual exchange of information is helpful to the growth and development of the child. Number nine, staff serves as mentor and role models for clients in placement and after placement and clients are taught why they should respect the law and become productive in the community. Number ten family crisis management. YCC staff console and intervene with members of the family

experiencing tragedy and high stress periods. Number eleven, future plans is the implementation of relapsed prevention counseling, group therapy and experience education. Detention for males and females outdoor as well as indoor recreation. A point to remember is this. The facility that will be operated by Vanderburgh County will not offer corrective treatment. Yet, it's operating expense will be at least a third higher than the Youth Care Center proposed budget. I want to say also, in this publication that was put out by the US Department of Justice concerning the operations staff training of juveniles in confinement facilities, on page nine, there is the, a formula that is given for direct supervision. You just can't warehouse young people in a place whether it is for 48 hours or 72 hours or whatever. You have to have direct supervision. It says, in adult facilities, they commonly use one correction officer for every 40 or more inmates on page nine of this document. It says this, in a juvenile facility, it is more interactive, you have to have one staff person for every eight to ten clients that are placed into confinement. They go on to discuss the needs for this personal interaction and involvement with these young people because the needs for juveniles are significantly different than the needs of adults. We have found out, that in our program, that being interactive you can have an impact on a young person in a relatively short period of time. To contain them without giving them corrective behavior is missing out on a golden opportunity. Especially when the cost is going to be about a third less than what the proposal is for the county. I also want to say this too. On all of our projections that we have made in establishing a proposal to build the new YCC detention facility, we have been operating on the assumption that the PMSI study of last year was correct. That we do need a facility that houses 24 young people with it being expandable to 48. But, for the first seven months of operation of the Youth Care Center, we have found out that there have only been 6.5 average placements per day at our facility from Vanderburgh County. In our safe unit program which indicates to me that if we build a 16 bed facility instead of a 24 bed facility that would give us enough room to take care of males and females from now for the next five years with the opportunity to expand to 32 beds and then 48 beds later on. That would cut our construction costs at half and that would allow us to raise the money relatively quickly and there wouldn't be any costs of interest that we would have to pass back onto the county. So, the article goes on to say, (inaudible), if you build it they will come and that is basically what it boils down to. When you start building or you overbuild. Apparently the crime rate is holding true in Vanderburgh County, that it is lower than cities of comparable size in the state of Indiana and that we could build it in three phases with the first phase being a 16 bed facility that would take care of males and females and we would provide corrective, therapeutic behavior treatment as well as detention for these young people whether they need it for 24 hours, 48 hours, 72 hours, three weeks, six months or whatever. It will have all of the bells and whistles on it and I have with me today a lot of friends and a lot of people who believe in what the Youth Care Center is doing and I know that they will get behind us and support us in a capital campaign to make sure that this program continues to go on. We are once again, let me say this, we are still excited about doing that and we want to do this for the county and we want to do this for the county and at as reasonable cost as possible. Whatever operating costs, ours like I say, is going to be about a third less of what it is going to be for the county to operate it.

President Mosby: Did I hear you say that you would be proposing to build a 16 bed facility instead of 48 and that you are not looking for the county to buy down your interest?

Steve Perry: We wouldn't have to ask the county to do because we could raise the money without having to borrow it.

President Mosby: So, just so I don't understand. No expense to this county, interest or whatever?

Steve Perry: No other expense other than the per diem cost.

President Mosby: That was going to be my next question.

Steve Perry: If we could offer free per diem, we would love to do that.

President Mosby: I know we were talking about \$24 per day as the meetings we going on. How many are you looking at now, if we go this route?

Steve Perry: I am not prepared to answer that question. I would like to get Judge Neimeier's assessment on that.

Commissioner Mourdock: You said 24. Did you mean 24 beds?

Steve Perry: You mean the guaranteed rate?

President Mosby: Under the guaranteed proposal they were asking for 24 per day.

Steve Perry: He is talking about a guaranteed rate that we would have to have per day.

Commissioner Mourdock: Okay.

President Mosby: Okay and the reason that I say that is because I believe that what you talking about here right now is no different than what you were talking about earlier. I met with Judge Neimeier, and Chief Deputy Williams was in the meeting and a couple of other people. You can still not hold a youth over three months, right? You are limited to three months to holding a youth?

Steve Perry: In our non secure program. I don't know about the secure program. I can't answer that question.

President Mosby: Well, my understanding is that unless you change your program, you are not allowed to hold a youth over 90 days. In talking with the Judge, the 52 that we have a deal, see right we can not bring back to Evansville and put into your facility. Because they are going to be there over 90 days so you really are not what I see taking care of the problem that we've got. We've got 52 people at DOC that it would be my wish to bring them back here to Evansville to where they could be close to your family. You are not going to be able to provide me with that.

Steve Perry: You are going to have a separate facility for that.

President Mosby: I guess that is what I am looking for, is that the Youth Care Center is interested in doing this, that we have a facility that we could bring those youths back from DOC and put them into your facility. Instead, what I am going to get is, that I am still going to have to pay DOC to house 52 youths and be committed to you on a per diem per day, which is going to end up costing the county more money.

Steve Perry: You still need a detention center.

President Mosby: Under your last proposal, it would have cost this county an extra

million dollars to do what you were trying to do, after putting a pencil to it.

Steve Perry: Would it cost a million dollars?

President Mosby: If we had to continue to pay DOC and commit to you for 24 beds per day at a cost of \$136 or whatever the figure was.

Steve Perry: Well, you wouldn't have 24 beds, you would have 16 as opposed to.

President Mosby: Well, under this new proposal, this is not what we have been talking about. Under the old proposal was going to cost this county an extra million bucks, dollars, is what we were talking about. I mean, I would have to put a pencil to your new proposal to what it is going to amount to.

Steve Perry: I would have to, too.

Commissioner Mourdock: Let me make sure what I understand what you are saying, David, because Brad Ellsworth a moment ago stated what he sees this facility being as a detention facility and everything I heard him say, I agree with. Which is, in some ways the difference at the adult level between a prison and a jail. Our jail is holding our people prior, in theory, prior to trial before they are sentenced. Once they are sentenced, they are sent off to DOC. This detention facility, at least up until tonight, as been proposed to hold those kids who have been in trouble maybe waiting, again as Brad said, either to send them home to their parents or to put them in front of a judge. If in fact, they are found guilty, they are sent out to one of the state facilities. What I think that I heard you say a moment ago, and please clarify, you are saying that even once they are found guilty they should be brought back here and kept in that facility, so that in fact we don't have just a detention facility, we actually have a, I don't know what the right term, is a youth jail. We have our own little...

President Mosby: I am not talking about the county getting into that business but I am saying that is what I am saying to Mr. Perry. Is for them to build a facility where we can hold youths over 90 days.

Commissioner Mourdock: I don't know that state statute would allow that. Again, as you well know, I am not an attorney.

President Mosby: Judge Neimeier is not here, Mr. Summers was in the meeting. I don't know and Chief Deputy Williams was in that meeting when we were talking about this and unless you two both heard something different than what I heard, and they are both shaking their head no. You can have a facility if they want to be permitted, if you want to call it that, to hold youths over 90 days. Right now they are not permitted.

Steve Perry: We would have to have a separate facility and have to change our license.

Commissioner Mourdock: Exactly, that is my point. That is something, could it be done, I guess conceivably maybe?

President Mosby: That can be done.

Commissioner Mourdock: But, that is totally something different than what we have

been speaking up until now. Because up to now, every comment that I have heard is about a youth detention facility, which implies a prejudication.

President Mosby: I guess what Mr. Neimeier was saying and what I got out of the meeting is. I mean, we could build a detention center and be guaranteed to have one for the next 25 years. We can do that ourselves. It will not help us bring back kids from DOC that we have up there right now, even with the proposal that they are offering us. That's where I am coming from.

Commissioner Mourdock: Okay. I understand what you are saying.

Steve Perry: Worse case scenario, even if we could only keep young people three months, that is going to keep them from having to experience what this gentleman, who was in front of us, was talking about. Even the judge has told me that shorter period of time at the Youth Care Center is going to do a lot more good for the young people than if they are having to be placed away from Evansville or Vanderburgh County and not have the interaction of the family and the other components that allow the community to help these young people to become productive citizens.

Commissioner Mourdock: I think that is what Sheriff Ellsworth meant a moment ago when he said early intervention is the best key.

Steve Perry: Absolutely. Sometimes that is immediately upon arrest and deliverance to the Youth Care Center. We can reach a person, that is a teachable moment.

Commissioner Mourdock: Going back to your numbers for a minute, Steve. Since the first of the year you have been at what 6.?

Steve Perry: The average is 6.51.

Commissioner Mourdock: Is that up from previous years? I realized the judge changed from last year.

President Mosby: Do you have any questions?

Commissioner Fanello: Just so that I understand. I want to make sure that I understand the whole process. So, if the sheriff was to pick up a violent teenager or a teenager that was on drugs, I shouldn't say teenager, it could be any age, juvenile on drugs or inebriated they could go to your facility immediately.

Steve Perry: Yes, and we would be able to take care of those. In the past, the Sheriff has been right, we have not been able to accommodate those who are inebriated or acting out because we have not had private cells. But, in this situation, we will have private cells and a private time out room so to speak. Which would help assist and augment the staff in being able to maintain the kind of control that is needed.

President Mosby: Any other questions?

Commissioner Fanello: One more question. Under the old proposal what was the per diem rate, or had you established?

Steve Perry: We had established the per diem rate. Mr. Mosby, do you remember what the per diem rate was? I don't have that in front of me.

President Mosby: I think it went from as high as \$148 on 20 people to \$124 to 28 people or something like that. There was a step in there for 22, 24, 26 and 28.

Steve Perry: It was the range of 120 or 124 or something like that with a 26 bed guarantee.

President Mosby: With a higher cost if we didn't want to go with that. I don't have that with me. Any other questions? Thank, you Mr. Perry;

Steve Perry: Thank you.

President Mosby: Bobby Gold.

Madelyn Grayson: Excuse me, David. We are going to need to make a tape change.

President Mosby: Okay.

(Tape Changed)

President Mosby: There are about 30 people that have signed up to speak and we're running out of time.

Madelyn Grayson: We're back on.

President Mosby: Okay, we're back on tape. Go ahead, Bobby.

Bobby Gold: Yes, my name is Bobby Gold. I am the president of Buckner Residence Council. I live at 717 Cherry Street where the Rescue Mission proposed to put the youth center on the corner of Cherry. Our building, the senior citizen's building, is on one end and the one right across the street. Let me make it definite clear that we're not opposed to a youth center. Our concern is that if you are going to build a youth center security has to be a top priority because there are 250 senior citizens who live in both of those buildings, so that is our main concern is that if you're going to build that youth center it has to have security. We have a lot of problems in our building when it comes to security. As a Board of Commissioner to the Housing Authority one of my priorities has been at the last three meetings is to get security for Buckner and Kennedy Towers because we need it. We have the problem of drugs. We have the problem of alcohol. We have the same problem that the big housing developments like Erie, Oakdale, Fulton, we have those same kinds of problems now over the last year or so in our senior citizens. So we are saying is that we're not opposed to it. We just don't want it in our neighborhood. You know, if you are going to build it, it calls...if you're going to spend \$38 or \$40 million to build a jail just make that youth center part of the jail. Thank you, Mr. Chairman.

President Mosby: Thank you. Any questions? Bobby, don't Buckner and Kennedy have the same security that Schnute and White Oak do?

Bobby Gold: There is no—

President Mosby: Aren't they locked?

Bobby Gold: There is no security at all. What we have—

President Mosby: I thought the doors were locked and you had to press a button to get in.

Bobby Gold: Oh, we have doors that lock. I'm sorry, I misunderstood what you meant. Yeah, we have security, but one of the things that I have been pushing for is a full-time security. A policeman to be a full-time security.

President Mosby: Oh, okay.

Bobby Gold: Because sometimes people let people in the building. Sometimes they are in violation of the lease, so that's basically what I have been trying to push for, for full-time security.

President Mosby: Okay, thank you.

Bobby Gold: Thank you.

President Mosby: Scott Ames.

Scott Ames: Hello, I'm Scott Ames. I work for the Youth Care Center. I would like to get back to the question at hand, do we need to build a juvenile detention center by Vanderburgh County or does the juvenile center need to be built by the Youth Care Center? I mean, as a Rescue Mission. Well, the first thing I would say is I'm one who feels that it needs to be Evansville Rescue Mission because I work for them, but the question at hand to me is that do we want to take this facility and build it however big...I don't know how big the county is proposing to build it, but do we want to take these 20 to 30 kids and give them to the Sheriff's Department and they're going to have, as the statistic was, one to 40 kids and that's all they're going to be and you're going to have kids fighting and you're going to have kids doing things that they shouldn't be doing. Well, if we have it, you know, it is going to be addressed immediately. We want to take care of the kids right there and then. One of the things that was questioned was about kids under the influence of substances. We have been extremely accommodating to this community for kids that have been under the influence as is. We've taken numerous kids in the last seven months who have been under the influence of alcohol or drugs. As long as they are not belligerent we'll take them because we want to address those children's needs. If we keep them here the families could come here. The families can visit them. We have an unbelievable open door policy to the families to come by and see how their kids are doing. Do they get to come visit them? No, we have visitation times. We take care of our kids. We care for our kids. We want to work with them. We want to work with their families. Unfortunately, the Sheriff's Department will not be able to do that. They are going to be so undermanned with so many people that they're not going to be able to work with the families and are not going to offer the programs. I mean, we offer right off the bat we work with families the day the kids come in there. We have the families calling our staff to find out how their child is doing. It's immediate. If they're at the jail it's not going to be immediate. If it is on Friday night these kids aren't going to be able to talk to their parents until probably Monday or Tuesday, whenever they get an opportunity. If they are also with the jail and we build with the jail, these kids aren't going to spend just two or three days there. I mean, we have kids get put into secure detention at our facility now they spend 15, 25 or 30 days there and then you're also questioning that, you know, early intervention that we would be able to provide staff that would go over visit them. Well, then you're talking about, well, we're going to have to hire more staff to go visit these kids and then that's another whole scenario. Evansville Rescue Mission offers

an unbelievable resource to this community and the thing is not many people know about us. I have been doing it for five years. Up till five years ago I knew nothing about this place. If you would have asked me five years ago if I would still be here today, no I didn't, but we have unbelievable people that work with our youth and we want to continue to do that. We want to entrust that into the future for our community here in Vanderburgh County plus we offer it to Posey County. You know, it's not just the two communities. I mean, we really do a wonderful job and I just hope that the people here will realize that and really take into consideration to build...allow the Evansville Rescue Mission to build this facility because they won't be able to continue our services to do that.

President Mosby: Any questions?

Commissioner Mourdock: No, thank you.

President Mosby: Thank you, Scott. Don Beavin.

Don Beavin: My name is Don Beavin. I am just serving as an independent citizen now. However, in 1979 and 1980 I worked as...well, in fact I had the privilege of working as a teacher/coordinator for the Evansville School Corporation, the Department of Metropolitan Development and the Department of Corrections. It was a long-term program where we had juvenile offenders that were put into it. They were given an opportunity to work, to provide some remuneration to the community and to improve their own lot through education and so forth. I'm sad to say that without the Evansville Rescue Mission I don't really see anything having filled that need for the last 20 years. The only criticism I have seen or heard of the program is security for the people in the neighborhood. I was very concerned when I was in that position of what the elderly people in the intercity would say because we were actually taking kids next door to work on houses. It wasn't in a secure facility. Obviously, there was a distinct concern there. However, when they saw that we were cleaning up the property, that we were improving their neighborhood, that we were mowing the grass, we were picking up the trash, we were shoveling the snow, ours and occasionally theirs they appreciated what we were doing and it became a very good opportunity for the kids to get to know the people and the people to get to know the kids and develop that relationship. I think all of us would have to admit that there is going to be a lot more reluctance to commit a crime against someone we know and appreciate and respect. From the other side if I am a person who is acquainted with someone I am going to be able to reach out to that person and say, you know, can't we work something out here and it became a very good program. In short, I am pleased to see this proposal out there. I also would have to question construction costs. If we're wanting to build a \$50 million facility and we've got \$35 million at the most to do it with, if we've got an opportunity to provide this facility without tax based money coming into play it seems like it would be very much worthwhile. Thank you for your time.

President Mosby: Thank you. Robert Goff.

Robert Goff: I'm Robert Goff. I'm a property manager. I've been in Evansville for 50 some years. I have seen a lot of things happen in that period of time. I will be brief. I have two things that I want to mention. I have heard that the youth center wants the Commissioners to guarantee a certain amount of inmates there or pay for them. My suggestion is that if you do accept that you reserve the right to farm out some of those to Warrick or Posey County and collect from them against your guarantee. That is one thing that I had. The second thing is that basically I don't know much

about the youth center. I don't know whether it is a good proposition or not. That's your job. I do know this, I hold in my hand here a receipt for \$500 that I have donated to the Evansville Rescue Mission Building Fund. In other words, to acquire the property I have put \$500 of my money into it. Thank you for listening to me.

President Mosby: Lynn Kyle.

Lynn Kyle: Hello. My name is Lynn Kyle. I am Executive Director of Family & Children's Service, which is a local not-for-profit agency. We provide counseling and other supportive services for kids and families in the community. My purpose here to come to this meeting today is not to give any argument one way or another about which facility is built. It's more to say what I feel is necessary in whatever facility is built. That is, you know, we all agree that we need to take good care of our kids and we need to start doing it in a better way and earlier. To address the needs we do absolutely need a local detention facility where there is safety and there also needs to be early intervention with the kids. Whether that can be done at the Youth Care Center or whether that can be done at a facility tied with the jail, we just need to make sure that we do it because it is a great opportunity for intervention with kids and for their families if you do it early. Secondly, is that no matter whether we build a detention facility or not we absolutely need a place that there can be programs and services provided for the kids and for their families that is in our community. Right now we ship kids off. We ship kids to Vincennes. We have kids going all over the place. The resources it takes to send the kids and to maintain kids out of our community is huge. Bigger than that is the cost when they come back to the community because they are not linked with social services if they are away. They are not linked with their families. Their families don't receive care and support and counseling while they are away and when the kids come back to the community we kind of all start all over which no matter what the facility costs are of I don't know how many millions you all are throwing around that this is going to cost to build, but the amount of money it takes to keep having the same kids go round and round through the system and have their younger brothers and sisters start going round and round in the system and send them off and bring them back is an immense cost to the community in many ways. Not just housing, but the medical costs, the cost of crime, you know the victims of crime, and that goes on down the line. So in summary we need a detention facility that is wonderful and takes care of kids and is built with the idea in mind that treatment and supportive services can happen there and we also need a facility where care is going to happen on not just the early detention, but the longer term programing and care. I have spoken with the judge about it. I know he is very interested in all the same things. I think we all want the same things, it is just figuring out how to do it. Thank you very much.

President Mosby: Thank you, I appreciate it. Gerald Summers.

Gerald Summers: Thank you, Commissioners, for the opportunity to be here. Gerald Summers, Child Placement Community Service Officers for Juvenile Court. I'm filling in for Judge Niemeier today. He has sent you a letter stating why he is not here and how he feels about this discussion we're having today. We need a facility. I need to turn to you, Mr. Perry, the youth care people. They've done a wonderful job with our kids and we appreciate that and we work well together and we want to continue to do so. One of the concerns, Commissioner, you said while ago we do have 52 kids at DOC. We also have about four boys in Arizona. We have numerous kids in Kokomo. We have young people in Vincennes. We've got them scattered everywhere. Ms. Kyle said it correct, one of the concerns that I have as a child placement officer is reunification of the parents. There is no contact with those

parents and those kids, very limited let's say it that way. It's very important that we have a facility where we can kids treatment. We're sending young people to Vincennes right now. We need to have treatment here in Vanderburgh County. We should not have to send our kids to another county. We need your help. It's your call. We're going to take your lead and go from there, but we really would appreciate the opportunity to have a facility now. We've talked about this for years. I'm a former policeman and for many years we didn't have the ability to take kids. We have been transporting kids to Vincennes. Department of Corrections says 2006 our females are going to triple. The female population in 2006 according DOC is going to triple. We have no beds, nota, none for females now. Thank you.

President Mosby: Okay.

Commissioner Mourdock: Mr. Summers, if you would and David and I were having the discussion earlier about what exactly was meant by detention and with those 52 kids up there coming back. Just referring to the letter that Judge Niemeier sent, and I realize he authored this and you didn't, but I just want to make sure I understand what he is saying here. His comment in the lower half of the second paragraph on the first page is:

"My hope that the building of a true detention center will not only cure these problem areas, but would also allow the Youth Care Center to follow and hopefully expand on their original mission."

Now, can you tell me how he sees those two things coming together if, in fact, he is saying we should have a facility here to take care of the adjudicated kids. He is also saying with that sentence it seems that we should be doing something prior to the adjudication through the Youth Care Center.

Gerald Summers: That is correct. We're looking at this point in time we have, again, a good working relationship with the Youth Care Center. Realistically the county should have its own facility. At this point in time we can possibly work with the Youth Care Center.

Commissioner Mourdock: But by its own facility, again, you mean post-adjudication facility?

Gerald Summers: Yes, sir that is correct.

Commissioner Mourdock: Okay.

Gerald Summers: There is a void there, lacking. We've been taking kids up and down the highway and right now, and the Youth Care Center has been doing an excellent job, there is a true sense of family. I will say that for the Youth Care Center. I have taken some of those young men to Kentucky State Prison and Youth Care does an excellent job with them, but there is still a void in our community. There is no treatment for these young people. We need to have quality treatment and keep our kids here at home.

Commissioner Mourdock: Thank you.

Commissioner Fanello: I've got a couple of questions. This might be one for Steve Perry. I don't know if you can answer. So when you build your facility...I need both of you together because I think these questions are going to come together here.

When you build...if you were to build a facility for Vanderburgh County you would take violent juveniles?

Steve Perry: Yes.

Commissioner Fanello: Okay. When the judge, and I don't really know how all the workings of juvenile court, so once the judge, I guess, decides to send a juvenile to a certain facility would it be possible that he would send them...you now send them to Youth Care for some treatment?

Gerald Summers: Yes.

Commissioner Fanello: Okay, would it be possible for you...are you going to be expanding, I guess, what you do as far as treatment in the new facility?

Steve Perry: Yes.

Commissioner Fanello: Okay.

Gerald Summers: There is a void now that were being picked up at Vincennes. We're having to send our kids to Vincennes. There is not a true alcohol treatment facility. Evaluations, I mean, are being done and we're looking for Vincennes to do it for us.

Commissioner Fanello: If Vanderburgh County was to build its own detention facility would you...is there a possibility that sometime in the future or could you possibly expand your treatment maybe beyond what it is now and the judge would work with Youth Care even further than what he does now? Does that make sense?

Gerald Summers: The judge is not here. I'm going to speak as a Child Placement Officer. The answer is yes.

Commissioner Fanello: Okay. Steve, I mean—

Steve Perry: We've always been willing to work.

Commissioner Fanello: I mean, I don't know if we decide to build our own facility if you're still interested in expanding what you do now as far as treatment or if you have plans to do that if there are other things you would like to do as far as treatment.

Steve Perry: We want to do everything we can to help these young people.

Commissioner Fanello: Okay.

Commissioner Mourdock: Just so I understand the portrait you are painting there, Catherine, are you suggesting that the bricks and mortar for that facility would be done by the county, but the personnel from the Youth Care Center would be working in our building? Is that what you are saying?

Commissioner Fanello: Well, I'm still only looking at Vanderburgh County as being, you know, detention only. I mean, I'm looking at it not being more than as far as the Sheriff said, six days or whatever, but I don't know what kind of treatment is given within that first 48 or 72 hours or the first few days that they might be in a holding

facility. Is it possible that, I guess, maybe the judge would have Youth Care come in and provide some maybe early type treatment while they are in our holding facility.

Gerald Summers: Let me help you real quick. What would happen is you have a young person that has problems, serious problems, they would send them to the Youth Care Center until there would be some investigation done and then the determination is made and either sent to Vincennes or DOC.

Commissioner Fanello: Okay. I'm just still trying to clarify because I still think people are getting confused between the detention part of it and the treatment part of it.

Gerald Summers: It's two separate...yes.

Commissioner Fanello: And I think that is easily confused.

President Mosby: And I guess what I gathered out of the meeting with the judge and that is he would like to see Youth Care Services provide more in the line of treatment.

Gerald Summers: Yes.

President Mosby: Rather than just detention. I mean, we can detain them. We need somewhere to put them after that. I think from talking to him and I think with his letter it says by having a true detention center our most destructive youths could be detained while other offenders could be rehabilitated. I think that is what he is saying is what I gathered from his meeting when we had the meeting is that he would like to see more of a long-term treatment here in Vanderburgh County.

Gerald Summers: That is correct. There is that major, major void. We have young people that we cannot get service for and treatment for and it's costing us more in the long run. Again, we do not have the reunification of the families where the families cannot be close together. That is a major piece. Part of the problem with these kids, and I'm not going to lecture, but I'll be brief—

President Mosby: No, that's fine.

Gerald Summers: —but part of the problem is home. The problem is home for these kids and we need to be able to address the whole family and by doing that and being able to counsel and do case management with the whole family we can reduce some of the issues we're talking about now.

President Mosby: Alright.

Commissioner Mourdock: And again, David, you're saying in your conversations with the judge he was saying even in the post-adjudication phase that he sees a place for Youth Resources?

President Mosby: Yes. And I've had a conversation with Mr. Perry since my meeting with the judge and expressed my interest to him that the judge would like to see something like this. I think the judge's concern is in building a juvenile detention center when we build a jail is that we know we've always got a place to put kids. You know, saying that something would happen with the Rescue Mission or the Youth Care Center that they would no longer be in the business then we end up taking them to Vincennes, I guess.

Gerald Summers: I need to say he would be gracious—

President Mosby: Yeah, they have been very gracious and I'm not, you know...I think what Judge Niemeier was saying is he would feel more comfortable knowing that we have a detention center here in Vanderburgh County that we have something to do with these youths in that first 24, 48, 72 hours. But he would love to see Youth Care Services—

Steve Perry: We have for many years wanted to spend more time with the young people who have been given to us in some kind of a longer term format that would be an alternative to placement in the Department of Corrections and we're still open and very much welcome to that idea and think it is great. I think the judge is right on target and Mr. Summers. It's excellent. That's the move that we should go toward, but we also have a primary concern with the individual who is being arrested and being detained. There is just a tremendous amount of good work that Scott Ames and our staff do to help a young person get the message that what he has done isn't in the best interest of himself or anybody else and that there are some alternatives that he could engage himself in if he would just take the initiative and do it and here is how to do it. So right away we start with anger management and character building classes and education is offered by the EVSC and various components like that.

President Mosby: Any other questions? Thank you, gentlemen.

Steve Perry: Thank you.

Madelyn Grayson: David, could we make another quick tape change?

President Mosby: Sure.

(Tape Changed)

President Mosby: We're back on. Councilman Hoy.

Phil Hoy: Phil Hoy, County Council. Um, I'll try to be brief. I would echo what Lynn Kyle said, um, she was on the PMSI Juvenile Committee, Mr. Summers was also. Whatever parts of that study that anybody doesn't like, I think, that those of us in the Juvenile section did a really good job. It is my belief that we need a 24 bed Detention Center, if you are looking for a figure, I think that's a good figure to aim at, for detention. Beyond that we do need a treatment center in this community, and we probably need a treatment center for 35 to 40 young people. Right now we are shipping them off, I have visited almost every Juvenile Treatment Center in this state. Some of them are very good. Some of them, if you saw them, you would not want to sent one young person from this community there, because they are not good. Many of them are just incubators for, for criminals. I won't name them, because that would very unfair of me, but I do believe we need that second facility here that would offer service, education, we definitely all day education in our alternative schools, and counseling. Because, as has been said before, you send these kids away, you cut them off from their families. They are always, almost always, going to go back to that same family. Everything that I've seen demonstrates that, and we need to have that family connection. Family may not be the best in the world, but they are going to back home. They are going to want to go back home, and we need to keep that connection as close as possible. I can tell you this for the County Council, I just conferred with Mr. Raben, I believe that the

majority of us on the County Council would rather put funding into something for youth than for anyone else, because when we put money into the jail, which we will do, and into Community Corrections, which we will do, we are placing the marker too far down the road. We need to move the marker this way, towards the young people and towards working with them while there is still a chance of working with them. Budget, actually, the construction costs are not the big item, the funding of the staffing is the big item. Last year we spent \$11 million on youth in this county. Two point something was for adoption services, another three point something was for foster care, the rest was for institutional placement. In Arizona we are spending, what is it, \$400 a day, and, uh, some of those places where we are placing young people are coming under fire these days for the kind of treatment they are given that probably isn't the kindest kind of treatment. So, I, I hope that we will not stop with just a Detention Center, but, obviously, we need that. I think that we need 24 beds. I think you will find a cooperative Council on that. Thank you very much.

President Mosby: Thank you, Councilman. Councilman Raben.

Jim Raben: I'm fine. Councilman Hoy spoke well for me. (Inaudible. Not at mike.)

President Mosby: Okay. You did fine. Thank you, Councilman. Chief Deputy, Eric Williams.

Eric Williams: I just wanted to reserve our right to speak.

President Mosby: Okay. Sheriff Brad Ellsworth.

Sheriff Brad Ellsworth: Maybe later.

President Mosby: Officer Wayne Wargel, Evansville PD. I thought maybe the back row was getting bashful. I didn't know.

Wayne Wargel: My name is Wayne Wargel. I'm a Lieutenant on the Evansville Police Department in the Juvenile Division. I guess, first of all my question is, are we talking about a Detention Center or a Treatment Center here? I mean, I recognize the need for both, but what are we talking about here?

President Mosby: Tonight, or today, we are basically talking about a Detention Center.

Wayne Wargel: Okay. We have dealt with, uh, the, uh, the Rescue Mission, and they have done a fine job for us under the limitations that they have. I can't speak for what they are going to do, and what their proposals are, because we haven't dealt with that yet, but I can talk about the way it has been, and they work under limitations. So, I guess, that's not important here, because that is not exactly what they say they are going to do now. I guess, my point is as a policeman, we try to streamline all of our activities so that we can get the policeman back on the street. If they only have to go one place to get that done, and that would be the jail, they could book their prisoner, come back take care of their paperwork, like they do an adult. We are trying to get treatment of juveniles the same as we do an adult, so that we don't have to train our officers as much, so that everything is pretty much the same as it is. Now, we are talking about detention versus long term treatment. We are talking about a short period of time. Most of these kids do need some sort of treatment, and that is what Judge Niemeier would determine in adjudication, but as far as a Detention Center goes, we would like to have some place where we

could take these juveniles, we know they are going to be taken and housed...and the kind of juveniles I'm talking...there are several things that we have to do before we arrest a juvenile. I'm talking about placing them to a secure facility. First of all, it has to be a violent enough crime to where we feel like the community or the juvenile in, him or herself, is in danger, then we will place them in a secure facility. Or if we can't locate a parent to take them, we will place them in a secure facility. Not every juvenile we come across is placed into a secure facility. They have to meet certain requirements. So, uh, and then are, a lot of times, released the next day to a parent. It's not necessarily treatment that we are looking at, it's some place to take them out of a violent situation and put them somewhere where something bad is not going to happen. The treatment comes later, and that is what Judge Niemeier has to decide, in my opinion. Right now we have a problem with domestic violence, you know, our SOP says that you have to arrest somebody in a domestic violence situation or you have to write paperwork as to why you didn't. That's fine as far as adults go, but when you are talking about a juvenile, then you, you can't find placement for them sometimes or it doesn't meet the requirements to place them, they are left right there in the family situation where something bad can happen. So, we are definitely looking for a place where, where we can place somebody. It seems to me like a private institution would have more choice of who they can refuse and who they would have to take rather than a county institution. I would think they would have to take more people. Uh, I guess, that is all I had to say. I wasn't going to say anything, but I wanted to reserve my right to talk later. Most of the stuff has already been taken. I just want to make the distinction between a Detention Center and a Treatment Center which I think has been adequately made.

President Mosby: Thank you.

Commissioner Mourdock: One question, Mr. Wargel, you were right at the very end there you were saying private versus public that you were inferring that the private had a lot, uh, at least I think you were inferring that the private facility wouldn't be as available to take the wide range of folks going in.

Wayne Wargel: That's the way it is—

Commissioner Mourdock: Is that what you are saying?

Wayne Wargel: —That's the way it is now. Like I said, I can only speak to what is happening now. I don't know what is going to happen under their new proposal and that type of thing, but I'm...and what I'm referring to is people that have been drinking, which Mr. Perry said that their proposal is that they would accept—

Commissioner Mourdock: Okay.

Wayne Wargel: —those people. People that have been, you know, out of control on drugs or something like that.

Commissioner Mourdock: So, you are...yeah, I got ya. You are referring to what was out there, or what is currently the case. Again, that does not necessarily address what they have proposed to us.

Wayne Wargel: That's true.

Commissioner Mourdock: Okay. Thank you.

President Mosby: Thank you, officer. Ellen Sprepski.

Ellen Sprepski: Good afternoon. My name is Ellen Sprepski. I live at Buckner Tower. I am here to give my opinion on the proposed Youth Care Center. My opinion is different from Mr. Bobby Gold's, to which he is entitled to his opinion. When he said he was President of the Resident Council, this is quite true, but we have had no...we have had no resolution come before us, which is the way we do that and then as in any other group, you know, the President gives the viewpoint of the group. The reason we haven't is because there are a number of people at Buckner Tower that feel a little different about this. We don't...and I say those who have the same viewpoint as I do, we don't have the opinion that there is a security problem with having the Youth Care Center in the same facility. Simply on statistics. There are none. Okay, there has been in the electronic and the print media no articles on any problems, any rapes, any pillaging, any running up and down the street, any problems like this at all, because there hasn't been. Because there hasn't been any in this case, it shows what a good job the Youth Care Center and Rescue Mission is doing in this particular case. Okay, we do have problems with security at Buckner, but this is entirely an internal matter, um, we are under the auspices of the Evansville Housing Authority, and this is just a matter that we need to deal with as ourselves. In fact, some of us were kidding around and saying that if things were at the Youth Care Center the way they say they are, we might get together with the Rescue Mission and borrow a few of their people, and maybe we can get some of our problems solved in a manner (Inaudible. Audience laughing and clapping.) So, we've always had a good rapport with the Rescue Mission, okay. When they have the Thanksgiving Basket Program and so on, guess who are the first two groups they help, they bring the baskets to Buckner, they bring the baskets to Kennedy, and we've had a lot of interaction like this over the years. It's too bad that this kind of concept got started, and it is with good reason, I can understand, but we have no reservations about having them as a member of our community. Our whole area is a service oriented area. We have the two senior citizens groups, we have Carver Day Care Center across the street, we have non-profit agencies in both organizations, some of which have to do with EHA, some of which don't, and so on. It is all of like mind. We have gotten along fine with the Rescue Mission. In fact, before a lot of this came up, a lot of people didn't even know the Youth Care Center was there. Which, once again, speaks to the fact that they have done a good job in managing the problems they have. So, just on the matter of security, there really isn't a problem, and most of the people in Buckner and Kennedy feel this way about it.

President Mosby: Thank you very much. Sharon Marsch.

Sharon Marsch: My name is Sharon Marsch, and I actually didn't realize when I was signing that, I'm a teacher. I thought I was signing an attendance sheet. I never pass up a chance to talk, and I am a teacher at the Youth Care Center, and I have worked with the population, the type of young men for over 20 years in the Evansville School Corporation, and have been working at the Youth Care Center the past four years. I don't know how many of you visited there, or how many of you have worked with troubled youth as long as I have, but, I guess, the thing I want to stress, and it certainly is not meant to take anything away from Brad Ellsworth and what they could furnish if they had the Youth Care Center, but it is a treasure. It is a treasure. As a teacher who has dealt with, you know, kids that turned out to be big time criminals, murderers, the whole thing, I have never seen the care, the opportunity to change, to turn these kids around, and it's 24-7. We eat lunch with the Start Unit. Every opportunity, uh, for, I mean, even teaching manners or, you know, interaction,

human relations, is there, and I think...I hate to say it's almost a no brainer for me, but I think it if we are talking Youth Care Center that we should let the Rescue Mission...now, I'm going to have a job whether it's there or somewhere else, so, but I see the results. I see what happens with these young men. I'm telling you folks these...this is our most valuable resource. If we don't save them now, then get your money out, 'cause you are going to be paying for them in a prison for the rest of your life...the rest of their life. So, I'm just saying, please consider Steve Perry's proposal, because it's not going to get any better for our kids than what they are offering. Thank you.

President Mosby: Thank you. Betty Jones. Is there a Betty Jones in the hall?

Commissioner Mourdock: She must have left.

President Mosby: Okay. Harold Miles.

Harold Miles: My name is Harold Miles, Evansville resident. I live on Powell Avenue. First of all I would like to go on record saying that, uh, you know, if everybody thinks we need a Detention Center, that's fine, you know, I have no problems with it. The problem I have is the location, you know, right near the old folks home, you know, you are going to build a \$5 million, I'm sorry, \$50 million, uh, unit out there. I think, uh, well, maybe \$35, it will probably escalate, but, uh, probably you, in my opinion, you probably are just better off finding you a strip of land and built it up instead of adding on to something that is already antiquated, you know, when you have a new building, you know, you can add on to it and not go through a whole lot of red tape. You know, excavating houses, having, uh, criminal problems or whatever, you know, going through a security thing, because that, that's it, I mean, you can say it's going to be, um, solid right now, but, you know, in the future most things do run down, get a little bit lax. What I'm concerned about is this the only site that has been examined for a, uh, Detention Center? What is it a Detention Center or a Holding Center? You know, I've heard that kicked around twice, you know, I'm not sure, but is this the only site, I mean, if not, I mean, there is other areas in the city, um, Old K-Mart building, land east of 41 between, uh, Morgan and Diamond. There is virtually nothing out there. You can put it out in the old, uh, new Oak Hill Cemetery complex, you know, they want to put soccer fields out there, there is plenty of land out there. Seriously, I mean, if you are going to put a 24 bed unit in the inner city, you know, uh, you are going to need some security and, um, you know, I've seen the Detention Center in Vincennes is built on about 60 acres of land, a lot of barbed wire. There is not 60 acres down there. I've seen that, uh, state prison down in, uh, Kentucky at Eddyville, same way. If you plan on putting that area down in, uh, down in Evansville, you know, it's just...it's just not enough room, you know. I would think that, uh, you know, if you could look at a model Detention Center or Holding Center where you want to maybe in another city or something, then find you some land to put it on, you know, you would have you a model outfit there, instead of just putting it in there piece by piece, you know, kind of like the Habitat thing. You know, that was done kind of like, uh, well, it had no model to copy by, you know, so just piecemealed, and it's a big mess now. You know, and the reason I say that to, um, you know, buy you a piece of land, start from the ground up. A couple of months ago there was some big outfit in here, um, some consulting outfit that was paid big bucks to determine what could help Evansville, the downtown get back on the rebound, you know, one of our problems they said was with the proliferation of Habitat homes is that it wasn't well thought out. You know, you want to put this Detention Center or Holding Center down on the, near, uh, Buckner Tower, you know, that's kind of like...that's not going to work neither, you know. So, then you

want to talk about pumping money back into the city, you know, if the big price outfit said that, uh, you know, the Habitat homes was pulling away from money coming back into the downtown, what do you think that the Detention Center being built downtown is going to do? You know, you going to come downtown to see the Detention Center? I would like to go on record as saying that I am in favor of a Detention Center here in Evansville, but my question is the location. The location. Thank you.

President Mosby: Okay. Thank you. Questions? Thank you very much, Mr. Miles. Reverend Arnold. Did I lose Reverend Arnold? Yeah, Reverend Arnold. He was just standing here a minute—

Reverend Arnold: Hello, Reverend Arnold, President of the local chapter of the NAACP here in Evansville, and, among other things that I do in the community, and, uh, I'm here to just say that one...not one way or the other, I don't have any, any, uh, statistics that say where it should be built. I can say that I think we need to maintain the level of care that we have in the present facility. Uh, I have the, uh, fortunate experience of working at the Detention Center as a GED tutorer, and, um, many of those kids that I have the pleasure of working with, I still see throughout the community today in other capacities, and, uh, I think it's nothing like having friends and families close to these individuals, um, so they can get the kind of, uh, care that they need. Um, um, um, I think the concern, um, um, that Mr. Gold did raise, um, if, if at all possible, if you did decide to build a facility, uh, uh, expand the facility at the present location that, uh, Mr. Gold's concern of security be taken into, uh, consideration. I'm just here to let you know that I've worked in the facility, I understand the care that is being provided over there. I think they do an excellent job and a wonderful job and there is nothing like having our kids at home where friends and family can access them, and give them the tender loving care that they need. Thank you.

President Mosby: Thank you, Reverend. John Flowers.

John Flowers: Hi, I'm a new resident in the Evansville area. A company down here flew me down, uh, with a nice relocation package, and, um, I caught wind of this from a local church that I'm newly attending, and, um, I'm real passionate about troubled youth because I left home when I was six and, um, I was a very troubled youth myself, had a lot of run ins with the law growing up and, uh, you know, those are really tough times, and tough years to...especially, if, you know, your mother died of a drug overdose when you were three and your father was an unfit parent, and, you know, we don't really...so, I would kind of like to speak for, uh, these troubled youths, um, since there is noone in here to really represent them. My experience is that, you know, the law, you know, has a lot of other things to do, uh, besides, you know, uh, raising our children. It's been my experience being institutionalized from '76 to '81 in the Guardian Angel Home up in Joliet, Illinois, um, you know, you can't really pay for love, and I'll tell ya, for \$50 million, I'll take a belt to each one of their behinds and love 'em to death, and, uh, you know, I'll think they'll turn out a lot better. I think I'm real fortunate, uh, to be standing here today because, um, you know, statistically I should probably be dead or in prison. Um, so it, it really does take the care and the, you know, you never know that the interaction of a young person, uh, could, could drastically change their lives with someone who actually really cares, you know. So, if you are going to spend some money, and, uh, I would, I would invest in people who actually care in the future, um, and I would spare no expense, because the money that you invest now, um, as someone else mentioned, you know, you don't want to be paying to actually house that same individual who, you know, slipped

through the cracks and later on down the line..so if you...and I think there is a way if you've got some good budgeting people, you can actually...if you build the facility big enough...I don't think 24 beds, you know, with future growth planned into it would be big enough, but you should be able to bill back other counties for taking in their excess. You know, provide a solution here, uh, build something big enough. Take in all of them, okay, and then bill back the other counties from where they come from. So, that is just an idea. You know, uh, that's pretty much it. Thanks.

President Mosby: Thank you very much. T.J. Brink.

T.J. Brink: Good afternoon. My name is T.J. Brink. I'm with the Southwest Youth Village in Vincennes, Indiana. First of all, there is a lot of people here today, and for child advocate, this is fantastic. Everyone should be very proud of themselves for coming out, showing support for the youth of Vanderburgh County. The Youth Village did not come here tonight in favor or opposed of one particular building model over another. The folks at YCC have done a fantastic job taking care of your kids. Currently the Southwest Youth Village houses the female offenders from Vanderburgh County. I would also like to set the record straight, we don't have barbed wire. Just a little tidbit there. It is actually called a candy cane fence with a defense mechanism run through the middle. It is not barbed wire. The, uh, Youth Village is a full continuum of services. We have a ACA accredited Detention Center. ACA meaning the American Correctional Association, which sets the standards for all facilities. Um, we reached ACA standard in '97 with 100%. We are the fourth facility ever to reach, a juvenile facility, ever to reach 100% ACA the initial time. Um, to do that we had to meet 453 standards. Some of which were administrative, fiscal, programming, supervision, staffing, health services, education, and so on. We are also featured in June 2000 ACA Manual of Best in the Business. Full continuum of care, what does that mean? Not only do we have the Detention Center, we also have a residential component. Many people maybe need to understand that there is a separation between detention and residential treatment. We have both. When you talk of one there is a separation between the two, and you need to know that there is a big difference between the two. We also have group homes. We have a boot camp program. We have many after care services as well. Um, as I said earlier, the Youth Village did not come here in favor of one or the other. What we are providing, or what we are offering you is our services until you can decide how you want to build, what you want to build, or even if you want to build at all. We're providing our services to you. We are offering a contract to the Vanderburgh County, uh, with a lot of perks in that contract. That's what we are offering for you today.

President Mosby: Okay.

Commissioner Mourdock: Just to clarify in the language of the evening since we have spoken of Detention Facilities and Treatment Facilities, what you referred to as your Residential Treatment Facility is purely for post adjudication cases, is that correct?

T.J. Brink: That is...that is correct. Both male and female, uh, we have group homes as well, which are for independent transitional living.

President Mosby: Any other questions? Thank you very much. Appreciate it. Is there anybody that didn't get to speak that was wanting to speak? Okay. I'll take you first and you second.

Eddy Perry: My name is Eddy Perry. I'm at 700 East Chandler, and, uh, I do work as an employee of the Evansville Rescue Mission, and I'm Steve Perry's son, in fact. I'll try not to, uh, just keep repeating what other folks have said, but, I think, what I've gathered from this evening and just absorbing all the comments from both sides, uh, I really saw the biggest difference in the argument whenever the gentleman from the, uh, is it Evansville Police Department, or is it? Evansville Police Department was speaking, if the goal and the idea is to streamline, is to treat, you know, if it is for economies of scaling cost, for whatever reason it is, if the mind set of an employee dealing with youth, and I realize it's a police department, this isn't necessarily the Juvenile Detention staff, or anything like that, but if the mind set is to streamline and to treat a youth as an adult, kind of in the same way that you deal with them or what have you, there is a real point of contention there. Sheriff Ellsworth and his staff and, uh, folks of the police department, they may love, uh, the juvenile offenders that come through this county. They may be it a personal conviction, or religious conviction or whatever it is, they may think the world of them, but they may not. I don't know, uh, but I know that at the Youth Care Center it's your job to care about the kids. It's your job to relate with the kids, it's your job to spend time getting to know them. If you're the cook, if you're the behavior tech, if you're the program coordinator, if you're the guy sweeping the floor, it's your job to love those kids. It's been shown that there's a need, not just for a long term facility, but also for a Detention Facility. There is a scope for that, and we are saying that we want to do it. We want the kids. We're eager to care about them. We are eager to love 'em. We've come up with a fiscally responsible proposal. If you are worried about a guarantee, if you are worried about being obligated to 24 beds or 26 beds or something like that, you do have the option of farming them out, but you also have the idea that if you build your own facility, you are going to be absorbing those costs already. If you're staffed and housed and built for 26, if you've got 14 you're still paying pretty much for 26. Maybe meals, maybe some laundry, some savings there, but a lot of your basic fixed costs are going to stay the same. So, what I'm saying is, you've got a fiscally responsible proposal, and you've got an anxious, eager, willing staff. To me that speaks volumes. If there is a need there and you've got people who's job it is to care about and love these kids and you can do it in a fiscally responsible way, I'm failing to see the benefits of the alternatives. Now, if you want to streamline software, this is a custom made facility for Vanderburgh County. If you want to streamline software, if you want to streamline procedure and those kinds of things, fantastic. We'd love to make that cost effective for you. We'd love to make that smooth and a great, easy way to transition kids, but when it comes to dealing with the kids and relating with them and interacting with them everyday, put them in the hands of a staff who's job it is to love them. That's all I'm asking. Thank you.

President Mosby: Any questions?

Steven Brown: My name is Steven Brown. I'm a resident of Evansville for better than 50 years. One of the things that I've been involved here in this city is that I've been working with the Vanderburgh County Jail since 1976. I do ministry there at the jail. Since '94, I've been chaplain at the Vanderburgh County Jail, I've also worked with the Evansville Rescue Mission, at Camp Reveal as well as the Youth Care Center, as going over and talking with the kids. I'm also a...I'm not boasting or bragging, but I just wanted to give you a few facts about myself. I'm also an instructor for prison fellowship. I train volunteers for the state of Indiana to go into prisons. I've been in every prison in the state of Indiana. Juvenile facilities, not so much juvenile facilities, but I've been in every maximum security prison in the state, and some minimum security prisons. Not just in the prisons, but I've been in the segregated housing units. I see a lot of juveniles at Wabash Valley right now that

are in the SHU, the segregated housing unit or CCU. Uh, when you see 14, 15, 16 year olds that are locked up, and you hear everything depraved come out of their mouths, they have no respect, no structure or anything. I don't know much about the dollars and cents of this, but it seems like to me in some cases we've got the cart in front of the horse if not the horse in the cart, because you are talking about lives, you are talking about individuals, you are talking about kids. From an African American point of view I know we make up 12% of the population, better than 46% of all those incarcerated are African American. In 1998 we arrested in this country 2,838,300 juveniles. That didn't mean all of them went behind bars, but that many of them were incarcerated. We've got a big problem here. It seems like we come a little bit later on, uh, I think it's more than the detention center, it's more than who's going to get the job. I definitely think that we need one, not only do we need a center for juveniles, but we also need that, that, that caring aspect. We need somebody...these kids...the reading level in prison is about sixth grade. About sixth grade. When you stop to think that 85% of those incarcerated are going to get out one day, they are going to come right back to the communities, what do you have? You just got a criminal who's just been locked up for awhile and he's back out here. The, uh, prison fellowship puts out a book called, Trends To Watch, 1999. This has got all the information about programs that work, some of the programs that don't work. One of the programs that does work, is programs where there is mentoring, tutoring, love, uh, consideration. I've worked with street gangs in south central St. Louis, (inaudible) Green housing project, Chicago, right here in this city. It's...my life has been more than just going into a jail and going into the Youth Care Center, it's going into kids homes. I see that these kids need something more than just being locked up. It's not so much five years down the road. I think we better start looking at maybe two or three down the road. The crimes that our young people commit...we've been going into the Youth Care Center, we've been talking to young people, we've been taking people in with us who have been incarcerated to try and do some things...as well as over at the, uh, alternative schools. I don't know where all of this is going to go, but I hope that we don't lose sight or perspective that we...that it's more than dollars and cents and buildings, and, and, locations, but something needs to be done, or we all are going to reap what we sow. I believe this country right now is reaping what it has sowed. We turned our heads to it. It goes further than that. I don't mean to stand up here and preach, but just let me say one other thing and then I'm going to sit down. When I look at the police department, when I look at the Sheriff's department, it's, it's...these kids, if...if at Wabash Valley, probably less than 1% of those in charge up there look like me, and half the people incarcerated look like me. It's just that...there seems to be a problem. When I look at every police officer, and he looks different from me, not that he has a race problem, but golly that's got to be sending some type of message. So, I guess, what I'm saying here is I would like to see a detention center. I would like to see a treatment center. With that, I would like to see the people that are going to run it, people who have a love, care and consideration that goes further than just turning a key. Thank you.

President Mosby: Thank you. I have one more speaker and then we're going to have to break, because we were supposed to have had another meeting at 5:00.

Michael Bland: I'm Michael Bland. I live at 4554 Conlin, and I'm a behavior tech at the Youth Care Center. I just wanted to add, uh, just a few things in, uh, just to give you guys sort of a perspective from someone that works there with the kids daily. It's not just a job to me or to any of the people who work next to me either. It's a love. Not only am I a behavior tech, but I'm also a youth leader at my church. I have my pastor here with me today, Pastor Engler, Dennis Engler, and, you know, what I do

is beyond taking care of youth. It's my love. It will always be my love. I love youth, but I deal with youth, I deal with all kinds of youth. I've dealt with them since I've worked there. I've had the pleasure of dealing with kids that have been just like me. They've grown up without a father, they've grown up without a mother, and they need someone there that...it's just not a job. It's a love. Just recently, this is something that I just wanted to share this, uh, I decided to do an outreach, not only in my community, my neighborhood, and on my first outreach I had over 20 youths show up into my back yard. See that is what the staff at YCC is about. That is what the staff at YCC is all about. It's about reaching out...it ain't just my workplace. I just don't go home and go to sleep and say thank God I ain't here no more, you know, thank God I'm out of that building. It's beyond that. It's a love. It take patience, it takes kindness, it takes just a lot of, of a lot of patience. You know, that is the key, and, I believe that whenever you look at all the things that are laid out on the table, the Youth Care Center is the best place to stay with. Why be working with something for so many years and start something new? Why not stay where it works? That to me is common sense, and you have people like me, you got six other people that work with me, a total of seven people who are youth leaders who are involved with our youth out on the community level, and that's just people I'm talking that are in leadership positions at their church. They ain't...I'm not speaking about the other people that do other things with our youth, that pick 'em up, that take 'em cut their hair, take 'em to the mall, take 'em to movies. I, I mean, if you want to talk about, uh, catching them at an early age, I believe, that we are doing a good job at it. I believe that we are doing the best that we can with everything that we have. Can we do more? Yeah, all of us could do more, but we are doing the best we can, and I think that we are doing a great job. I love my youth, I love the youth that I'm up there with right now, and I love my job. I hope to continue to work there at the Youth Care Center and provide assistance for the County and for this city for the rest of my life. Thanks.

President Mosby: Thank you.

Commissioner Mourdock: The Sheriff is ready.

President Mosby: Okay.

Sheriff Brad Ellsworth: Sheriff Brad Ellsworth. I just had one quick comment. I've heard about four references to 40 of your County employees, and that are under my supervision. I would like to...I feel almost a need to defend because if I don't compliment the people that work up in that jail currently and any future employees that we have that we strive to find the best employees, um, I think there are some people in the room who work with those employees and know what they go through everyday. I've had employees that have had feces thrown on them through food slots. I've had employees that have had...have been bitten on their hand and have to go through treatments and almost lose hands and fingers from infections from the inmates bites. I've had inmates that have had food thrown on them. Fought, kicked, bitten. They basically put their life on the line. Find knives in the cells everyday. Find...have death threats to their families. Have their families pictures put up on the wall with sexual remarks. I've got a great, dedicated staff, uh, I'm going to defend those people up there. I hope, you know, that they hear about this tomorrow, because I've got a great staff up there too. Are they the head fixers? No. I think that starts with parents when the kids are, you know, straight out of momma. What they do up there, and I'm agreeing with all these people. I think they are great people. My kid gets in trouble, I want Steve Perry to fix her, but I won't sit up here and listen that my people this and my people that and they aren't this, because I hire

quality people. Are they angels? Absolutely not. I haven't met an angel yet, but they do a great job up there, and we need to think about my employees up there and what they face everyday with the mentally ill patients. I can tell you horror stories up here, that if they get to the detention center, they are going to see it. I've seen it for 20 years, and it's been going on since the beginning of time, or people have ran jails. I have opinions on this, and, I think, you all know them and Steve knows it, but I'm not going to listen how...about my employees and what they can and cannot do and what they don't provide, because I've seen 'em get...when we had juveniles, I've seen 'em get juvenile out in the night, buy 'em soft drinks, do things, call family members, I see them do altruistic things everyday of my jail even though they face horrible things from the other side. So, I compliment my staff.

President Mosby: Thank you. Any other comments real quick? Seeing—

Suzanne Crouch: There's a gentleman, I don't know if you can see him.

President Mosby: Pardon?

Suzanne Crouch: Can you see that gentleman?

President Mosby: Right here. I'll take one more comment from him.

Joe Hudson: My name Joe Hudson. I'm the team leader in charge of the safe unit. I want to compliment Mr. Ellsworth, our Sheriff, because I go over to the jail on a regular basis, and visit young people. He granted me a pass through one of his employees, and they do a fantastic job over there. There is a lot of kids that been through the juvenile system that is there, but I also want to make a comment, uh, about the safe unit, and about the security. Our first priority on the safe unit is the security of our community. Our second priority is the safety and security of our children that is placed in our custody. We have very few confrontations on our unit. At the most we have one or two blows thrown before it is immediately intervened by a staff. That is our job. We are to stay in close contact with the kids at all times, or to be there. We have never had in the seven years I've been on the safe unit, I was there when the safe unit started, we had never had a kid in a physical confrontation with a staff or resident, because that is our first priority is they safety. All the other things that we talked about, those are the things that we do after we make sure that the community is safe and that the kids that are placed in our custody are safe. Yes, we love to treat the kids well. We love to love on the kids. We love to train 'em and bring 'em up in the right way. One of our mottos and the things that I teach my staff at the Youth Care Center on the safe unit is that the kids do not care how much you know until they know how much you care. That is the first priority. Once they learn that you care and that you are concerned about their welfare, and then you get they cooperation. That is why we have such a success on the safe unit because the kids know we care, and we will continue to care whether we have the opportunity to build this unit or not, we will continue to care for the kids in Vanderburgh County and the surrounding area. Thank you.

President Mosby: Thank you.

Commissioner Mourdock: Want me to start?

President Mosby: Pardon?

Commissioner Mourdock: Want me to start, Catherine to start?

Commissioner Fanello: I think we, uh, if it's my understanding we intended to take a vote tonight. Is that not correct? On the number of beds for...or what we would do with Juvenile?

Commissioner Mourdock: Right. As you said at the start of the meeting, we wanted to try and set some plan for the number of beds that we need for Juvenile Facility. I think, and I mentioned this last week, and I see in the mean time that someone has erased our black board back there, but I made the comment then and I think it's still very true that with the budget, um, that we will be working under from the County Council, I think, any number that we put out tonight we can somewhat label as this is our target, but, I think, in the most realistic fashion that we have to understand that that target may have to change as we then look at the jail, as we look at Community Corrections and, I think, there is going to be some movement through the circle here before we know exactly what we end up with on all fronts. Having said that, and I certainly have a number in mind, but I also want to say that tonight I appreciate the comments of everyone in this room. In my six plus years on the Commission I don't know that I've ever been here for a night when we've had so many well placed, thoughtful comments offered. The discussion took a little bit different tact than I expected because I came into the room with the thought in mind that we were talking strictly about the Detention Center, which is a preadjudication center, and, obviously, we've started to go somewhat of a different way with that tonight, which was a new subject for me to consider. So, the comments that I am going to make are primarily limited to the preadjudication center as we had talked of before. I think there is a number of aspects that we can agree on, we the three of us. I think, yes, we all agree that it's in this community's best interest to keep the kids at home. That has been a long time discussion in this community. I think that all of us agree that that's our first goal, is to try and make sure that the kids are going to be treated here because there is a lot of advantages, as a number of the speakers said tonight, by having them close to their families. Their families aren't always the perfect support group, as several have also said, but it's, it's a starting point, and, uh, kids need to be where they are known. Sheriff, the comments that were made about your staff, in no way did I hear as a criticism...I did hear a comparison, but I just want you to know that I appreciate what your staff does in that facility. I think they do a great job. Having said that though, I do believe there is a difference as, uh, Andy Perry said, people who the first item on their job requirement is to love the kids, is somewhat different than I think you will ever see of any county employee. I have to give full credit to that. I also think that in the long run, uh, Steve Perry's summary that the facility that they could bring to us could be operated at a cheaper cost, I think, is also true. We don't know what the budget is, which certainly should preclude us from totally acting tonight as the two of you commented a couple of weeks ago, how can we know what to do until we know all of the money is in place, and we don't know that at this point. What are those costs what are they going to be, I don't know, uh, I think we need to make the point tonight that we are simply choosing beds, and going forward with that. Last thing I'll say is that this is a unique community, and it's demonstrated year after year after year far outside the Civic Center in the sense of it's willingness to act on it's passions. Um, thinking back just in the last couple of years, whether you agree on the issue or not, the fact that Evansville, Indiana can have the world's largest Right to Life Banquet each year is an act of passion by the people who are there. The first Race for the Cure here had over 5,000 people, unheard of. There are hundreds of people in this community who work at places like Impact Ministries, and the Tri-State Food Bank and Lord knows how many others simply because they want to act on their passions. There are certainly some who would see any dealings that we have with a quasi-religious group as something to be laughed at, something to be smirked at, and it strikes me as no small irony that

the people today who often talk about, with a little bit of contempt almost, uh, you know, old time religious values, and old time faith issues are also the same people who wish for the good old days. You know, there is a connection there. Communities that have strong faith based organizations, I think, serve their youth best, and therefore it's my feeling that I think we need to try to work with a, and I'm going to be very careful as I say this, because we need to open this to other groups as well, but I think we need to work with a faith based organization to target 20 beds for a Detention Center.

Commissioner Fanello: I guess I will give my comments. I'll try to be very brief because we have gone a little over time. Um, I applaud the Youth Care, I applaud Steve Perry for all that you do, and I don't think this community could, uh, survive without you, as far as everything that you do for juveniles. I want to continue to expand on that relationship with the Youth Care Center, and I want to see it expand treatment, and I want to see our new Judge work with you on that, and I will support, you know, a contract or anything that we need to do to work with you in the future, but I do think in considering all the aspects and considering every taxpayer in Vanderburgh County that, you know, we are beginning to enter into a project that, hopefully, will only be...will be something that doesn't happen again for the next 30 or 40 years. I think, at this time, since we are building a Jail Facility that it would be more, uh, prudent for us to go ahead and build a 24 bed Juvenile Detention Facility along with the Jail and Community Correction Facility, and expand our relationship with you for treatment. I'm fully supportive of that, but just thinking in the big picture and in the best interest of every taxpayer, I think it's better if Vanderburgh County goes ahead and builds it's own 24 bed Detention Facility.

Commissioner Mourdock: So, again, please clarify. Are you saying, as I asked the question previously, that you see the county doing the bricks and mortar?

Commissioner Fanello: Yes.

Commissioner Mourdock: The YCC people then running that facility?

Commissioner Fanello: No, I don't see YCC running that facility. I see the 24 bed Detention Facility being part of—

Commissioner Mourdock: And by Detention here you mean post—

Commissioner Fanello: —I mean hold...I mean holding facility until the Judge decides what he will do with the juvenile.

Commissioner Mourdock: Well, at the start of your remarks a moment ago, you also said you want to see us work long term with the Youth Care Center, and I don't see how those two go together.

Commissioner Fanello: Well, and Ithat comes from Judge Niemeier's comments of, I think, wanting to expand his relationship with the Youth Care Center, and I see Gerald Summers nodding his head yes. That comes with , you know, what he wants to do with the Youth Care Center, not necessarily while the youth is being detained for 24, 36 hours. I'm talking about what the Judge wants to do once the juvenile comes into the courtroom and he decides what is the best treatment for that juvenile.

Commissioner Mourdock: Okay, and, again, I'm not trying to be argumentative.

Commissioner Fanello: I know that.

Commissioner Mourdock: I'm trying to understand. So, what you would see is that the Youth Care Center continues to work in it's present form, no more buildings, no expansion on that, whatever they have currently, you would like them to continue to do, but then also we would build a 24 bed facility as part of the new jail, slash Community Correction--

Commissioner Fanello: As part of our new Detention Project, but I would like to see in any way that Vanderburgh County can do...whatever we can do to help the Youth Care Center expand it's treatment. Which I think is a little bit different...I'm seeing Phil Hoy, Eric, Councilman Hoy nod his head, and I'm talking about Councilman Hoy talking about his commitment for possibly, you know, helping to fund, doing something with treatment. You know, letting the YCC handle that part.

Commissioner Mourdock: Okay, but let me go back to the point again, I think, it was Andy Perry that made it. If we build a 24 bed facility, do you think it is not inevitable that just so that those of us who are politicians can justify the cost we would not end up shifting people there as opposed to using them, or using the YCC Center. That would seem to follow logically to me, and when I say politicians, let me also add, I don't mean the three of us, I mean whoever comes after us. When I speak about the Sheriff, I don't mean Brad Ellsworth, I mean the Sheriff 20 years from now.

Commissioner Fanello: I guess I don't understand your question. Maybe you can say that again?

Commissioner Mourdock: Well, if, in fact, we build a 24 bed facility--

Commissioner Fanello: Which is just a holding facility--

Commissioner Mourdock: Right. Prejudication.

Commissioner Fanello: --only, until the Judge...uh-huh.

Commissioner Mourdock: Prejudication, and you are saying you also want the Youth Care folks doing as they are doing now, prejudication--

Commissioner Fanello: Yeah, I would like to see if there is some way that, I think, the Judge talked about possibly expanding some services with YCC, is that not correct, Gerald?

Gerald Summers: I'm trying to hide.

Commissioner Fanello: Well, you can't, because you have to...the Judge isn't here, so you'll have to answer the question. If I understand it, Judge Niemeier wanted to work on his relationship in any way possible with the YCC as far as helping out in treatment, is that?--

Gerald Summers: Yes, based on the letter that you received, it is clearly stated that the Judges concern is that we needed to have a Detention Facility and we would like to have treatment after care for these young people. If we have a facility large enough, possibly we could address some of the kids that are not in our community now, and also address some of the other issues that we're sending kids out of our community for now also.

Commissioner Fanello: Okay. Would Councilman Hoy like to add anything else. I see him nodding his head back there, so.

Phil Hoy: I think it's, excuse me, I think it's our obligation to do the Detention Facility as a county and to run it as a county. Then I think that we can look at the resources we have, which we could have some of them faith based and make use of them there, but I think this initial part is definitely our responsibility.

Commissioner Fanello: Is our responsibility.

President Mosby: Any other comments or questions?

Sergeant Stock: I'm Sergeant Stock. I'm a supervisor in the youth unit, been a supervisor for ten years and I think maybe I can give you a little clearer picture as to what we are talking about and what you are discussing here. Uh, since the Youth Care Center has began to maintain and do detention, or do these things for the police department and Sheriff department, Juvenile Court has, in fact, after adjudication remanded juveniles to the Youth Care Center for a period of several months in lieu of sending them to Indiana Boys School or some other facilities. I think that is in the context of how Youth Care Center is doing their mentoring and their programs.

Commissioner Mourdock: Uh-huh.

Sergeant Stock: What we deal with is, is simply short term, much like I had a young man today brought into the office, he committed a D felony, had not been able or had not been able up to the time I come up here to contact a parent or representative. So, this young man, although he has no prior juvenile record, okay, is a possible detainee for us simply because he has committed a felony and we're not able to release him to a family member. So, it is possible that we would place this young man at the Youth Care Center, having not any prior criminal history, simply because we have an obligation to protect that child. We can't just release him out into the street, okay. So, some of these detainees are not what we would call serious offenders. They committed serious issues, and we are not able to release them to an appropriate adult. Uh, and those are short term issues. Generally, if we detain someone, if it's over the weekend, the court has 72 hours in which they must have a detention hearing. The purpose of that hearing is to determine through the court as to the appropriateness of this detention and whether it should be maintained. Often the detention hearing will end up with the individual going home with a parent or being placed on house arrest or some other issue until the actual offense is adjudicated and there is some disposition in there, but it is just a short term issue for us, you know. The issue is that it, it eliminates the fact that we have to sit and maintain or babysit, you know, these children for periods of time, you know, and not have a place to place them, but we are looking at short term here. What they are talking about is the individuals who have been remanded to the Youth Care Center by the Judge in an adjudicated hearing, you know, and then they, in fact, do their mentoring and....I don't know how much mentoring can be done in two or three days.

Commissioner Mourdock: It's that same period that Commissioner Mosby was referring to earlier, I believe, when he said by statute we can only do that for 90 days based on the current ratings and certifications held by the Rescue Mission, is that correct?

Sergeant Stock: I'm not sure about the—

Commissioner Mourdock: I'm pretty sure that what—

Sergeant Stock: —90 days, I just know that the court has...the Judge and Juvenile Court has remanded, uh, or some juveniles to Youth Care Center on a longer than 72 hour basis. I think that is the individuals that they work with as opposed to the ones that we would have placed this weekend who had a detention hearing today, who may have went home to momma.

Commissioner Mourdock: Uh-huh.

Sergeant Stock: So, you know, we are looking at the detention issue, not as the post-adjudication.

Commissioner Mourdock: Okay.

Gerald Summers: Real quick. Judge Niemeier has tried to address the short term problem we've had, which is actually what Sergeant Stock just talked about. We've had the issue for many years, even when I was a police officer many years ago, that we would find kids who have committed crimes and nowhere to put 'em. Actually, we used to set them in juvenile and sit there all night with them until we find their parents. We just recently implemented a program trying to have a drop off center with the police department, Sheriff department, State Police through the Youth Care Center, trying to fulfill that void. Hopefully, we can do a better job of that as we progress. It didn't work. We didn't get any takers, and maybe the timing wasn't bad, but I think that is something that we really want to look at and make sure we maintain and address those issues for the law enforcement officers so they can get back out on the street.

President Mosby: Okay.

Commissioner Mourdock: Mr. Hudson.

President Mosby: Real quick. 'Cause I gotta make a statement and then we got a meeting starting here at 6:00, and we missed our 5:00.

Joe Hudson: Juveniles are going to have the same due process—

Commissioner Mourdock: For the record, this is Mr. Hudson.

Joe Hudson: —Mr. Hudson, uh, juveniles have the same due process law as adults do. If a kid plead not guilty, it won't be short term. He have anywhere from 30 to 90 days, if he been ruled a danger to himself or to the community, he will be placed in custody in this holding facility that we constantly saying is a short term holding facility for 60 days, with none of his needs being filled from 30 to 90 days before he can get...the lawyer can get set up for his witness, the Prosecutor can, uh, put his case together to bring his case to trial. So, this is not a short term thing. The majority of the kids we house is there because they plead not guilty. However they waiting to go to trial, and that is not a two or three day thing. That is anywhere from 30 to 90 days. Thank you.

President Mosby: Alright. Um, did you have anything else? Okay. At this time I would say after, I guess, numerous meetings with Mr. Perry, the other counties that

would have been involved, the Sheriff, Chief Deputy, Mr. Niemeier, it's obvious that this county is faced with building a jail facility and a community corrections complex immediately, and I think it would only be smart business at this time that we would include a 20 bed juvenile center in that complex as we build it. Nothing against Mr. Perry's operation, I'm very impressed with what I've heard about Mr. Perry's operation and after meeting with him, but I would hate to think that we would build a complex at this point in time and then would not add a juvenile detention center and something down the road would happen in three or four years and all of a sudden we are faced with the same problem we have that we would not have a juvenile detention center. I think since we are building a facility at this time, we need to include at least 20 beds for juveniles, but I would like to see, more than anything I guess, is the Youth Care Center to expand it's operations into more of the treatment area, so that we can, somehow, start to bring back and maintain some of the juveniles that we have at D.O.C. that I understand from Mr. Niemeier right now that we cannot bring back, and I guess that is where I'm coming from. I would like to see them, them youths dealt with. Used on a long term basis more than a short term basis. So, I—

Steve Perry: Can I say one thing?

President Mosby: Yeah, cause I'm...that is my recommendation is that we include at least a 20 bed juvenile detention center in the complex along with community corrections.

Steve Perry: I just want to say that we've spent 19 years getting good at offering detention services to young people. We've spent 19 years finding a staff who really cares and can intervene in a very short period of time to do something life changing for a young person whether he is detained six hours, 24 hours, 72 hours. Uh, sure we are interested in doing long term work. We want to work with the county anyway we can to help young people who are at risk. I appreciate the work and the service of the Sheriff's department, the police department, the Juvenile Court, we've got some great people trying to work together to solve a problem, but, uh, I've read over the materials that I gave you earlier and those materials after talking to Mr. Mc Millian who co-authored that article...I've talked to experts who cannot even fathom the idea of a juvenile detention facility being built in conjunction with an adult facility and sharing those resources. They say today by national standards that that is unfathomable, that that is something that should even...shouldn't even be considered, because of the residue that, that young people get from an experience, a potential experience like that. We've got the people in place, we've got the resources in place, we've got the community behind us. I just, I would just ask you, once again, to please reconsider your view and give us a shot to finish doing what we've been doing a good job at doing and to also help you in the long term plan of helping, helping young people not to go out of county or out of state to get their treatment services provided, but for us we know, I mean, we've heard it, we've heard it tonight, we've heard it separated between detention and treatment, and I'm saying that our staff maybe uniquely puts those two components together and does something really, really wonderful, really complimentary to their efforts. They have an empathy and they have a care, they have a concern that just, uh, it's going to be missed somewhere if the county decides to build that facility. It's...you're gonna have...you're gonna lose something there. You are going to lose something that's really valuable. That's really, uh, really, uh, life changing to a lot of people and has the potential of being more so, because down the road as we do this we keep getting better and better at it, and, uh, you just don't want to overlook that and take it too lightly.

Commissioner Mourdock: Thank you.

President Mosby: Any other questions or comments?

Commissioner Mourdock: Just the question, where do we go from here? I heard basically three plans and two different numbers. I said 20, you said 20 and Catherine said 24—

Commissioner Fanello: 24.

Commissioner Mourdock: —um, I obviously said let's go with the Rescue Mission, and the two of you are saying let's go with something as part of the new project, so—

Commissioner Fanello: I want to make...I want to make something clear that I think keeps getting missed here. I mean, we are not discontinuing our relationship with the Youth Care Center in anyway. I keep hearing, hearing that, and, and I just don't think that's Judge Niemeier's intention, and that's certainly not my intention throughout this, so.

Sharon Marsch: How would you use the Youth Care Center then, because you are really confusing me.

Commissioner Fanello: I, I don't...and I wish Judge Niemeier was here so that he could better explain his viewpoints and maybe that is something that the Rescue Mission needs to sit down and talk with him, but it is not his intention to discontinue the services of the Youth Care Center, so.

President Mosby: I can try to explain it, I hate to speak for Judge Niemeier, I really do, I mean, I sat in a meeting with him for I guess two and a half hours, I'm not sure—

Gerald Summers: I'll say it this way, we have a meeting Tuesday, Mr. Perry, you and the Judge and I, I think, talked about some other issues. My understanding based on what the Judge has said, uh, if the Commission...it was your decision, and your direction and once you reference a facility, and once you made your determination of what you would do, then we would go from there as a court, and based on what your decision, whatever you decide here on which way you go, we are going to work with the Rescue Mission, uh, and Youth Care Center like we've been doing in the past. If you go with a 24 bed facility attached to the jail, the Judge would look toward Mr. Niemeier to do the treatment for the young people. So, there will still be some combination in working with the Youth Care Center. Mr. Perry, excuse me.

President Mosby: That is similar to what I heard the Judge say that day when we were in that meeting—

Gerald Summers: Yes, that's what we talked about in the meeting.

President Mosby: He's looking at this facility, if we build it with the jail complex, the community corrections complex, as a place for either the Sheriff or the Evansville Police Department to be able to take a child on a spur of the moment, not try and hunt down a parent or anything else, and put this child in detention. At that time when the child, I guess, goes to court, and I'm not sure how all that works, it's up to Judge Niemeier at that point to decide what he wants to do with that child. If he's looking for treatment, it would be that that child would go to the Youth Care Center.

Commissioner Mourdock: Well, I am certain this will not be our last conversation on this, and we do have a group of people gathering for the other meeting, but I just want to say again, Catherine, my concern is if we do this ourselves and, again, I said it isn't the politicians here now, as time goes by, there will always be a greater use to...or a greater instinct to use our own facility because we've got to pay for those anyway, and I fear that we might dry up the program that we presently have with Youth Resources, however, having said that, and what the two of you have proposed, although the number varies somewhat, personally I would feel much better if we are going to go that direction, that to confirm what you've also said about your commitment to the Youth Care Center, that we go ahead now and begin some long term, or some discussions that would lead to a long term contract to make sure that we don't dry up the well for them, because they do a great service.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: It's going to be sometime before, uh, we're ready to break ground. Their volunteers today, if they read in the newspaper tomorrow that it looks like Youth Care, for whatever reason, is drying up, they could find other priorities. I think we need to send a strong message to them as well that we are committed to that. You are saying we are.

Commissioner Fanello: I am committed to that, and I will support a long term contract with YCC.

Commissioner Mourdock: Okay. Alright. In that case I would move then that we direct the County Attorney to, uh, begin discussions with the board of Youth Care Center to have some long term contract in place, the terms of which, obviously, they need to report back to us.

Commissioner Fanello: I second that.

Commissioner Mourdock: And secondly on the number, um, and I...will the two of you agree with me that given the budgeting that we are looking at, any number we put out tonight is somewhat of a target? I mean—

Commissioner Fanello: Uh-huh. It's a target. I'm going with the 24 that was recommended in the PMSI study, so.

Commissioner Mourdock: Make it as a motion.

Commissioner Fanello: I'm gonna stick to that.

President Mosby: I'll go with whatever the consultants tell me is easier to build. If they build it in eights, tens, or twelves, I'll go with 16, 20 or 24.

Commissioner Mourdock: Okay. Sounds like we don't have clear consensus on a number, all we can say is that—

Commissioner Fanello: We have to give them some direction so that we can finish up our contract.

President Mosby: I would say we give them direction to look at 20 to 24 beds, and however that... I mean if it's built in pods, and it's built in pods of ten or 12 or eight, you know, that's what we need to look at .

Commissioner Mourdock: Okay. Make it in a motion.

Commissioner Fanello: I'll make a motion that, uh, I guess, we need to direct the County Attorney to make that a part of the contract, because I know that the design team was waiting to hear what we did tonight. So, I say we look at a 20 to 24 bed Juvenile Detention Facility.

Commissioner Mourdock: Okay, and just as a formality here, I will second that with the provision on my part that, obviously, all the other budget limitations that we have, I think, are going to be dependent, uh, or will help determine that final number.

Commissioner Fanello: Okay. Second.

President Mosby: I have a motion and a second. So ordered. At this time we need to adjourn, no, we won't adjourn—

Commissioner Mourdock: We're going to recess.

President Mosby: We're going to recess this meeting to reconvene in ten minutes, the County Commissioners meeting.

The Special Juvenile Detention Meeting was recessed at 6:10 p.m.

**Vanderburgh County
Board of Commissioners
July 30, 2001**

The Vanderburgh County Board of Commissioners reconvened this 30th day of July, 2001, at 6:20pm in the Civic Center Complex Room 307 with President David Mosby presiding.

Call to Order

President Mosby: I'd like to call to order or not call to order, but we're going to reconvene the Board of Commissioners meeting of Vanderburgh County for July 30th, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight, we will have Tammy McKinney, Superintendent of County Buildings; Counselor Phil Hayes is floating around somewhere, so is Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. If everybody would, let's please stand and say the pledge.

Old Courthouse Task Force Presentation

President Mosby: We're running about an hour and a half behind tonight. What's new? I was going to say that before Susan Taylor said it. At this time, what we will do is start and have the Old Courthouse Task Force give their presentation and I'm going to ask that you do this and try to hold it to a 15 minute minimum or so, or maximum not minimum, maximum. So if you can do that I would appreciate it since we are so far behind. This was supposed to take place at 5:00, but at this time if the Old Courthouse Task Force, Mark, if you're going to do the directing, you're on.

Mark Owen: How are you tonight?

President Mosby: Wonderful.

Mark Owen: Good.

Commissioner Mourdock: Depends on how much money you want.

President Mosby: That was before you give this report.

Mark Owen: And it could be worse, you could have zoning night.

President Mosby: You've got a point there.

Mark Owen: Well, we appreciate the opportunity to be able to come before you tonight and to briefly highlight some of the items that were identified in the report. As you know, you asked us to form a task force and to look at a number of areas

which we identified as to review the operations of the facility, examine the physical structure, review the financial condition, develop a highest and best use determination, and establish a time table and a plan of action and we have tried to do that. Basically as a form of introduction, I think we all know how we got to this point and the important thing is where we go from here and we hope we will have identified some of those areas that we think will make that step a little easier and with that, I'd like to start out with David Matthews, who has completed his committee work on section one, which is the highest and best use analysis.

David Matthews: Good evening. My name is David Matthews. I was chairman of the adaptive review subcommittee. It included Don Cox, Phil Goss, Melinda Jarboe and myself. And our task was to study the physical, legal and economic factors affecting the property and make a determination as to what the highest and best use of that property is, the Old Courthouse. And of course, the highest and best use is that use that generates the greatest net present value of the property. The conclusion I'll start with, and I'll give you a summary of how we got there. The highest and best of the Old Courthouse is for local government offices based upon the physical, legal and economic analysis, and I can give you a short, medium or long, and I understand I'm supposed to give you the short. So I'll just go right to the conclusions. The subject is several physical and location limitations on reuse. These issues make the building undesirable for retail and residential reuse. Industrial reuse would probably not be allowed by zoning except for storage use. I'm reading from page five of the part of the study. Office reuse by private businesses is a marginal reuse at best, and that's private businesses. This has been tried for decades with high vacancy. The optimum reuse potential is for government office use. Storage is a possibility for various spaces in the building that cannot be remodeled into office or for interim use until the remodeling takes place. The building does need some work and Will Fosse will go into that in more detail on the exterior, but the interior needs new floor cover, paint, rework the HVAC system, it does need a water tight roof, electrical upgrades, new windows and increase the HVAC efficiency, and dedicated parking would be desirable. I've used the GIS system. I don't know how many times you've had the opportunity to use this system that you guys were instrumental in creating, but this I got this morning from the GIS director and that shows the downtown, highlights where the Old Courthouse is. And the reason I did this is to show where parking is located. You can see there is a substantial number of parking lots surrounding this. There's parking available. Some are just underused down on Second and Court next to the Girl Scout property, there's a couple of lots there. North, of course, is the Coliseum and north of that are some other spaces. Of course, the parking garage, the city parking garage is available as well. So there is a tremendous amount of surface parking and some garage parking close by and with a little thought and consideration given to this, I'm sure adequate parking can be generated. There are adaptive reuses for a private market and they're already being done and in effect, and that's the telecommunications usability because it's a very sound, solid, sturdy building located right next to AT & T, which makes it ideal for that use. But government office is the highest and best use of this property. It looks like a government building, operates well for that, and with some money it can be a first-class facility from our point of view. Any questions?

President Mosby: Thank you very much.

Mark Owen: The next portion is the building assessment subcommittee and Will Fosse.

Will Fosse: Thank you. My name is Will Fosse. I am the chairman of the building assessment subcommittee. Other members were Dennis Au, Nino Cocchiarella and John Stoll. The building assessment committee looked at six areas after investigating and inspecting the facility. They are building envelope, ADA requirements, mechanical and electrical systems, lease modification/controls and limits, parking and cosmetics. We took three of these and looked in detail. One is the building envelope, ADA requirements and cosmetics. And one of our concerns in the building envelope was getting a structure that was water tight roof, exterior walls, windows and we also were very concerned with maintaining historical preservation requirements in doing all of this. We investigated different types of roofing and our recommendations for the roofing are to remove the existing slate, replace it with Grade S1 slate, which is a minimum of 75 year expected life. To do this, we'd also recommend that you do all the flashing, the wall flashing, hip ridge flashings and also the gutters and the interior down spouts. And all of this is part of the building envelope and it's under the cost for roofing but we really don't think it's very wise to do just the re-roofing, we have to adjust the gutters because they need work and then also there is an interior down spout system that has been abandoned. Exterior down spouts are stainless steel and you can notice them. They're in use now. We feel, from a historical preservation standpoint, that the original interior down spout systems ought to be re-established and the cost that we have indicated, do that. As far as the windows, we looked at several solutions to windows and I think, actually, the most economical is to repair and reuse what is there. Now we have to remodel, we're going to take out the existing glass with the (Inaudible) in place, if possible. And then route out new channels and install insulated glass with a Low-E value. So this would have a substantial effect on heating and air conditioning costs and it also is – the windows that are there are -- the lower level windows are the ones that are in the worst shape. They are just, water splashes on them and there are a few sash that need to be replaced, but most of them, most of the windows can be corrected and there are some products indicated in your report that you can use for some of the sills and even repairing some of sash that is damaged. The ADA requirements, in the report there is a plan, of a typical plan of the third floor men's and women's toilets. These are pretty much standard for all floors and there are some costs associated with it. There are also some costs associated with upgrading the, we call them the public areas as far as cosmetics. These are the four corridors and we're talking about replacing the stair treads or repairing the stair treads, adding lighting, repairing the damaged cornices, repainting, there is some floor leveling that needs to take place and repainting and then new ceilings. That is kind of a quick overview of what our committee did. Are there any questions on it?

Commissioner Mourdock: Just to clarify and this was in the paper, which means it's probably right, but I just want to be sure, –

Will Fosse: Pardon me?

Commissioner Mourdock: Your comments this morning or the comment I read in the paper this morning, the estimate that was in there as far as the dollars for the roof said it did not include all the copper work. Is that –

Will Fosse: That's correct. The 737 includes roofing and gutter removal, new sheathing and underlayment – one of the things I neglected to tell you, when they take off the existing shingles, right now, that roofing is installed over nailers that are eight and a half inches on center. And we've talked to a couple of companies that

are capable of doing this re-roofing work, but we're talking about a period of time of maybe three and a half months. And to maintain the water tight integrity of the building, we're suggesting that in an area if they do a quadrant at a time, they take all the slate shingles off, put down a sheeting of a three/quarter inch plywood and then a self-adhesive underlayment and this would make it much easier to keep the building water tight during the re-roofing procedure because there's going to be days and weekends when things may not turn out and they're going to have some problems if storms come up. But the 737 includes scaffolding, slate roofing, new gutter liners, flashing, the interior down spouts. It does not include the four copper clad domes. Now we believe that about 85% of that area needs to be replaced and the estimate on that is about \$70,000 per dome, but that is not one of those operations that need to be done, well it needs to be done but it's not essential to the building envelope. It is running out and it needs to be replaced but it's not as bad as the gutters and the roofing.

Commissioner Mourdock: Any estimate how long those domes would continue in usable service if they're not –

Will Fosse: Right now?

Commissioner Mourdock: Yeah.

Will Fosse: Well, there are some pictures in the report and there are some places where the panel, roughly is 17 X 17 inch piece, is missing. Others, you can see down at the bottom near the flashing that it's cracked and ruptured. It needs to be done but it's not as high a priority as the remainder of the building envelope in our opinion. But it needs to be done in the upgrading process. Any other questions? Thank you.

President Mosby: Thank you very much.

Mark Owen: And I think we'll mention this, but literally, if you go up in the attic on the fourth floor, I mean, you can see daylight coming through the holes, it's that bad. And so it's extremely essential that the roof is repaired as quickly as possible. The third section is covered, financial and operations and Marsha Abell.

Marsha Abell: Good evening. The committee for the financial and operations that I chaired included Mark Owen, Robert Woosley and Tammy McKinney. The first thing I think I'd like to talk on is the financial because I'm sure that's one of the issues that you're mostly interested in. We feel that, of course, the May income is going to have to come initially from the county money because there's really not another way to bring in money at this time, but we would hope that with money from the county we can eventually lease out and rent out this space and bring in some income that way. It is our recommendation that a not-for-profit organization be formed to do fund raisers and to do membership drives. There have been two or three in the past and in a discussion with some of the members of the most recent one, we feel like to just resurrect an old one would leave too much of a stigma there, so we think you should have a whole new organization with a new name. Possibly keep the same tax exempt number that the old one has to avoid some of the legal problems of setting up with bylaws and that type of thing. Operations, I think that the folder gives you pretty much indication about operations as far as maintenance and day to day activities are concerned. What I would like to talk about is the tenants who we think could go in there and as you know, Mr. Matthews

told you that we feel the best use of this property is for government offices. If you'll look on page three of the section for financial and operations you'll see several areas that we have indicated that we think could and should be relocated into the Old Courthouse. Most of them, you're quite aware of. I would like to, since it's in my area, point out when we talk about record storage and Clerk's records, we would like to see that more than just a storage area, but more like archived type library for genealogists and that they could come in and look at reports. We could keep it open maybe a couple days a week. The Genealogy Society, one person I talked to said they would be interested in helping volunteer to keep that open. We think that might possibly meet some of the requirements that the grants have that legal activities goes on, that some court activity has to go on in the Old Courthouse to get a grant, so we think that might meet that standard if we had an archive library of court documents. The others that you know that I'm in favor of is moving the Election Office over there. I think that would free up a good piece of space in this building that has been long misused. It's actually a nice office with windows that has the election equipment sitting in front of it and used for storage than anything else. We could move the Election Office over there with minimal disruption because this is a non-election year. It would be a great year to do it. The downstairs area of the Old Courthouse, the first room on the left would only have to be made sure that it's waterproof. It doesn't have to be fixed up. We could put the election equipment in there and that, in fact, is where the old lever machines used to stay when we had the old lever machines and we actually had the offices in the Old Courthouse. The ramp that is out front was built for the purpose of loading and unloading those old lever machines. Then there is an office upstairs that could easily be transformed into an office for the Election Office. The main thing the Election Office needs is just enough space for people to absentee vote during the thirty days before the primary and thirty days before the general election. Also with that, you could certainly move the Voter Registration Office over there with it, but I'm not in charge of Voter Registration so you'd have to take that up with those people. I will commit to the Election Office, though. If you look on page four, we talked about courtrooms because, again, with grants, on courthouse grants, and I'd like to tell you that there's over a thousand available for the Old Courthouse restoration, almost all of them indicate that there has to be some type of court activity going on for them to give you those grants and, of course, they have to conform with historical preservation.

Commissioner Mourdock: Let me ask you a question. When you say court activities, do you mean by that actually county government activities or specifically court activities?

Marsha Abell: We think they mean actual court activities which is why we felt that if we had a legal library, a court record library, that might meet that requirement of court activities. I have talked to Judge Niemeier and he is willing to look at moving Juvenile Court over there. He, of course, doesn't know whether the Health Department is going to be available in two months or two years and that would make a big difference in what he wants to do. If it looks like it's going to be long range, he said that he would take a look at the Old Courthouse and while we are indicating that, for those of you that have been over in our building and know the Judges have a problem with courtroom space and other things, that would empty out the first one third of the lower level of this building over here. That's how much space that Probate and Juvenile occupy. And they could move out with very little problem because they have very little connection with the rest of us, even with my office with the exception of computer lines and you'd have to, you know, we'd still

have to have computer lines over there. I'd like to show you or I don't want to show you, these are some pictures that have been done of what a courtroom could look like over there and, in fact, there is a courtroom that is available that could look like this. And we felt if Judge Niemeier could see this...and the space directly across the hall from that particular courtroom is totally vacant and could easily be adapted for offices for the Judges staff and there is an office connecting the courtroom that particular staff which could be a place for the juveniles to be held. Here's some samples of some fabrics. One of the problems that the Judges complained of when they used the Old Courthouse recently was the noise factor and one of the problems when you have noises, because there's no one over there and there's nothing to absorb the noise. If you had people with clothing in there, and you had a upholstery on the seats and draperies hanging at the wall, that would absorb a great deal of the noise and put a better sound system in, I don't think that would be the problem that it was the last time. In fact, I talked to the Clerk in Ft. Wayne and they did renovate their old courthouse and they do use it, and she indicated that one of the things that they had to do was put a great deal of fabric in the rooms to cut down on the noise. The other tenant for court activities that we mentioned was Small Claims. Now at one time when someone mentioned that to me, I said it would never work because a lot of people that come to Small Claims Court are incarcerated and that would be a big problem for Sheriff Ellsworth. However, there are other Small Claims activities that we could isolate by cause number that would not require anyone that's incarcerated to be in court and those are things like the city bringing their ordinance violations into court and some of the other neighborhood spat type things. Most of the incarcerated people are picked up on rents or there are evictions that have been put in jail because they've been taken out of their home, that they've been thrown out of. So I think that with a little creativity and two Small Claims Court, which we could already use because we're very, very full in Small Claims Court, we could move part of Small Claims over there and I would think if we have one of any of those three factors, we should be able to get some grants based on court activity. And I would recommend that if we look at grants, we hire someone who is a student writing grants because I'm not one of those people. Thank you.

President Mosby: Thank you very much.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Go ahead.

(Tape Changed)

Mark Owen: As Marsha mentioned, actually recommended the establishment of two different groups. One, an advisory board, as such that could help with the operations of the building. But secondly, a foundation that would help raise money and sponsor events and things like that, that would generate additional income to supplement the county. I would also point out that on page five of that report it gives you a little description about the current operations of the society. It talks about some funds that they have available and some recommendations on where we might be able to work with that. Briefly, I'd like to give anybody, any of the other committee members, an opportunity. Does anybody want to say anything?

Don Cox: I'm Don Cox. It's been a pleasure working on this committee with these people and I think they've put a lot of time in. I've never been known as a

preservationist. In fact, a lot of people think I'm just to opposite, but if there's ever a building in Evansville that needs to preserved, in my opinion, it's the Courthouse. Besides sealing it up and keeping the water out of it and the weather out of it, you're going to have to look at the long term of doing new electrical wiring, communications wiring, heating and air conditioning, some plumbing work, this sort of thing. So, we're talking about more money than the \$700,000 or \$1,000,000. We're probably talking about quite a bit. But I hope you will consider that and preserve this building. It should be used for government offices. They've tried for 30 years to use it for other offices and retail, and it won't work. People don't want it... I'm in the real estate business and we lease office space all the time. People don't want in a building that looks like a courthouse for a regular office. So, you've got to consider the use of it as government offices. And I hope that you will vote favorably on preserving the Courthouse.

President Mosby: Thank you Don. Anybody else have any comments?

Commissioner Mourdock: I have a question or two, and I don't know which member wants to address it, but Marsha mentioned what they have done at Fort Wayne at their courthouse and I've been in probably 30 courthouses across the state in the last few weeks and I'm amazed at how many of them have gone through this same process that we've gone through. Probably the only one that comes close in size is the Allen County Courthouse. I'm curious, as a group did you use any of those other courthouses or the people in them as a resource not just for what they are today, but how they did it? In other words, did they do this nonprofit route? I'm sure they did it through grants, but did they also have a nonprofit side of it out there that they funded? Do we know that?

Mark Owen: My guess is Allen County did not.

Marsha Abell: No they did not. Allen County is very fortunate, the Smithsonian Institute did theirs.

Commissioner Mourdock: Okay, how do we get them?

Marsha Abell: You need to hire a grant writer because that is something I am not.

Commissioner Mourdock: You know one thing, and I thought Don was going to say this a moment ago and I think he was kind of leading to it, and I've said this many times, but we need a long range plan for what that courthouse is going to be. Certainly there are several things that you have presented as possible tenants in that building are a part of that plan, but I would offer just as an observation, again this is probably after going through a third of the courthouses here in the state in the past sixty days, when courthouses have been rejuvenated, when there has been all of this massive reconstruction and all this investment, almost always what I see is either that courthouse building becomes the courts building, or it becomes everything else. And by everything else I don't mean just the Weights and Measures and the Voters Registration, but it means the Commission office, the Auditor, the Assessor, the Treasurer, and Recorder. I mean those are the five groups that typically end up in those "old courthouses". Obviously there's so many inter-workings between a jail and the courts facilities that I think that has kept a lot of communities from...they've build a new jail on the outskirts of town so they aren't going to put the courts people in there. They move the courts people out to the outskirts of town. Certainly I have spoken here before about having a plan and trying to see who we can move in there. But again, learning as we go here, the more I see

of it the more I wonder if we ought not look at it as moving those constitutional offices over there to also further justify what we're doing. And I would volunteer to move, yes.

Marsha Abell: I think one thing that the three of you need to tell us if you want us to do anything further, or even who you decide to put in place of us, we're either going to just fix this place up enough so that you can lease it out and the roof doesn't leak and people can live in it, or stay in it, or we're going to get all the guidelines for historical preservation and abide by them 100% which will give us the ability to get grants. We can't ask for a grant, submit for one, and then violate the rules because they're going to pull the grant. They're not going to let you have it. So, I think we need a direction first just to what you want to do. Do you just want something that will get by, or do we want to say we're committed to make this a historical preservation building and we're going take it right according to the guidelines? And the guidelines as all of you know...I live in a house built in 1913 and when I saw all of the stringent guidelines I have to go by, we elected not to put our house on the historical register because they're pretty stringent.

Commissioner Mourdock: And it's a very pragmatic thing as well because if we're going to be successful in getting a grant the people who might otherwise be giving us that money are going to want to know that it is not being done a Band-Aid at a time, but they're going to want to know before they write the big check, what's this thing going to look like when it's totally finished? And if we don't have that plan in place our chances of getting any noteworthy grants, I think, are slim and none.

Marsha Abell: And I think Dennis indicated at one of our meetings that this is one of the major examples of this type of architecture that you see.

Dennis Au: It's considered by the federal government as eligible for landmark status which is the highest rank that a historic building can achieve. We've had architectural historians come from other parts of the country that are just amazed at this. They say that some statehouses don't have the quality that this building does. But your point is extremely well taken. We are suggesting that the roof be done right away because that is a major concern that would have to be done no matter what. But then that gives you time to put together a committee that can develop a comprehensive plan for renovating the interior and for, in an organized manner, moving people back in there. You need a plan, doing it piecemeal here and there isn't efficient, isn't good for the building. But you do need to put this committee together to put together a plan.

Commissioner Mourdock: Question?

Commissioner Fanello: I was just going to say to add on to what Marsha said, since this is coming up at the perfect time, near budget hearings, I think that we ought to bring this up at budget hearings over the next week or so and just see what commitment Council can give us as far as restoration.

Commissioner Mourdock: With the advisory board that you were suggesting somewhat generically, were you suggesting specific members to that as well? Is your own group...

Mark Owen: No, we just basically made the recommendations and...

Commissioner Mourdock: Okay.

Mark Owen: The only recommendation, in terms of the technical expertise, we did have a recommendation, I believe it was on page four, some technical services that were needed. And again, we covered this so quickly, you're just going to have to take some time to really go through it in detail, but we did recommend that one of the problems with the heating and cooling system it's going to take a more thorough review than what we really had the expertise to do. On the second part, we need to hire an architect to be involved in the roof, the gutters and all of that. We did recommend that if you do that you consider Will Fosse because he has spent countless hours developing some ideas and some concepts on how best to do it. So, there's a number of things in here, but basically, you know, you're going to kind of have to go through it in more detail than we have tonight.

Commissioner Mourdock: To do the total project in some way, in other words the opposite of the Band-Aid approach, can you offer us any type of number what so ever? I see people looking off into the sky.

Mark Owen: This is Will's department. I don't know.

Commissioner Mourdock: And I'm looking for very, very round numbers here. And the reason I ask is not...and I know we don't want to have the experience of saying this is the number and forever it's the benchmark, but by the other hand I think that the three of us-

President Mosby: I learned my lesson about throwing numbers out, so I ain't saying nothing. I'll go with \$50 million and I'm staying there.

Commissioner Mourdock: It's not a trap in that since this is the type of project, and I've said this before too, this may be the only project in Vanderburgh County where the majority of the voters would say, yeah I'll pay a little more in taxes for that. But if we're going to sell this project I think that we need some reasonable expectation just to begin to say it's something between here and here. I'm just looking for that number. We know it is at least \$737,000.

Mark Owen: The range that we are kind of currently looking at right now is between \$5 million and \$10 million.

Commissioner Mourdock: Okay.

Mark Owen: Now, there are other things that can effect this and some of them...well, it would be very nice, we think, if you had this type of building and a person going by did not see any air conditioning equipment above grade or didn't see any electrical transformers above grade. This can be done, but it takes money and there are some things that have to be done and then there are some things that we could do to make in nice and more pleasant. I really hesitate to say that it is \$5 million to \$10 million because it could easily go over that depending on how sophisticated we get with air conditioning system and the types of controls that we have.

Commissioner Mourdock: Okay, that's fine.

Mark Owen: You can have a fairly simple system and it does the job, but then you can have a very sophisticated one. It does need upgraded as far as electrical and data wiring and this kind of thing. Well...you have a figure.

Commissioner Mourdock: That's fine.

President Mosby: There's a number.

Mark Owen: We would like to thank the Commissioners for asking the group to get together and taking the time to listen to us and to explore this. We hope that we have been able to give you some direction and some ideas on where you might go from here.

President Mosby: I would really like to thank you all, I mean, this study is very thorough from what I can see. I'm not sure I expected all this when we first asked you to do it, but...and it would be my hope that if we do anything further that we would look to you all first if you want to continue to serve as a part of this committee or be a part of the Old Courthouse, if you are willing to, that you would stay on board. I do appreciate all the work you've put into it and the hours that you've worked with Tammy and what you did at the Old Courthouse. Hopefully we can move forward on some of these recommendations now and make good out of what we've got. Any other comments or questions?

Commissioner Fanello: I just wanted to reiterate by saying this is probably the most professional looking thing that I've seen since I've been here. I really thank you for it.

Mark Owen: And Phil did ask me, he poked me and wanted to know if the Council had copies, and yes they do. I think Tammy is going to make sure that they get copies, right?

Tammy McKinney: I can do that.

Mark Owen: Okay, thank you very much.

President Mosby: No, thank you and we will be contacting you.

Troy Tornatta: Just real quick. Troy Tornatta, County Council. Have we developed a numbered priority list on any of this? And this is something that I think the Council could use as far as knowing what you actually think is a priority. If this is a top five priority we'll kind of have an idea of how to judge the amounts that we are looking at. If this is in the bottom half of the priority list then we'll have a better idea of what we need to look at. I mean, is that a possibility? At one time we had talked about prioritizing lists and trying to figure out where things are. Is this anything that—

President Mosby: It would be my priority from everything that I've heard, and I've not been over there yet, but evidently we need to put a roof on it pretty quick.

Troy Tornatta: Right. Well this group worked real hard and I wasn't able to make as many meetings and I apologize to the group because they've done a fine job on the outline.

President Mosby: And I like that with what Mr. Fosse did where he prioritized I think the roof and gutters and down spouts along with the windows as being one of the first things we need to do, and I think that's what in my personal opinion I would be looking at.

Troy Tornatta: But I think you've heard from the consensus that what this body was looking for was from the Commissioners an idea of the total package priority. Is this something that we want to look at as an event that we want to invest a majority of

our monies in, or is this something we're going to piecemeal? I still don't think we got that answer.

Commissioner Fanello: Well, I think you'll have to give us that answer next week at budget hearings.

Troy Tornatta: No, no, no. That bug doesn't go there.

Commissioner Fanello: I mean...

Commissioner Mourdock: We agree, Troy. I think it is this board's responsibility to say what the priorities are for the county. I listed my two objectives at the start of the year, one being the jail and the second one being the Old Courthouse. I think we need to do that as a group. Certainly there are a lot of other projects out there demanding money right now - new voting machines, Jonathan's here maybe to talk about that, I don't know, but new voting machines and a lot of other things where we're not just talking about a few tens of thousands of dollars, but hundreds of thousands and millions and I think we need to know what our priorities are.

Commissioner Fanello: I think we need to read through the recommendations here and digest it and...

Troy Tornatta: Right, and if it so pleases the Commissioners, then I believe that maybe some time in one of the meetings you could have your list of maybe the top ten and what kind of weight we want to put on those because I think that is going to be very important in knowing how far we want to go with this project. Because this...when they say \$5 to \$10 million, I think that's a big understatement on what that facility needs to make it a building that we want to go in and use day in and day out. It needs a lot of work.

President Mosby: I think probably, and I don't know if this is what you are asking me for sure, but one of my main interests right now is going to be to put a roof on it and try to restore the windows. And then from there get an architect and let's get a phase one, two, three and four and see how much money we're talking about in different phases. I mean, if it is electrical one, HVAC next, you know, that's fine. But I am very interested in getting a roof on it, windows in it, and then get an architect to look at the whole thing.

Commissioner Mourdock: Would you agree, David, before we get that architect, or maybe simultaneous with the architect, we also tell him who we are going to put in the building? Because it seems to me the amount of architectural work that is going to be done is going to be somewhat user specific. If in fact you moved over the constitutional offices it may not actually take as much architectural design as if you used it for a bunch of small offices and had to cut it all up.

President Mosby: I will agree with that.

Troy Tornatta: That depends how you want to fix up that building.

President Mosby: I mean I don't intend –

Troy Tornatta: You really have to know what kind of look you're getting at. That was my main question to know that this is a top priority, or if we think we want to piece it a little bit like, David, you're talking about. Do a little bit here and then do some

steps here, and then kind of –

President Mosby: No, no I'm not talking about piecemeal, so don't ever say that. I'm talking about putting a roof on it and putting windows in it and we don't need to know who is going to be in there to do that.

Troy Tornatta: Okay.

President Mosby: So, I mean, the roof is not going to be any different. Then I'm saying we can decide what we are going to do with the building and have an architect do the whole thing. And then we can look at it in phases.

Troy Tornatta: Okay.

President Mosby: But I'm not talking about doing phase one and then ten years later doing phase two. I'm talking about when you get it all together you can look at funding it one phase after another.

Commissioner Mourdock: And Troy, just to clarify, I think we had \$600,000 in the budget for next year–

Commissioner Fanello: Yes, so we'll need a little more.

Marsha Abell: And that's one of the things that I wanted to ask you, seriously look at a grant writer because there were some grants that I just quickly scanned on the Internet that if the county would put up a certain amount they would match it. You'd hate to spend \$900,000 and find out if you put up \$1,000,000 they'd have given you another \$1,000,000.

President Mosby: Exactly.

Marsha Abell: So I think you really need to seriously look at someone that knows how to write this grant and look into it and see what is realistically available for us.

Commissioner Mourdock: In addition to looking at those grants, back in 1995 I believe it was, the state, because there were so many old courthouses in a state of repair, put some legislation together to help create some funding methods to do that through the tax rolls. So that's something that we need to check out, I don't have enough details right now to say how that would work.

Marsha Abell: You might even check with Mr. Weinzapfel about Build Indiana funds.

President Mosby: I was going to say, we might need to talk to you.

Phil Goss: My name is Phil Goss. I was on the highest and best use committee. One of the things that I wanted to bring to the Commissioners' attention here is not only were we looking at the Old Courthouse as an object and what do we need to do to it, how can we best use it, but also what are the county's needs and how can we best satisfy the county's needs as far as real estate is concerned, office space, that kind of thing? One of the things that we realized is that it is a question of fiscal responsibility that it is going to be perhaps cheaper to do this and use that as the space that we otherwise rent out from other private places around town. Ultimately we have a big beautiful, potentially beautiful, building. It is beautiful by its very nature, but it needs some care. In the long term, I think, it was our shared opinion,

if I can speak for the group on that, that it would be more fiscally responsible to invest in our own infrastructure that the county does own free and clear rather than paying rent at \$15.00 per square foot per month, or whatever the rate is, to private office building holder. So, I think so far as that is concerned it's an investment that will recoup itself through savings of monies not spent elsewhere.

President Mosby: Thank you.

Commissioner Mourdock: Tammy, what's the longest extension that we have on any of the leases presently?

Tammy McKinney: Right now the only one that has a lease still valid is Community Telephone. They have a pretty extensive lease.

Commissioner Mourdock: Okay, like three years or something?

Mark Owen: It's like a three year lease...(inaudible)...we've got it listed in here. I think it's a total of 18 years.

Tammy McKinney: Yeah, it's pretty extensive and it's the only one that's still current. It doesn't even expire until the end of October and then they got those options.

President Mosby: So that means it was signed two years and ten months ago. Any other questions? Thank you all very much, we appreciate it. You're welcome to stay for the rest of the meeting.

Commissioner Mourdock: Thank you.

Madelyn Grayson: David, can we make another tape change?

President Mosby: Okay.

(Tape Changed)

Madelyn Grayson: We're back on.

Approval of Minutes

President Mosby: We're back. First item of business, approval of the minutes of the July 23rd meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Um, you need to do both parts of this, Catherine, because David wasn't here. So, I'll make the motion that we approve the minutes from last week.

Commissioner Fanello: I'll second.

Commissioner Mourdock: And you do the so ordered.

Commissioner Fanello: I'm sorry.

Commissioner Mourdock: And you have to do the so ordered since—

Commissioner Fanello: Oh, so ordered.

President Mosby: Okay. Phil Lawrence.

Phil Lawrence: Award APA013-2001 Tires and Tubes

President Mosby: You've changed.

Linda Nalley: Yes, I have. I'm Linda Nalley and I'm a Purchasing Assistant in the Purchasing Department. I would like to, um, award the Tire and Tubes Bid, APA013-2001. Um, I'll just read the vendors name and the award amount if that's okay with the board? Okay. Um, Master Tire, uh, total award for that vendor is \$65,247.55. Southern Indiana Tire and Truck Center, uh, bid was too high. Raben Tire was awarded \$43,244.05. Reis Tire, uh, was awarded \$127,049.22. That's all I have.

President Mosby: Any questions or comments?

Commissioner Fanello: No, as long as it's been reviewed by the County Attorney.

Linda Nalley: Okay, thank you very much.

President Mosby: Thank you.

Commissioner Fanello: Do I need a motion on that?

President Mosby: I guess you do.

Commissioner Fanello: So moved.

Commissioner Mourdock: I'll second that we accept the recommendations of Purchasing.

President Mosby: I have a motion and a second. So ordered.

Catherine Fanello: Letter of Intent- Evansville Industrial Park/ Graham Packaging
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President Mosby: Catherine Fanello, letter of intent.

Commissioner Fanello: Okay, I have a letter that needs to be signed by the Commissioners. This is concerning the Graham Packaging deal at the VIP, and, okay...she can come forward if she wants, I'll go ahead and explain the letter if that's okay. Uh, basically, we got into a discussion last week, um, you know we're receiving grants from the state and the meeting took place with John Stoll and Ron Keeping and Bruce Stallings at Haefer. We think it is probably in the best interest for the County to administer the contracts and the bids since there are requirements for the grant, so we feel that it will operate a lot more smoothly if we do it that way. That way we are not writing checks to two or three different people. Basically, the Vanderburgh Industrial Park will write the County a check for their portion and we

will administer the bids for the rail spur. So, that is what this letter of intent addresses and it just needs to be approved by all the Commissioners. I do have a copy here if you want to go through and read it. I'm not going to read it out loud.

Commissioner Mourdock: Just one comment from the historical perspective. I think this is very much the same thing we did when we did the Matrix Building out on U.S. 41. There was also a rail spur that was put in, and, John Stoll, correct me if I'm wrong here, but, um, was actually a requirement of the state in the sense of that funding that the funding go through the County. I think that the same thing we are looking at here.

Commissioner Fanello: Yes. So, this basic agreement—

Commissioner Mourdock: The only question I have, or couple real quick ones. The \$919,000 that's quoted here, is that or was that a hard estimate, or a hard bid, or is that an estimate? Or, go ahead.

Allison Comstock: I believe that is an estimate prepared by Bernardin Lochmueller and Associates.

President Mosby: Okay, and is there anything that's otherwise changing, for instance, as they put that estimate together were they assuming prevailing wages versus, or assuming that someone could do this non-union, in which that estimate may be based on a lower number than what the hard bid might end up being? Because the state would require us to bid this prevailing wage, I believe.

Commissioner Fanello: I think John Stoll would probably...has something to add to that.

Commissioner Mourdock: Okay.

Commissioner Fanello: He was in on the meeting.

John Stoll: I was going to say that it would definitely have to be a prevailing wage job because it's over \$150,000. What affect that would have on the bids remains to be seen. Uh, Bernardin's estimates were, I guess, it was a combination of estimates and actual bids that they had received previously when they thought they could do the project as a , um, a private bid as opposed to a public bid.

Commissioner Mourdock: But, we don't...go ahead Ron.

Ron Keeping: Ron Keeping with the Foundation. Discussions with some of the bidders on that subject indicated, I believe, they were using, uh, union labor for their bids anyway, and we think it might not have a significant impact on the cost.

Commissioner Mourdock: Okay. Well, my concern is, obviously, the last paragraph we have about the cost overruns, I hope we don't get into that situation. Am I correct here that assuming that there are no cost overruns, nothing we are doing here is, uh, at odds with what the County Council had previously approved in funding for this project?

Commissioner Fanello: Correct. Assuming there are no cost overruns.

Commissioner Mourdock: Right. Assuming there are no cost overruns, and just for the record here, if there are cost overruns, they are split 1/3 and 1/3 and 1/3 between the County, the Industrial Foundation and Graham.

Commissioner Fanello: Yes. So, I'll move approval of the letter of intent.

Commissioner Mourdock: I will second.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: We will need the original to make copies for the permanent record.

Commissioner Mourdock: Oh, we have three originals.

Philip Hayes: The parties would appreciate execution of, uh, a copy that they may proceed with this evening. I think there is business to attend to tomorrow with this. Is that correct?

Allison Comstock: We can wait another day if that pleases the Commission.

Commissioner Mourdock: We'll sign them in the file tonight, so—

Philip Hayes: They will be signed tonight, so available first thing tomorrow then.

Allison Comstock: Thank you, Commissioners.

Philip Hayes: Mrs. Grayson.

President Mosby: Thank you.

<p>Rose Young: Local Government Sponsorship of Build Indiana Funds for Evansville Rehabilitation Center</p>
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President Mosby: Rose Young.

Rose Young: I'm Roseanne Young. I'm the Director of Contract Management Services for the Rehabilitation Center, which is located at 3701 Bellemeade. The Rehab Center was the recipient of a Build Indiana Fund appropriation in the amount of \$222,000 for an HVAC modification at the Center. I'm sure you all are aware that the Governor had placed a moratorium on the disbursement of these funds because of some questionable disbursements, outside investigations and so forth. That moratorium was lifted on July 18th, and, uh, as part of that, however, there have been, uh, new restrictions implemented, one of which is that not for profits must receive the sponsorship of a county governmental agency prior to we, prior to us receiving the funds. That's why I'm here, to ask for your sponsorship, and, uh, Representative Weinzapfel is here to go into a little bit more detail about the contractual arrangements that the state has mandated we must comply with in order to receive our monies.

Philip Hayes: Let the record show that Mr. Weinzapfel in addition to being a public official is also a lawyer and also contracted with the County to do some work

through his association with Bowers Harrison law firm. So, we would ask him to go ahead and get the documentation together and present this this evening. Jon, just proceed on that.

Jonathan Weinzapfel: Okay. Phil, did you distribute the entire, entire copy of what I had put together?

Philip Hayes: Uh, just—

Jonathan Weinzapfel: Because I had referenced some applications and contracts.

Philip Hayes: —there is just simply a memorandum, I think, that has been made available, to be quite honest with you as of right now in the evening agenda, I don't know how much—

Rose Young: It's not in the folder that I just received, because I've just seen this one for the first time this evening.

Philip Hayes: Well, let me send, uh, down one copy that I have and...fundamentally, I think what the Commission would like to here is what is our legal role in sponsoring the Build Indiana Fund in this particular project?

Jonathan Weinzapfel: For a not for profit the, uh, the County and the not for profit as the sub-recipient of this grant would, uh, basically, fill out an application and send that to the Department of Commerce, um, the County would enter into a Build Indiana Fund Grant Agreement with the state, then enter into a sub-agreement or sub-contract with the not for profit. Obviously, the idea is to make sure that there is an extensive audit trail throughout this process for follow up in the future.

Philip Hayes: For the benefit then of the process...will the legal department be required to develop it's own contractual language, or has the state prescribed the preferred language?

Jonathan Weinzapfel: The Department of Commerce has put together, I mean, it seems to me they modified some of their current Grant Agreements that they use for other projects and other programs to, basically, fulfill this new need with Build Indiana Funds. So, basically, there is a draft Grant Agreement already compiled, it would just be a matter of filling in the blanks actually.

Philip Hayes: Okay, and, uh, when can we expect on this particular project then to receive fulfilled documentation that will require our action? Our consideration on this Commission and, uh, if agreed to execution of that?

Jonathan Weinzapfel: Well, essentially, you almost have two separate processes here. The first is that, um, legislators are obviously instrumental in putting these line items in the budget. They are also instrumental in, um, providing direction to the State Budget Agency as far as the priority by which these projects should be funded. Um, so each, I believe, there are five different legislators who—

Rose Young: Six.

Jonathan Weinzapfel: Six different legislators from southwestern Indiana who played a role in, uh, putting together funds for the \$222,000 total. So, basically,

each of these individually are going to have to make a request to the State Budget Agency for the consideration and therefore the release of the monies. State Budget Agency isn't going to release this money until they see this type of paper trail.

Philip Hayes: If the County Commission agrees, should we initiate and coordinate that work? Or will that be the responsibility of the not for profit.

Jonathan Weinzapfel: I would say it's the responsibility of the each individual legislator and the not for profit. Um, actually, and it's not necessarily a county institution that would be the sponsoring entity. The School Corporation could be. Um, any town, the City of Evansville, all would be under these which could be a sponsor—

Philip Hayes: In this particular project, uh, we were under the understanding, I think, that Vanderburgh County by and through the Commission would be the sponsor—

Jonathan Weinzapfel: Yes.

Philip Hayes: —on the Rehabilitation Center.

Jonathan Weinzapfel: Yes.

Philip Hayes: So, on this specific project then would we monitor the requests by the participating legislators.

Jonathan Weinzapfel: To be honest...I don't see the County—

Philip Hayes: Let them—

Jonathan Weinzapfel: —I don't see the County have a role beyond—

Philip Hayes: Okay.

Jonathan Weinzapfel: —beyond really being the pass through.

Philip Hayes: Okay. So, you recommend a motion on the part of the Commission then to simply proceed? In order to bring this to a...to fruition that we're established as a sponsor?

Jonathan Weinzapfel: If that is the will of the Commission, yeah.

Philip Hayes: Okay.

Commissioner Mourdock: So, what we are doing is we are basically signing on, the money will come to us, and then we disburse under contract?

Jonathan Weinzapfel: Essentially, yes.

Commissioner Mourdock: Okay. How much, Rose, did you say?

Rose Young: \$222,000.

Commissioner Mourdock: \$222,000, okay, and just to clarify then, Jonathan, your

letter, and I've been kind of reading while you were talking so I may not have gotten this, but your bottom paragraph talks about the \$165,000 from the Discovery Lodge, does that mean that as we go forward with those monies that Senator, well, it says Lutz and Server, but, I think, wasn't that actually Becker and Server?

Jonathan Weinzapfel: No, in the 2001 State Budget it was Senators Lutz and Server and myself.

Commissioner Mourdock: Okay. Alright. Will we have to do something different with those funds other than what we are doing there since we are already the County and we're still the County.

Jonathan Weinzapfel: The only...well, actually, the only part of the process which you wouldn't follow would be, you know, the sub-agreement with a not for profit.

Commissioner Mourdock: Okay.

Jonathan Weinzapfel: You still have to fill out the Grant Agreement with the state, and the application.

Commissioner Mourdock: Okay. Well, I'll move—

Jonathan Weinzapfel: I would encourage the County to move forward on that ASAP.

Commissioner Mourdock: I'll move that we go ahead and enter into a contract then with the state of Indiana and the Evansville Rehab Center to, uh, facilitate the funding of a Build Indiana Fund Grant to the Rehab Center.

Commissioner Fanello: I'll second.

President Mosby: So ordered.

Rose Young: Thank you very much.

President Mosby: No problem.

<p>Phil Hayes: Permission to Advertise for First and Second Reading of Amended Title 17 (Zoning) of Vanderburgh County Code of Ordinances</p>
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President Mosby: Uh, Phil Hayes, jail litigation.

Philip Hayes: Yes, and with your permission we have a...if I could take the list out of order. Uh, we have a request, item G on the agenda, which is permission to advertise for first and second reading to amend the County Zoning Ordinance which is title 17 of the County Code to provide for...advertising for first and second readings and amending to allow use group nine to have a permitted use, which is the off track betting facility. The only information that we basically have is that the city has amended it's Code of Ordinances. I don't think anyone is here from the Planning Commission, but Mrs. Behme, Beverly Behme had previously contacted my office. We had, uh, held this until tonight for consideration by the full

Commission, and it's our understanding that the off track betting facility statute of Indiana permits only state sponsored, uh, facilities. They wish to amend the County Code because there are properties that are being reviewed in the county as well as in the city, and it's, uh, and effort to make certain then that depending on what choice is made the facility will have a bonafide use to which it may be attached in the Code.

President Mosby: I'll make the motion.

Commissioner Fanello: Motion to...are you finished?

Philip Hayes: Yes.

Commissioner Fanello: Okay. Motion to allow permission to advertise for first and second reading of an amendment to Title 17 of the Code of Ordinances.

Commissioner Mourdock: Again, just to be specific. Last week when we had this come up we had two of them. There was an EMA one and the off track betting. This one is specific to off track betting.

Philip Hayes: This is specific to off track betting, uh, EMA was simply a matter that requires further—

Commissioner Mourdock: Okay.

Philip Hayes: —editing.

Commissioner Mourdock: Regarding the motion that was made for this, as you've heard me say, I value consistency here and I do not think government should be promoting the gambling industry the way it is, so I, I'm not going to second that motion.

President Mosby: I will second it. So ordered.

Madelyn Grayson: I just want to clarify that we will be advertising then on August 3rd and August 10th for a first reading on August 13th and a second reading on August 20th. Is that correct?

Philip Hayes: I'm looking at you because, you have the schedule, you know when we go to the newspaper and how soon we can do it. If those are the dates it can be the soonest, uh, possible then, I think that's what's required.

Madelyn Grayson: That is the soonest.

Philip Hayes: Yeah. Very good.

Madelyn Grayson: Okay.

Philip Hayes: Thank you.

Philip Hayes: The, uh, item E, jail litigation settlement agreement is a matter that's been considered by this body, uh, previous to this time and there is a substantial document that's been developed and, in essence, passed on to the Vanderburgh County Council for it's consideration. Tonight the County Commission has before you, should have in your packet, a document called stipulation of the parties to enter into private settlement agreement after plaintiff's counsel gives notice to the class. I think, uh, President Mosby may or may not have that.

President Mosby: I'm looking.

Philip Hayes: Do you not have that packet with him, but I have an additional copy, you can take a look at it. At the last consideration of this, uh, previous to the County Council's , uh, presentation, and previous to an extension of time that was given by the, uh, United States District Court on July the 13th by it's order extending the time for the parties to work through, uh, differences that, uh, they might have and present, uh, a potential stipulation. On August the 13th ...we've worked to develop language and worked to develop consensus between the, uh, parties which are the plaintiff's representative of the Indiana Civil Liberties Union, Ken Falk, and the Vanderburgh County Commissioners represented by me, the Vanderburgh County Sheriff represented by our Tom Bodkin. Mr. Bodkin is here this evening and the Vanderburgh County Council represented by Jeffrey Ahlers. All, uh, issues have been resolved among counsel as far as, uh, issues, differences, definitions are concerned with the exception of one, and I'll call your attention to page four of the draft, which I'm calling here presentation draft, and item 13, uh, which has to do with, uh, the necessity of, uh, the defendants, being the governmental defendants, uh, taking steps necessary to provide a jail facility with a capacity of at least, and we've inserted 400 beds, uh, because that is the, uh, approximate minimum, uh, that we realize would take us above the rated capacity and the tolerated capacity of the jail. The tolerated capacity being 329 at this point. What we have done, uh, is work with, uh, Mr. Falk, uh, Mr. Bodkin, Mr. Ahlers on language that would address, cut one issue or two issues, uh, that would possibly cause problems to the County if not, uh, properly ordered. As you know, the Commissioners exercise Executive Administrative authority, the County Council exercises the ultimate decision making power with regard to fiscal affairs. We are sued as parties defendant in this action along with the Sheriff to, first of all assure that the Commission is going to, uh, exercise it's Executive authority, and begin the contractual processes to provide what we call here a facility which can take, uh, any form, reuse of existing space, brand new, uh, in combination, remodel or new construction whatever form it takes in the quoted language from the settlement. We found it necessary to address the, uh, following issue and that is that the parties together, uh, should not be required either by a cause of action on the part of the plaintiffs to force us, uh, or by action, uh, within our, our own deliberations to require an obligation of Vanderburgh County, it's citizens, to levy or increase taxes or to issue bonds, borrow, appropriate funds or approve leases or contracts, or create any statutory authorities or any other kind of taxing funding mechanisms without, uh, action of the Vanderburgh County Commissioners in exercising it's, uh, Executive authority, and, uh, or without the Vanderburgh County Council exercising it's fiscal authority under Indiana law. So, as a result we have developed, uh, some language which is finally different. I, unfortunately, only have one copy of that because our copy machine went down just as Mr. Ahlers faxed this to me this evening a little after 4:00, but I've blocked it in and with your permission I'll read it and show you where it would be inserted. In paragraph 13 you see a space after the word Vanderburgh...the word Council, referring to Vanderburgh County Council.

Commissioner Mourdock: Which line, Phil?

Philip Hayes: It would be the last line in paragraph 13 on the draft that, uh, I've passed out here this evening. This is a printed draft that came down—

Commissioner Mourdock: I have a different copy apparently.

Philip Hayes: Okay. Let me give you, uh, this one and while I'm at it let me explain the process of while we're looking for papers...this is about the 50th draft. This was, uh, picked up from a reader. We asked Mr. Falk who had control of the last, uh, copies to simply e-mail those to us and we would then wrap them, both parties, that is the County Council and the County and now this evening also the Sheriff's attorney, Mr. Bodkin's had an opportunity to look at it, and, I think, that earlier today the Sheriff's department has looked at the parts relevant to them.

Commissioner Mourdock: Okay, so you are deleting the part that is blocked?

Philip Hayes: So the part...yes...the part that—

Commissioner Mourdock: Okay, and start reading that with what would go—

Philip Hayes: —the part that's blocked out and, uh, what would follow is this language:

The parties shall not obligate Vanderburgh County (including the citizens of Vanderburgh County), the Vanderburgh County Council, or Vanderburgh County Commissioners to levy taxes, increase taxes, issue bonds, borrow funds, appropriate funds or approve leases of contracts without the approval of both the Vanderburgh County Council and Vanderburgh County Commissioners.

The parties, all of the parties to this document,

The parties shall not take any action, or seek a court order, to create any building authority, jail authority or other taxing/funding mechanisms to controvert this Stipulation, or the respective rights of the Vanderburgh County Council to approve funding for the jail facility and exercise its fiscal powers and the Board of Vanderburgh County Commissioners to exercise its executive powers.

The intent and purpose of this is to close off, uh, as tightly as possible any instinct on the part of the plaintiffs here, uh, to attempt to bring an action in state court based on this settlement, assuming that we all enter into it, which would require one or the other bodies to act without the other. How that might be possible, uh, would be, for example, if there was a feeling that we had not, uh, exhausted every potential funding resource, and, uh, should be ordered individually, uh, for example, the County Council, uh, be ordered to act on a particular proposal by this body. Or, on the other hand, that this body be ordered and sued, uh, because as you know, the Vanderburgh County Commissioners, by statute, have the specific duty of administering, uh, those affairs which have to do with contracts at the jail. The Sheriff is in charge with those persons that are committed to his care and custody at the Vanderburgh County Jail, but this body has a specific job of seeing that that facility stays in good repair and is able to do the designed functions that it's required

to do. We're more interested in, at this point, trying to close this case. We feel that, and I think all of us that are parties to it feel, that it is not in the best interest of any of us, uh, to litigate out those issues which we are able to settle ourselves. We think it would be...if we add this, uh, a full and fair compromise and, uh, contractual substitute for that kind of litigation. What I would ask, and I think what is expected tonight is that if this language, uh, meets with the approval of the body, uh, that the language be authorized to be inserted in the draft. That it then be forwarded to the County Council, which I understand has a meeting scheduled for Wednesday. I am informally, uh, and without, uh, commitment here, particularly, but my instinct about this is because we worked the language out jointly, uh, that it would be similarly recommended in the other body. Whether they would act on it, that would be their will.

Commissioner Mourdock: You mentioned in your reading, and, if you would, just re-read the last half of the last sentence you just read that needs to be inserted, starting with, uh,--

Commissioner Fanello: I--

Commissioner Mourdock: --building authority, jail authority, or other taxing/funding mechanisms--

Philip Hayes: Yeah.

Commissioner Fanello: He can read it and then I have a question.

Philip Hayes: Okay. Uh, it says;

The parties shall not take any action, or seek a court order to create any building authority, jail authority or other taxing/funding mechanisms to controvert this Stipulation.

Commissioner Mourdock: Right.

Philip Hayes: That is to act in a manner that which is not, uh, uh, already settled and stipulated--

Commissioner Mourdock: I understand. Not to--

Philip Hayes: --as to the relative powers of authorities, and, uh, the respective, again, then the respective rights of the Council to approve funding and the ,uh, rights of the, uh, Commissioners to exercise it's executive powers.

Commissioner Mourdock: Okay, so, this draft of that one paragraph that I have there is something slightly different, and I don't see it as a problem, I just want to clarify. The draft I have says, right after the word Council and almost the third line from the bottom;

Respective rights of the Vanderburgh County Council to approve funding for the jail facility and exercise it's fiscal powers, and the Vanderburgh County Council to exercise it's executive powers.

You've also added something in there about the--

Philip Hayes: Oh, not Council, Commissioners.

Commissioner Mourdock: Okay, that should be Commissioners.

Philip Hayes: Should be...yeah, and the Board of Vanderburgh County Commissioners to exercise it's executive powers.

Commissioner Mourdock: Okay.

Philip Hayes: Yeah, that's something that looks like a typo.

Commissioner Mourdock: Alright.

Commissioner Fanello: My question, which is the same question I've had for the past two or three weeks, who in this room can mandate Vanderburgh County Council to raise taxes? Vanderburgh County Council is the only one in authority over fiscal powers in Vanderburgh County.

Philip Hayes: I think that the, uh, if I understand it at this stage of the proceedings, uh, where that came from...there has been ,uh, a history, uh, a lot of it's an oral history, I don't know a lot of people that are experts about it, but there has been a history of stating that in other counties the Federal Court was approached, and as I understand, it was in Marion County and in St. Joe County, uh, and because the parties were unable to resolve certain questions, and the questions I do not even know what they were. They asked the Federal Court to issue an order, and the order, basically, ordered them to build it.

Commissioner Mourdock: Yeah, and that's your answer. Is the court a party to this settlement?

Philip Hayes: The Courts a party to this degree that it makes a finding—

Commissioner Mourdock: But our Federal Courts says the parties. It isn't just about the Council. It's the parties shall not obligate, so—

Philip Hayes: —That's right.

Commissioner Mourdock: —in addition we are saying the Court shall not obligate. It isn't just about the Commission and the Council.

Philip Hayes: That's right.

Commissioner Mourdock: The Courts agreeing.

Commissioner Fanello: Because the Council can't tell me what to do and I can't tell the Council what to do.

Commissioner Mourdock: That's right, but this is saying that the Court can't tell the Council what to do either. The parties plural.

Philip Hayes: Yeah. This—

Commissioner Mourdock: Inclusively.

Philip Hayes: –the...well, the Court, actually, now, no...the Court, uh, the Federal Court here will, uh, relinquish jurisdiction once we enter into this. This is a contract. It's an undertaking. It's terms are contractual. They are not a mirror recital as the classic, uh, release language says, and the Court will no longer be involved unless there is one or two mechanisms in here where it can be reinvolved, and we've agreed to that, but we think it's to the advantage of the County to agree. For one thing we require that in order to approve a particular point they would have to do it under the Federal statute which has a tougher burden of proof, we think. So, uh, our answer, our answer to that question is that, that we believe that this is in here because, uh, it makes the parties more comfortable due to a history of other counties reputedly having gone to a Federal Court. This doesn't really sound very good, I don't know that they did that. It sounds like a construct, but in any event, we know that a Federal Court calls the Sheriff of Marion County in periodically, asks him to answer questions as to why he hadn't ought to be held in contempt or otherwise, uh, dealt with because of failure to provide a proper ground. So–

Commissioner Mourdock: Given all that–

Philip Hayes: Given all that–

Commissioner Mourdock: –with the fact that I know, uh, the Council has worked on this, I know the ICLU has been involved on this, and I know this, obviously, still needs to go to the Council at their next meeting, but I would move approval of this stipulation to enter into, uh, the Private Settlement Agreement with the one revision, which is the 8 ½ X 11 sheet, paragraph 13 revised with the correction at the bottom of that, that that does, in fact, last County Council should be County Commission. I would move approval of that.

Philip Hayes: Well, that's...we've got two different copies. So, I think your motion...just, I hate to, uh, appear uncoordinated, but we're not. This is the one (Inaudible. Stepped away from mike.)

Commissioner Mourdock: It's corrected here.

Philip Hayes: Okay. Do you want to go ahead and move that one and then, so we don't lose track of the only copy we have.

Commissioner Mourdock: For the record, I will move the adoption of the document as given to us with, one that I've just labeled as exhibit one, 8 ½ X 11 the amended paragraph 13 be included as a revision.

Philip Hayes: As blocked.

Commissioner Mourdock: As blocked.

Philip Hayes: I would ask you to do one other thing. The scope of the, uh, of the agreement that we have here is that, uh, it will be approved...it's approved tonight and if it meets with your, uh, willingness to make...to include this in the motion, that it's approval is subject to the approval by the Vanderburgh County Council at it's next, uh, regularly scheduled meeting, and that the document then be returned, and assuming that it is in uniform condition, that is that it has not been further acted upon, that it then be finalized at the next meeting. If I've got the schedule correct from Mr. Ahlers he's going to...his intention is to meet Wednesday, and the Council

can work it's will, and we can agendize this matter for our Monday night meeting. Mr. Falk knows that's a potential consequence.

Commissioner Mourdock: I'll amend my motion to make it contingent upon passage by the Council. Prior to final (Inaudible. Talking over each other.)

Philip Hayes: As, yeah, as it is now constituted.

Commissioner Mourdock: Right. With this amendment, the exhibit one amendment that I've initialed here to make sure we all know what we're voting on, but I will move that we approve this contingent upon the Council's final action, so that the final draft can be done to correct any scribblers errors.

President Mosby: I'll second.

Commissioner Fanello: And I vote no.

President Mosby: Okay.

Commissioner Mourdock: Okay.

Madelyn Grayson: I will need a copy of that for the permanent record as well. I need to change tapes also.

Philip Hayes: No, it's just you didn't spend...yeah.

Commissioner Fanello: I will not agree to it with that ridiculous language in paragraph 13, because it makes it look like to the public that we have some authority to raise taxes, and that is the Council's responsibility.

Madelyn Grayson: May I change tapes, please?

President Mosby: Sure. Go ahead, I'm sorry. I'm sitting here looking at this.

(Tape Changed)

Madelyn Grayson: I don't believe that I have the entire document for the file.

Phil Hayes: No, you don't. What we would like to do is to, you're simply, you're simply giving that example and we will have to make arrangements to make copies because the equipment was broken this evening and I have another copy which is the full copy and we need to attach that so I will get with you immediately after the meeting.

Commissioner Mourdock: She has the copy from which I made my motion, so.

Phil Hayes: Yeah, that document, that document is surplusage because, you are holding, because it has a memo attached. I realize that you have it there, we will match these up.

Madelyn Grayson: We can get together after the meeting and make copies before we leave.

Phil Hayes: Right and let me give you this in an open meeting. This is a clean copy without editorialization that was downloaded. Okay, we have F, we have another matter that we would as then that also be treated in a parliamentary fashion in the same manner that you have the proposed settlement agreement. The parties have discussed and negotiated a form of an agreement, which I have termed a contractual services agreement for administration of the private settlement agreement. If you don't have copies of that, I have an extra for whomever does not have it.

Commissioner Mourdock: That would be me.

Phil Hayes: Okay and there should be one right underneath the memorandum that was attached to your other draft.

Commissioner Mourdock: Is the one that you are speaking of?

Phil Hayes: Yeah, on my letterhead. Right under that should be one of these. This matter-

President Mosby: (inaudible)

Phil Hayes: Yeah, there should be, there it is. The contractual services agreement addresses the waiver of attorney fees by the Indiana Civil Liberties Union in the stipulation, as you know the negotiation as it developed requested that the ICLU waive it's attorney fees for which it might be entitled by application or order. As a general rule, our research determined that in at least Allen County, Vigo County, Johnson County that various amounts were paid to the ICLU in order to defray it's attorney fees which are statutory under the prison litigation reformat whether they win or loose. They are also statutory under certain provisions under the United State Civic Rights statutes. In an effort to get a settlement, the stipulation was hoped to be at least, without expense. In order to meet that goal, the Indiana Civil Liberties Union, through it's attorney, Mr. Falk, who is by the way a staff lawyer, stated that if this body, the Commission, could come up with a number to defray what would be anticipated as non-legal or overhead costs for the inmates attorney, which again is staffed by the ICLU, for the lifetime of the agreement of \$5,000 then he could, felt justified in waiving the attorney fees. So, when this contract was then designed to first be funded from the Commissioners existing contractual services budget, conditioned on only non-legal expenses being paid which are attributable to this settlement and in this manner the waiver of attorney fees including those under the Indiana Poor Persons statute, which we have recently had discussion of in this body by the Bar Association president at that time. We have learned that the county may be liable for those kinds of fees on applications of poor persons which, of which those persons incarcerated in jails may qualify. That kind of waiver can be effective. In the draft that I have done, since the Sheriff also has a staff of non-legal personnel who in fact are employees of Bamberger, Foreman, Oswald and Hahn, the Sheriff's lawyer, I initially propose that a similar sum of \$5,000 to be paid to them for the lifetime of the agreement which is anticipated to be about three years to pay for overhead items in administering and monitoring. The anticipated settlement, in talking with Mr. Bodkin tonight, he has considered that and has simply said that he has no problem in continuing on the contractual basis that he has, he has no problem in making that, folding that as part of the overhead. Or, we can pay you, I guess, if we force the money on you.

Commissioner Mourdock: Let me give you that option, Tom. Let me clarify something here. I understand that the ICLU and what you are trying to with this, with

the \$5,000, and they are specifically waiving everything else. But, with Bamberger, Foreman, Oswald and Hahn, is this \$5,000 in lieu of the fees that are otherwise charged at the hourly rate for litigation? You keep using the word overhead, I want it-

Phil Hayes: That is an effort to neutralize the nature of the contractual payment. I don't want to make this a legal services agreement, because that would require you going into the legal services budget. The ICLU is not our attorney and I know that, you know that.

Commissioner Mourdock: I understand that. But, I don't care if we neutralize, I just want to hear what it is. Is the \$5,000-

Phil Hayes: Right, pens, papers, telephone bills.

Commissioner Mourdock: So, it is on top of the hourly rate that we would otherwise be paying for litigation?

Phil Hayes: That would be the idea, paralegal and it would be those things that are extraordinary, yes. Now factor into that, we pay for postage, it is an additional expense, we pay for copies, we pay for travel, I think would be an example in the event that was necessary. But in order to keep this matter as uncomplicated as possible, Mr. Bodkin said this evening that it may be better to simply amend this, removing the Sheriff's attorney for the consideration here and just simply stick to the issue of the Civil Liberties Union proposed agreement in the amount of \$5,000 and we have stated that would be for the period from the actual signing of the agreement until the agreement is terminated and that period is anticipated in our entry to be approximately three years in our discussion. If it goes longer than that they are not going to get any money. It is a one time deal. No refunds, no trade-ins.

President Mosby: Yes, sir. Go ahead, I am still-

Tom Bodkin: Tom Bodkin, counsel for the Sheriff. What we are attempting to do is eliminate the problem in the future of expenses that might be incurred where there weren't really any attorney fees to be incurred on watching out for the contract. I don't have a problem with you taking it out and I can tell you now that I think once we get the settlement agreement executed by the parties, I would not anticipate any more attorney fees on the Sheriff's side assuming all things go well. So, if that makes you more comfortable then just take it out. What we are trying to do is eliminate that problem but I don't have a problem with taking it out.

Commissioner Mourdock: I appreciate that Mr. Bodkin, because as I am sitting here thinking that is exactly where my mind is going, once this thing is done, I understand where there may be some contract management from the legal side, if you will, but I don't know if that would be from the Sheriff's point of view and that is your client.

Tom Bodkin: Quite frankly, if there is, are, maybe, we will simply deal with it on a pro-bono basis.

Phil Hayes: I think there will be involvement and it will be from the Sheriff's side. The contract management, as far as this Commission is concerned is all going to be with, it's builders, it's various contractors who are focused on providing the facility itself. But, what we still have to work with on a day to day basis, is the Sheriff continues to have weekly reports that have to be paid. There is going to have to be a continuing

dialogue with the ICLU on incidents that may or may not be reported, on jail inspection reports, on progress being made on items that I think we have experienced at least in the lifetime of this, although, this was in the effort to try and settle it. It is what's called continuing monitoring. I think that less than \$150 a month for the anticipated three years is not a bad trade off in order to obtain a waiver of attorney fees, which although they are capped at \$150 per hour, they are not capped in volume. It is not based on win or lose. I think that is what the prison litigation reformat.

Tom Bodkin: Mine are not quite that high, thank you very much.

Phil Hayes: No, I didn't mean that.

Tom Bodkin: Okay.

Phil Hayes: But, as far as them being able to go, when you wave it out, in the agreement it is quite obvious it's been the position of the Vanderburgh County Council to have this done, to have this stipulation done without expense there. So, that being the case, and it being necessary to continue to try to work with this counsel for the inmates that we in this manner compromise and we pay on a forward looking basis and we do it administratively here. I don't think it is far fetched that their expenses related to this agreement in this situation here will be somewhat less than \$150 a month, but more than a \$100 over the next three years.

Tom Bodkin: As counsel for the Sheriff, I would strongly encourage you with regards to the ICLU component to approve that. It is a good deal, financially, for you. Again, you take me out that is not an issue, I will work that out with you guys if it becomes a problem in the future. I don't have a problem with that. But, it is a good deal with regard to the ICLU and I think it is a good deal for the county and certainly for the Sheriff's department if we can execute that agreement on an administrative basis with them.

Phil Hayes: The other, in any motion to approve, it is contingent, so, it too would be approved subject to action on the settlement agreement by the County Council. The County Council is not required to act on this because it is pinpointed directly to your contractual services budget. That is an effort to meet a criteria that was set there, that the stipulation not have a price tag attached or not have the look and feel of paying any kind of damages or anything else. These are certainly not that.

President Mosby: I guess the chair will entertain a motion.

Commissioner Fanello: I will make a motion to pay the \$5,000 to the ICLU for waiving for the attorney fees because the research that I have done, I think the County could get hit with a lot higher fees than that and I want to cap that at \$5,000 with the ICLU, so I am approving that portion of agreement, or I am making a motion for that portion of the agreement.

Commissioner Mourdock: Pass.

President Mosby: Pass.

Phil Hayes: And if -

President Mosby: Dies for lack of a second.

Phil Hayes: I am sorry.

President Mosby: It just died for lack of second.

Appointment of Robert Canada to the VCCC Advisory Board
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Phil Hayes: If I could do this. I have a report, this gentleman has been here a long time, at our invitation, if you wouldn't mind me moving this up, this is the appointment to the Vanderburgh County Communications Board. Robert Canada is here and we have contacted him and if it would be possible, I would like to introduce him and if you wish go ahead and act on his appointment, or if you can,

President Mosby: Yeah, we can.

Phil Hayes: Bob, do you want to come up for the record.

Bob Canada: I am Bob Canada.

Phil Hayes: Robert Canada is a private attorney, he is a member of the Indiana and local Bar Associations, and an active participant in their sections on criminal law. He has also been a long time member, and I think maybe even founder of the National or State Chapter and certainly the local chapter of the Criminal Defense Lawyers Association, which is active in trying to set standards for the Criminal Defense Bar and they have done a good job with it. Bob, your recommendation, or appointment or the inquiry was made by Commissioner Mourdock at the last meeting. He readily accepted when contacted. So, I invited him to come down.

Commissioner Mourdock: Thank you, Mr. Canada. I appreciate your willing to serve the advisory board under the Sheriff, it is getting to be more and more of an active group, so, we look forward to working with you there. If you are looking for the party responsible, Terry Noffsinger passed on your name, so you may want to contact him. We do appreciate your willingness to serve.

Bob Canada: I look forward to serving. Thank you.

Commissioner Fanello: I guess we need a formal motion to appoint Robert Canada to the Community Correction Advisory Board.

Commissioner Mourdock: I will second.

President Mosby: So ordered.

Bob Canada: Thank you.

Phil Hayes: That's all of the matters that I have this evening that are on the agenda.

Commissioner Mourdock: Thank you for your patience waiting through this long meeting.

Juvenile Accountability Incentive Block Grant
--

President Mosby: Gerald Summers was here earlier and I think that everybody has a copy of the grant. He went ahead and left and I told him not a big deal. A grant

for \$65,000 with a match of \$72. Just need a motion.

Commissioner Mourdock: I will move approval that we go ahead and submit the grant request for the Juvenile Accountability Incentive Block Grant program as submitted to us.

President Mosby: Motion, second and so ordered. Sam Elder.

Sam Elder: Health Department

Sam Elder: We are not here to make a lengthy presentation but in your minutes in the past month there has been several times that a member of the Commission has said that they weren't aware of just exactly where we were at with the move. With me tonight is Dr. Pulcini, who is a member of the Board, and was on the study group in choosing the location that was proposed and Dr. Heidingsfelder, our Health Officer, and Phil Hoy, who is our County Council liaison person and I think that between the four of us we can answer almost any question that you have, I hope we can. Without any further thing on it, Dr. Heidingsfelder would you want to?

President Mosby: I think what was discussed in the last few meetings and it was not that you all make a formal presentation, what we would like to see is what has been offered. You know, with what you have chosen and what was up against that. We want to see all of the proposals. We don't want to see a presentation, or that's not my understanding.

Commissioner Mourdock: I think, yeah, I agree with that. The thing that I am concerned about, and you said it correctly, Sam, we are concerned about the move.

President Mosby: That's right.

Commissioner Mourdock: We hear the conversation that you are looking at this building and that building and we have all kinds of folks over in the Courts Building looking for space. I am surprised that you haven't had someone in your office measuring drapes. They are all anxious.

Unidentified: They have.

Commissioner Mourdock: That's our main question. Just an update on that and as David said, if there are several proposals, I guess we would be curious to see what status all of that is.

President Mosby: That is what was requested of you, is for you to send that down to the office.

Commissioner Mourdock: Can you give us any schedule or update?

Sam Elder: Well, on the schedule. I have heard all kinds of things kicked around. Some of the Judges have told me when we are going to move and what time. Actually, in discussion with David Wills, the architect, he has said that after it is finalized, in other words, we have not entered into any contract with the architect, we don't have the money in place at the present time. We have the funding, but it is a non appropriated balance with the County Council. Mr. Hoy might want to speak with that if you wanted to hear it. But, we are not prepared to give you a break down

on all of the different locations, and I wasn't aware that you wanted to be involved in that. It is difficult. We have looked since 1993. We have been looking at different places and if you wanted to look at every place we have looked at since '93 you wouldn't do much more for the next week or so and look at all of the details with it. Now, all of the meetings that the search group had, the three people that are here were there, and I think that our Board meets the 9th, that's next Thursday, and did you want to make any comment on it.

President Mosby: I will make a comment on it. I read, I guess it was, the past Board meeting minutes or the minutes before that and there was evidently there was two proposals and you took a vote and it was a four to one vote or whatever, I believe it was Dr. Nicholson was a vote no. I want to see them two contracts. If I am going to be responsible for signing a contract for this county, I'm gonna know what's in it and I am gonna know, you know, which one was the best. I will just lay that much out there. If you expect me to sign a contract then get me both of them and I will look at them. Any comment?.

Commissioner Fanello: I was basically just going to say the same thing. Since we are responsible for signing the contract, whether the funding is place or not, is irrelevant to me at this point, I would like to see, if you narrowed it down to three to four proposals or three to four sites or why you chose to narrow it down to the two that you did, but like Mr. Mosby said, I want to see several proposals so that I can make an educated...

Phil Hoy: Phil Hoy, County Council. I am not a voting member of the Board. Dr. Pulcini is and he may want to comment. He was chair of the committee, there really isn't any problem. If I had known that is what you wanted, then we can get that for you.

President Mosby: Phil, I told you that a month ago, on the phone. Me and you had a conversation.

Phil Hoy: That's right and I thought it was going to be given to you and it hasn't. But, we can get that to you.

President Mosby: Okay.

Phil Hoy: I thought that it had already been sent to you.

President Mosby: We have asked in every meeting.

Phil Hoy: No, we have that information. This has been a long search and you can see the figures that we looked at and that is really not a problem. Dr. Pulcini, do you have anything that you want to add to that?

Dr. Pulcini: I am welcome to be here. I am speaking on behalf of Maria Del Rio, also who is the President of the Board of Health. I was a former president of the Board of Health and also been on the Board for quite a few years. This has been a never ending process. I think we finally distilled many of the applications that we have received very, very carefully. I can tell you this that as the chairperson of the search committee, I took this very seriously and everybody on that search committee did as well as the Board. We had nine reasonable submissions, we looked at everyone of them. We very methodically analyzed the pros and cons of each and for the costs, for the location, for the service that we provide, for the facility, for the option to buy

as a governmental building, we have distilled it to one. It went from nine to four to three to two to one. Being a surgeon. I look at the options and looking at the safety of the patient and the ultimate life span of that patient, we think that we have found the best life span in the one that we would propose that you would consider. We are all charged with responsibilities. We happen to take ourselves very seriously as well, even though I know that you have the ultimate authority. We ask that you consider that we have looked very carefully at this, made many site visits, many 7:00 a.m. meetings, many afternoons, visiting sites several times. We would be happy to answer any questions that you have.

Phil Hoy: I will make this comment too. I was not even aware that this was even on your agenda tonight or I would have made sure you had the paperwork. We will get that to you and then reschedule ourselves. The County Council, I can tell you this, the Board of Health is well within the limits that County Council set this year in the budget on this item. So, in terms of appropriated money by the County Council, the money is in the budget to make this move. In fact, there is more money in the budget than we may need for this year. So, that has been done. We discussed this as a County Council last year at length and so we will get that to you.

Commissioner Mourdock: I have used this expression a couple of times tonight already, just to clarify something here. But, and let me see if we all agree on this. I will state for myself. I am not looking to try to micro manage. I don't know what kind of jail we are going to building, we have been talking about that for years. I don't know what the perfect building is or if there is a perfect building for the Health Department. I know that there are nuances that you all need to look at that I would never even consider. I am not trying to micro manage what you are doing. I don't know what all of those aspects are but I do understand that you have worked down some list which tonight has been clarified from nine to five to three to two to one. The thing that I am interested in seeing is what the terms are for that one that you have narrowed it down to and also what the schedule might be if ,in fact, that lease were executed. Is that what the two of you are looking for as well?

President Mosby: I want to see the final two or three. I want to see what they were and what kind of costs were involved. I don't want to look at just one.

Commissioner Mourdock: So, if that is the case and don't let me put words in your mouth here.

President Mosby: Oh, I won't.

Commissioner Mourdock: I didn't think you would. If they rejected something, you would like to know a reason why they rejected it, assuming that it was something other than-

President Mosby: I will take the final three. I would like to look at the final three.

Phil Hoy: We can do that. One of them we'll present to you was for a brand new building and the costs on that, that was a proposed building were just so much more, than the other two that it was very easy to disqualify that one on cost alone. But, we will put that together and bring it back to you.

President Mosby: Okay, thank you.

Commissioner Mourdock: With the schedule too, please.

Sam Elder: I will tell you, the schedule just changed. You know, because I talked with the architect today and was prepared to give you some kind of schedule on how it might occur. I have talked with Mr. Hayes, your attorney, and he advised me on what I should put together to present to him, you know for approval. We hadn't attended to by-pass anybody on it and it was my understanding from, you know, we are dealing with previous County Commissioners, that they wanted the Board to decide where they should move. You know you are talking about the finances of it and I know and am familiar with a lot of things that enter into it and the architect had told me that he would be a conservative estimate would be nine months after everything is finalized. So we, I was supposed to take the proposal to the Board this week, that we had put it together before we presented it to Mr. Hayes, to the County. So, really the time schedule I don't know.

Shireman Construction Manager Presentation

President Mosby: Construction manager presentations.

Madelyn Grayson: Can we change the tape before we start that?

President Mosby: Sure.

(Tape Changed)

President Mosby: Okay, we have two construction management presentations and, I tell you, the easiest way to do it is go in alphabetical order and we'll take Shireman before Skillman, and Skill can leave the room and reappear in ten minutes. We'll give each group ten minutes to make their presentation.

Commissioner Mourdock: Is this different than you sent us before?

Mark Shireman: It's a condensed version.

Commissioner Mourdock: I like condensed.

Mark Shireman: I'm Mark Shireman, president of the company. Appreciate the opportunity to be out here. Les, where are you? Hiding? We'd like to make a couple of comments first, maybe for five minutes or so if that'd be okay, and then you can hit us up with questions if that would be alright. Les is one of our project managers. Previously we submitted in the RFQ a document and then you have a condensed version here. That document had a history of our firm, the difference between CM and GC, a typical CM services, a standard contract form, preliminary schedule, estimating methods, team philosophies, probable design, build/flow chart, cost saving curve, organization chart, background on our people, selected projects, references, reference letters, photos, and a section about why us. We are owner's advocates. I'd like to digress for a moment. We've been out here around seven months attending meetings. What we've seen here and what we've observed in our travels through our other networks is that the Commissioners and the Sheriff and those various staffs have gathered data on fees, costs, time and budget. You have research costs of similar projects, you have many years of experience in projects as a group. You have toured many other facilities and attended numerous seminars. You're well read and versed in the subject matter. I'd just like to take a moment and say in the 27 years that I've been here, I've never been involved with an owner's group, in front of an owner's group, that's so well self-educated. I think

the taxpayers and stakeholders are fortunate in this record. Now our experience tells us that successful projects contain organized systems of delivery, design, construction, coordination, quality control and cost control. We believe that any type of building uses this process whether it's a jail, a hospital, or a school, every building is different, but they contain the same items in general: those items of site, and concrete, and steel, and masonry, and roof, and doors, and finishes, and cabinets, and furniture, and heating/cooling, plumbing, and electric. Corrections and detentions are obviously different in its systems of security and detention but the coordination and integration of these systems into a project require the same skills from your construction manager as in any type of building. Examples of these skills would be design input, bidding strategies, inspections, quality control, testing, coordination and supervision. A quick comment about time. I've got to keep moving. A quick comment about time. We figure the design in this is probably somewhere around twelve months and the construction is somewhere around 24 months. I don't know that for a fact, but that would be our estimate. Fees: fees are a matter of public record in a sense. The State Board of Tax Commissioners and your bond counsel know through research, and research that you folks have done, approximately what fees are. Fees are commensurate with whatever services that you may select. Fees should not be a percentage of construction costs for obvious reasons. Fees could be set once a rough scope of work is determined. Quick comments about keys to success in a project. We think the number one key to success in any project is scope control. Scope control means that if all the stakeholders get all the space they ask, then this project would be at least twice what you can afford. It's controlling the scope. Other items of keys to success, balance of quality with cost and aesthetics, involvement of the stakeholders and the really important thing is being sure there is no duplications in the CM contract, between a CM contract and the architect engineer's contract, so you'd have to compare two contracts to be sure they're not duplicates. This project will be competitively bid on the open market. Now my common sense tells me that local people have the best chance since there's a tremendous amount of local talent in this county. We talked about hard costs and soft costs before. A quick comment, hard costs is the hard dollar construction cost. Soft costs are fees, furniture, equipment, interest expense, etc. We think that soft cost is around 15 to 20% of a total budget. Services, the goals of our services, and they are very numerous there. In preconstruction, it's cost effective design and scope control. In construction, it's quality control and post construction, it's warranties. Les wants to make a comment now.

Les Smith: Les Smith with Shireman. We're a little different than a lot of the CM companies that, in the fact that we are a general contractor as well as a construction manager and that really helps us with knowing and staying in contact exactly, you know, in the market place of building buildings and actually doing the work. And then on the other hand, we're also in, you know, like myself, I'm a project manager and do those things as far as in the field throughout the whole project so, you know, and I've came up through, as all of our project managers have, from doing the work in the dirt up through to the management end of it. I've been in, like Mark said, he's 27 years, I've been in the business for 30. I got out of high school and went through apprenticeships and things of that nature and worked through and worked my way into the management part. So that gives us a really good handle on what it takes to build a building. And I think that helps us work, you know, knowing when something is right or wrong and maybe, hopefully, have the vision to see something down that road that might be a mistake or a cost savings or a time savings. So with that, you know, I think that would be a, you know, a help

in that. If we would be, you know, fortunate enough to get the project, I will probably become a Vanderburgh County resident, you know, I'll come down here and work for you, okay, is the plan. You know, I'll be down here. Our construction job site will be an open book to the Commissioners. We'll have hard hats for you, we'll have, our files will be open, job tours when you want them, you know, give us a call, you know, we'll take you. We've got nothing to hide. I mean, we're there to try to get you the best job and for the best money we can get you. Thank you.

Mark Shireman: Okay, we have a couple of confessions that you already know. We haven't worked in Evansville before and he haven't worked with United before. Now this is not all bad because it shows you have no relationships with vendors, land owners, contractors, consultants or anything. So like they say, maybe we're the fresh face and the fresh eyes. If we're fortunate enough to have this project, I'll come down and walk this site once a week myself. I'd give you my home phone number but maybe that would be later if we're fortunate enough for that. I think we'll open this up for questions if that's okay.

President Mosby: Got about three minutes. Any questions?

Commissioner Mourdock: Sure. You answered one of the questions which was, have you worked with our architect previously. Have you worked as a CM for other jail projects before?

Mark Shireman: Yes.

Commissioner Mourdock: Okay, who was the architect?

Mark Shireman: RQAW in Harrison County.

Commissioner Mourdock: Okay. And, to me, the whole argument for a construction manager is because despite your kind words of being informed, none of us are experts in this construction business at all. I want to make sure our construction manager is working for us and steering every aspect of the project. How do you assure that that's the case?

Mark Shireman: Our contract would be with you and we are loyalties would be with you.

Commissioner Mourdock: So your contract would be totally separate from the architectural agreement?

Mark Shireman: Yes, that's standard procedure especially with public funds.

Commissioner Mourdock: How do you document savings for us? And again, the whole purpose of hiring a CM is to save money for us, so how do you...

Mark Shireman: Well, as compared to a lump sum general contract program?

Commissioner Mourdock: That's fine.

Mark Shireman: Well, in a construction management concept, the contracts are broken down into packages, and the markups, successful markups or successful markups or successive markups from one contract to the next would be eliminated

in a construction management program. We like to say that being out there on the job inspecting the work and the quality control is something that you'll get in a CM project that you won't get in a GC program. Savings should come from the design input on the cost end of it and then the quality input comes – or savings comes from during construction. So I think getting in early in the design is where the savings can be. It's difficult to document that...actually, it's difficult to document the savings because you're going to be making thousands or hundreds and hundreds of decisions, floor coverings, finishes, precast versus this/versus that. And ultimately, you want to come up with the right solution so one way to do it is to say well, if we didn't built it out of – if we didn't have marble floors, therefore, we saved a lot of money. Well, we hope it never gets to that. So I don't know if I'm answering that. It's difficult to document and it's more of a common sense kind of a thing.

Commissioner Mourdock: Is there anything about the difference in size between this project and the one you did in Harrison County that –

Mark Shireman: This is much larger.

Commissioner Mourdock: Well, I took that for granted. But in the size of the scope of the project, is there anything here that you see other than just the size that is either an opportunity for you professionally, or is an obstacle for you professionally?

Mark Shireman: Well, we have an old saying in, units are units. In other words, two hundred cells versus four hundred cells or four hundred cells versus five hundred cells, you know, it's almost a cookie cutter type situation. If you can do two hundred, you can do four hundred. Yes, it's a great opportunity for us. We're involved in a project now that's 43 million dollars. It's not a jail, but...

Commissioner Mourdock: Which project is that?

Mark Shireman: It's a West Clark school. It's in there. I can find it for you. It's started. Yes, it's a large project, there's no question.

President Mosby: Any other questions?

Commissioner Fanello: I was just going to note that, are you currently working on the juvenile detention center or that's already completed?

Mark Shireman: No, we completed that – I hope we have the right date on that, the right hand column.

Commissioner Fanello: Yeah, you do. Oh, I'm sorry.

Mark Shireman: That's okay. Mine had a typo.

President Mosby: Any other questions? Thank you very much.

Mark Shireman: Thank you.

President Mosby: They really don't have to leave because they can't...

Mike Howard: David, are you ready for us?

President Mosby: Whenever you're ready.

Mike Howard: Stand up and stretch –

Commissioner Fanello: No, we need a nap.

Mike Howard: Well, we promise it will be quick, we won't put you to sleep. Mike Howard with Skillman Construction Managers. With me is Jim Boots and Larry Koonen, who you met the last time, sends his regrets. Due to a funeral, he cannot be with you tonight, but had intended to be. Briefly want to highlight some of the things we sent to you previously just to bring you up to date on who Skillman is. We are a pure construction management firm. By that I mean that's all we do. We have 107 employees and every document that we sent you has a project listed. That project was done as a construction manager. We've done several correctional projects. The one that we've been giving you some information on is Porter County jail and that one came in \$50,000 under budget at bid time. And then some of the projects that you're familiar with in the Vanderburgh County area, the USI liberal arts center which is completed, the new science building which we took bids on two weeks ago at USI, the new public library where the Green Convention Center now stands, and the Ivy Tech project. The important thing to remember about these is Jim Boots has the lead role on all of these. And when you're buying Skillman, you're buying people and you're buying a leader. In your case, it's going to be Jim Boots. We have three goals for you. We want your project designed and built with the quality that you desire. Secondly, we're going to make sure that it comes in within that established budget. And thirdly, we're going to make sure it comes in and is delivered on time. And those are the three things that most owners want. Jim?

Jim Boots: Thanks. Nice to see you again this evening. I have – these are literally right off the press as we left the office. These were some things were wired down, some photos of the Porter County project.

Commissioner Mourdock: You'll need to stay near –

Jim Boots: Can I take it with me?

Commissioner Mourdock: Sure.

Jim Boots: And that's just for your information. Porter County, a very similar size jail. Please interrupt if you have any questions. As we go through, I'm just going to touch on a couple of things. As Mike said, we've given you a lot of information about our people and our firm. So we trust that has been bedside table reading for you in the past. A couple of things to emphasize to you this evening is our approach on how we do projects. As Mike said, the Skillman is a team within itself but we also understand that our team needs to operate within a larger team for the entire project and no project can be done by an individual firm. We're not here to tell you we can and will do it, but we can and will be a valuable member of the team, we can and will lead that team. When it is appropriate, then our role calls for us to lead that team. We know clearly also that that is not all the time. Sometimes we

are a contributing member. The design team is an integral member. United Consulting Engineers and DLZ is going to be a critical member to the success of this team just as your construction manager and just as yourselves as owners. And we truly know that when there's a decision to be made, our role is to bring to you every bit of information that you need to evaluate the options, whether they be cost schedule impacts, quality impacts, give you that information and help and assist you to make those decisions by giving you all of that information. Part of what we've given you in the past is a lot of stuff on all of our services and we're not going to go through a lot of them. This is a kind of a bullet point format, but I do want to touch on a couple of them because I think they're important, particularly in light of what we've heard tonight. You've got a lot of challenges in front of you. One of the things that is most important as my comment is the fact that we are strictly a construction manager, we have no other interests. That is, we don't do any contracting work. We don't have existing ties, business relationships if you will. We have a lot of working relationships with design firms and contractors because we do business with them. But we have no ties to them which means we have no obligations, allegiances, or baggage, so to speak, coming in or out of a project. But the four phases as an example of some of the things that are critical during the planning is financial planning. Mr. Mourdock, you made an excellent comment a little while ago as I heard you talking about the courthouse. Costs to you are critically important, as they are to everybody, but mostly to yourselves because it's public money. Stewards of the people's money, so to speak. So we clearly understand that the ability to estimate accurately, early in the project, which means working hand in hand with the design team to understand the scope, talking about roofing, talking about windows, talking about flooring, we need to understand what those are so that we can use our expertise at estimating to get that down. Mike mentioned that the Porter County jail came in \$50,000 under budget on about 25 million. He also mentioned we just bid USI. That came in 2% under budget. That 2% allowed them to take a couple of their critical elements that were identified as alternates, so that they've been very happy going into that. That building will start here in the next 30 to 45 days. Project strategies during the planning session, that is now. That is positioning the project to get the best results and the best competition, the best scheduling, the best manpower that's available in the area. All of those things leads to success, leads to the best value, lowest cost, and on schedule. During preconstruction, again, many, many of these things, and we have a Mike will say, what we call the bible here, we call that the Skillman way. This is a book of processes and procedures that we use that assist us in getting all of these things done for you as owners as we go through. Mike is passing out, these are examples of some of the detailed estimates that we do the analysis, the value engineering that we do every step of the way through every one of the projects, working closely, again, with the design team and yourself, work closely with the Sheriff, work closely with all the people that are going to work in that building, to understand what value is and what their desires and wishes are. That, of course, must be balanced with the budget and with the schedule. Particularly with the correctional facilities, a lot of these detention systems in particular are multiple, multiple month lead times, so you have to begin to plan early to get that information that you need in order to get those things on order and then have that building ready when it comes on site. All of those issues dictate the schedule and, of course, the success of the project. Cost estimating and cost control I've mentioned to you. Critical to us, we work, 99% of our work is in the public arena such as yourselves. You probably recall that we do some work in the school business, the USI as well as the K-12. All of those are public entities. All of those operate under the same "rules" that you have to operate on so we understand what those are, we

understand to a degree what some of your concerns are and needs and the timing of those needs. We understand how critical those things are. Administration of the bidding process. As we mentioned, this is an element of the strategy of positioning the project, get the best bids. Again, the USI bid being the most recent one here, we had 122 plan holders that participated in that project and we came in right on the numbers and we're off and running the second project for the university on the other side of town there. So all of these bidding processes, again, are going to be driven by the planning and the positioning of the project, generating the interest, getting those results, that all drives cost and quality. During the actual construction full-time on-site staff. The quality of our staff, as we've shown in – yeah, don't hurt yourself with that – is second to none in the industry and just as important to that is the backup with additional quality individuals. As an example, if for some reason I'm not able to make a meeting or two, Larry Koonen, who you met last time is my fill in. We always have backups. The people that are on site for you each and every day also have backups. With a hundred and some people, we work hard to endeavor to make sure that we've got those abilities because we're all humans, we all have families, we all have illnesses, we all have reasons that we have to be other places. So that ability is very important. Approval of progress payments, this is another element, we're inundating you with paper, but just as examples, this is one in Porter County. The example of the organization, the details so that when the information gets to you, it is organized, it is accurate, it is certified and it's ready for your action or your discussion or whatever you deem the appropriate action to be. As an example of the typical contractor payment that would come across your desks, so to speak, on a monthly basis and the level of detail, the reporting, all of those things. Open book approach, so to speak. During the final stages of it, particularly in this type of a project, the last couple of months are critical. Start up procedures for the system, not only mechanical, electrical systems, although those things are critical to be a hundred percent, but detention equipment is a real bugaboo in this industry. What we have done in the past, what we would hope to propose to do with a project like this would be to take a little extra window of time at the end of the project. Again, in Porter County, because that's the most recent one we're working on, we're taking an extra 30 days at the end of the project. That has been in the planning from day one. And we're going to do nothing but make sure that all the elements of that detention equipment function 100%. The time to find out if you've got a little electrical bug or you've got a wire crossed is in the testing phase. Extreme testing of these things. Not when you have inmates and when you have people in that building. So again, that's part of the planning, part of the strategy of positioning that building. Final project accounting, you all are held accountable, we should be held accountable, all of that stuff, again, is open book approach so that it's all available to you at your request or anybody else that has the need and the desire to know. Questions real quickly? I know it's been a long night for you and I have to say I commend you. You look pretty good for having been here for several hours. But I'll wrap up real quickly. I believe, as Mike said, that when you hire the Skillman Corporation, you're hiring individuals, you're hiring people. That's our assets, we don't make pens, and we don't make microphones, we generate and grow and develop people. And we believe that we have the best people in the industry and believe that that is the reason that we're successful. That's the reason we can generate the bidders that generate competition and thereby give you as owners the best price. It's the reason we can generate minority business interest in projects and we can seek out those that don't normally, perhaps, get involved. A couple of highlights here in closing. Advocate at all times. Again, we've got no conflicts, we have no existing relationships and we do know the area. Mike mentioned the projects that we're working on, the successful ones that

we've done here locally and, in fact, are working currently with that. We have the ability and the knowledge for both all local contractors as well as emphasis on MBE involvement. Value of the project, local knowledge and experience, clearly 90% repeat client base. I think we noted that before, something we're very proud of and services that save you money. I will say to you that we are simply a service for fee basis and our fee gets based strictly on the number of construction months, not the value of the project or anything of that nature. We believe that to be a conflict. We've got a record of success. The (inaudible) of experience, professional staff of 107 people, that depth of experience and we bring that to your disposal. And a record of on time, on budget, project completions and we know how important that is to you. We're done. Any questions? We know you want it short and sweet.

President Mosby: That's okay. You've got about 20 seconds.

Mike Howard: We came here tonight because we want your project. We sincerely hope we will be looked upon with favor but if you have questions between now and decision date, please give us a call. When will you make a decision?

Commissioner Mourdock: We're supposed to be asking the questions.

Commissioner Fanello: He's being a good sales –

Commissioner Mourdock: Yes, he is. And going for the close. I suspect, and the question hadn't come up before, but I suspect after reviewing this information one more time, I'll be comfortable next week, myself.

Commissioner Fanello: I would think next week would be a good time.

President Mosby: Sounds good to me.

Commissioner Mourdock: Okay, now to the questions. You mentioned the Porter County jail, have you done other jails?

Jim Boots: Yes, we've done jails up in Blackford County, we've done jails in Greenwood, Indiana, and we've done some up in the further northeast region of the state.

Commissioner Mourdock: Okay, have you previously worked with our architect?

Jim Boots: Yes, we've done two projects.

Mike Howard: Two middle schools with DLZ, 23 million. We completed those this past year. So we have a working professional relationship with DLZ.

Commissioner Mourdock: Okay, with DLZ, but not United?

Mike Howard: Not United.

Commissioner Mourdock: Okay, and that again, with DLZ, that was not a jail, that was a school?

Mike Howard: That was a...

Commissioner Mourdock: Okay, how do you demonstrate consistently, and the three of us are not experts in this business at all, how do you demonstrate consistently working for us? That's a real concern I have to make sure our CM is working for us.

Jim Boots: Okay, how do we demonstrate?

Commissioner Mourdock: Yeah. What do you do day to day?

Jim Boots: I think the building of a team, you're not going to see us here tonight and then you're going to see somebody else come in and do your project. You're going to see me here too often before you. But every time I will be here. Now as we begin to build the team, you'll see more and more faces as we go so you're going to have consistency in personnel from start to finish. It's commitment of our firm that once we commit a project member to the team, he will not be removed without your permission or your order, whichever that may be. So that's something we believe strongly in.

Commissioner Mourdock: Along with that, how do you demonstrate the savings for us? I mean, if we're going to hire a CM, we have to do that on the basis that in the long run, it's going to save us money. Where are you going to save us some money?

Jim Boots: Okay, excellent point. The biggest area or the biggest potential for savings is in the planning and preconstruction activities. And if you look, that chart starts high and begins to tail off. Once you enter the construction phase, you essentially spent all your money, now is your chances to pick up nickels and dimes. Your big savings is going to be up here in the front with our value engineering, your estimates, accuracy in estimating is going to generate value because now you're going to maintain your schedule and you're going to be able to generate that interest in the bidding community. But the value engineering is critical in cost estimating. And I'll take a minute to explain how we do that. We do that on a continual basis. We don't sit down one time and do, that's value engineering. As we do our estimates and our analysis at three major points. Those are formalized value engineering approaches, but as we're going through the whole thing working with (Inaudible) not ever to the exclusion of because that's not how you get things accomplished on a team like this. We have to work with that design team to say, let's consider this approach, let's consider this material, let's (inaudible).

Commissioner Mourdock: Okay, and lastly, just before the questions began, I think I heard you say you're strictly a service for fee basis, on a monthly rate?

Jim Boots: That's correct. Yes. Now again, a little bit of information on that as well. I mentioned that we think any other approach is a conflict and by that, I mean it makes no difference to us when I bring a decision before you and that decision, I'll just pick some numbers, is either a \$100,000 expenditure or a \$50,000 expenditure. My goal is to have you make the best, most informed decision. Never, with our fee approach, never will myself or anybody on our team, in theory, have any conflict of interest to try to guide to the larger expenditure because any sort of tie to cost can lead to that type of an approach. So we don't subject our people nor yourselves to that type of thing.

President Mosby: Any questions? Thank you very much. Appreciate it.

Jim Boots: Thank you.

Madelyn Grayson: We'll need to make another tape change.

President Mosby: No problem.

(Tape Changed)

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Connie Englebrecht Hollander: It is just me again. After all I have seen tonight I just want to go back and sit down and forget it actually.

Commissioner Mourdock: You did need to state your name and address.

Connie Englebrecht Hollander: Okay. I am sorry, it is Connie Engelbrecht- Hollander and I have been following this and trying to learn a little bit more about politics and the more I learn the more I am going back to law school. But, one of the things that I wanted to tell you, I just feel that I have been at a high presentation plant speech because I just got back from a convention myself and I know everything in industry. That just kills me because I feel like when we are building a correction facility for our community, it is not an industry it is part of our community. The jail, I know is separate from a correction facility, correct, I am right to a certain extent? However, if some of the other things were taken into consideration, for instance, I don't know if anybody has heard of Proposition 36 in California on drinking and drug offenses they have separate facilities for those offenses. Are you guys familiar with it, without me saying anything? Okay, Proposition 36, let me get it out here which makes a whole lot of sense on taxpayers and everyone involved. Here again, I can say this firsthand, I have a husband who is very successful in AA and he has made his 12 steps but he was in the system, he went through rehab instead of incarceration, luckily it was his first offense and the fact that he had me and my three children, it was worth us to rehabilitate and he has not drank since and I asked him to come with me tonight but he is at the Safe House volunteering time. They believe that AA wants to help to in those types of situations. Anyways, here is Proposition 36, it requires probation and drug treatment program not incarceration for conviction of possession, use, transportation for personal use of being under influence of controlled substances in similar parole violations not including sale or manufacture. This is just one little implement that the country is starting to lean towards because if you read any of that stuff that I gave you, forgive me I can't make presentations like those guys, I don't have that kind of degree or time and money. However, that stuff has been researched for 2 ½ to 3 years just on my husband and what happened to me personally. Some of the things that I have been paying attention to when my kids come home from school, when we bring home the DARE program books and then I turn around and go to my doctor's office and see stuff like this for Aeteral and Concerta, which is nothing more than methamphetamine, just a prescribed dosage. Okay, and that bothers me and I think we need more education laws. If we did have a separate facility, if that would come into act, it is not going to happen in your time, because obviously they are wanting us to spend some money, okay, and build a big jail. I am not putting down anything these guys do, I rather see them have more money and more education and a lesser bit of a facility and lesser people in it. I think that by having more education and more money towards those types of things,

we can get grant money out the rear, excuse me, but we can, we can get grant money for like what the lady here tonight, for rehabilitation center. Okay, she was here, that you are going to help. There is money that we can get through health for one thing. Everybody considers drug activity and alcohol activity an illegal thing when you get behind a car, obviously it is, or it is illegal because it is controlled. But, what about all of the people that are out there on prescription drugs. They are almost the same thing. Basically, if you say anything about it, you get into ADD and ADHD, those are diagnosed problems now, with people that have drug problems, it is called that they want to self medicate. Nine times out of ten with kids, especially, it is nutritional problems and nurturing problems, nothing more. I can see us building this huge jail and now we are going to have to fill it and forget about what we can do to help rehabilitate to maybe make a separate court system and ease up where we are right now. If we had a different place to take those people, a different style of lock up, these aren't hardened criminals, you would free up 200 beds right there in the jail. Am I right? On, what is your statistic? Okay, well what I am saying is that if you studied the statistics you could find out that over, we could empty half of those beds, if we had a different facility and rehabilitation system in order with a separate court. That would also free up more times in the court but why do we always have to follow, all I can say is that you have my condolences because for \$24,000 a year, I wouldn't want your job and I have no desire to run for office. But, anyway, I just wanted to leave it at that, I do have a lot of points, a lot of stuff. Did anybody have a chance to look at that? If you are interested in looking at this. There are, there's money out there for this. All we need to do is build a separate smaller facility to take these people to, to lock them up when they have been arrested in those kinds of crimes for possession or driving under the influence or disorderly conduct. On first offenses, you take them there instead of taking them to the jail, then you won't have to build a bigger jail. Okay, that's all.

Commissioner Mourdock: Thank you.

President Mosby: Thank you very much. Any other group or individual? How about the County Engineer?

John Stoll: County Engineer

John Stoll: First, I have a request for an approval to make offers on parcel number four and parcel number forty on the University Parkway project. This is, these are two parcels owned by Gene Pfeiffer. The offer amount for parcel four is \$127,700.00 and parcel forty is \$53,000.00. These appraisals were reviewed by Joe Harrison, Jr., by Phil Hayes due to a potential conflict there and Joe has reviewed and approved the appraisal amounts. So, it is recommended that it be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion seconded and so ordered.

John Stoll: The next item that I have is also on the University Parkway project. This is on parcel number 35, owned by Fendrich. There was an error on the previous appraisal and the final offer amount was calculated wrong. The new amount is \$5,850.00 and the previous amount was \$8,475.00. So, it has actually gone done a little bit.

President Mosby: Well, we saved money so go ahead and do us that one.

Commissioner Fanello: So moved.

President Mosby: We don't hear that very often. How about a motion?

Commissioner Fanello: I said so moved. I didn't say it very loud.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next, I have a request for acceptance of the pipes, the storm drainage pipes located outside of public rights-of-way, Section Two and Section Three of Clear Creek Village. This is a grand total of 2,469 linear feet of pipe and a fee of \$4,938.40 has been submitted. The subdivisions have been inspected and it is recommended that they be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and second, so ordered.

John Stoll: The last item that I have is from Kentucky Data Link to locate a fiber optic line in county right-of-way along Oak Hill Road from Lynch Road up to Bergdolt Road and then along Bergdolt along O'Hara drive. I have worked with the County Attorney on this and we have put some conditions on the permit, but subject to these conditions, it recommended that this be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: That is all I have unless you have any questions on anything.

Commissioner Fanello: No, I just want to report that John was very fortunate in that the Council unanimously approved a raise for him so that everybody knows.

(Inaudible)

President Mosby: I am not even going to ask that question tonight of where do we stand with the bridge.

John Stoll: As of Friday, one of the people who constantly complained about the bridge being closed, called up to complain that it was open because she was having a hard time getting from Cody Avenue onto Fulton Avenue. So, you can't win.

President Mosby: So, now Pat can't get them to stop. Thank you, John. I appreciate all of your work on the bridge too. Uh, County Highway, Mark.

Mark Taylor: County Highway

Mark Taylor: You all got our reports?

President Mosby: Yeah, and I don't have any questions. Ralph, got you tonight. Well, he knew that the construction managers and everybody was up here tonight, so...

Mark Taylor: He warned me.

Commissioner Mourdock: I will just mention part of your report, and it is not necessary that you need to bring this news to us, Mark, but I did have a meeting earlier this week with Ralph, he has a discipline matter that he may be bringing to us, may not be, but there was a minor accident out there that he wanted to make sure that we were aware of this week.

Mark Taylor: That's in the report.

Tammy McKinney: It's in the report.

Mark Taylor: I thought that he was going to talk with the business agent and he will bring it to you.

Commissioner Mourdock: Right, thank you.

President Mosby: Thank you, Mark.

Phil Hayes: County Attorney

President Mosby: County Attorney, he made his awhile ago.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of Buildings.

Tammy McKinney: The only thing that I have is two late travel requests. I know, I know, I know and she knows that I wasn't happy with her too. I told her that I would get into trouble.

Commissioner Mourdock: Which ones are they?

Tammy McKinney: The two Pigeon. They were sitting in your chairs. I put them in your chairs, Pigeon Township.

President Mosby: Right here.

Tammy McKinney: Pigeon Township.

President Mosby: They were in my chair.

Commissioner Mourdock: Yeah, this chair.

Commissioner Fanello: I will move that we accept the two late travel notices or requests.

Commissioner Mourdock: And add to the Consent Items?

Commissioner Fanello: And add them to the consent items.

Commissioner Mourdock: Second.

President Mosby: Did I have to say so ordered?

Commissioner Mourdock: No.

Tammy McKinney: You look like you were going to say something else.

Commissioner Mourdock: A motion and a second yes?

President Mosby: A done deal, so ordered.

Commissioner Mourdock: Anything else, Tammy? I am done, our Task Force gave our spiel earlier.

President Mosby: Who did you say brought these down, the two late ones?

Tammy McKinney: It was Pigeon Township. I don't recall her name.

President Mosby: Well, was it Judy the Chief Deputy or Paul?

Tammy McKinney: No, it was probably just a secretary.

President Mosby: Okay.

Tammy McKinney: I know what she looks like, she came in here, but I don't know her name.

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: That's me. Excuse me. Really, I just have a kind of short update on what is going on. We have had several large picnics that we picked up this year, as you have probably been reading in the paper. We have had a very large crowds for our picnics and we have pulled most of them off pretty successful. Rains have put a damper on the aquatic center the last two weeks even though it has been hot and muggy. When it rains and storms everyday, it cuts back on the crowds and that. One of the storms last week we had two buildings that we damaged by lightning and one of them melted the box and the meter on the building at the miniature golf and concession stand and the other building that was damaged was the Bishea Building. Which we got it back operating the day the air conditioning and the electrical box repaired there. The miniature golf has not been repaired yet because it has underground cables that SIGECO has to pull or VECTREN has to pull and replace the major wires because they were damaged under ground but they assured me that they would get that done tomorrow, if at all possible. Other than that, all I have is

my work sheets.

President Mosby: Any questions?

Commissioner Fanello: Did everybody get a copy of the RFP for the?

President Mosby: Mine is in my office.

Commissioner Fanello: I have just a couple of suggestions on that. I don't have it with me, I jotted them down, but it needs a little bit of work, I think. The RFP for the master plan. So, I will get with you this week.

Steve Craig: That is the first one that I have been involved with and did it. Then Phil went over it and fine tuned it.

Commissioner Fanello: We will get together. I don't know if anybody else had any suggestions.

Commissioner Mourdock: Yeah, I will mention it in just a minute.

SWCD and Ozone Officer Reports

Commissioner Mourdock: I will move approval then of the department reports including the ozone officer and the Soil and Water Conservation District reports.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered. Thank you.

Steve Craig: Thank you.

Consent Items

Commissioner Mourdock: I will move approval of the consent items with the one addition noted a moment ago.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered.¹

Old Business

President Mosby: Old Business?

Commissioner Fanello: I just want to make one clarification real quick and I will be real short. The reason that I did not vote yes or second the motion for the jail settlement is that I completely agree that it needs to be settled as quickly as possible but I think the language in paragraph 13 was too questionable and there is too much politics in that paragraph. So, I just want to go on the record with saying that was

¹Consent items listed on Page 88.

my problem with settling.

Commissioner Mourdock: Duly noted.

New Business

President Mosby: New Business?

Commissioner Mourdock: New business that I distributed to you. Just before we began tonight the County Assessor gave this to me. You will note that this is in regards to simply advertising what method the County Assessor has selected regarding the new real estate property tax assessments. This was recently printed effective July 1 and was just shipped down here recently though and on the last page, paragraph E, you will note that after July 1 and before August 2001, the County Assessor shall make the selection required under the subsection. So, she has given this to us so that we may go ahead and publish the ad. Although, I doubt that we will actually get it published before August 1, at least we are doing it in the most expedient manner. So, I would move that we go ahead and move that the advertising as requested by the County Assessor.

Commissioner Fanello: Second.

President Mosby: Second and so ordered.

Madelyn Grayson: I will need a copy of that if I am to be the one to advertise it.

Scheduled Meetings

President Mosby: I skipped right over scheduled meetings.

Commissioner Mourdock: Next week, we meet at 5:00 p.m., is that right, for Community Corrections?

Tammy McKinney: Yes.

Commissioner Mourdock: And do we meet at 4:00 p.m. for Soil and, Solid Waste? No, next week we wouldn't. Okay, 5:00 p.m. next week.

President Mosby: Any other new business?

Phil Hayes: Well, I apologize for the unscheduled meeting that happened this afternoon. We didn't get our notices out. You know all of that.

(Inaudible)

Phil Hayes: Well, it worked out.

Commissioner Mourdock: Well, the way the longer schedule went.

Phil Hayes: Well, as it turned out. Uh, yeah, it worked out.

President Mosby: Does that mean we can hold you responsible?

Phil Hayes: Only if I see it to my advantage to be a victim.

President Mosby: Any other new business?

Commissioner Fanello: You already asked that.

President Mosby: Oh. Any other old business? I can keep asking. Motion to adjourn.

Commissioner Mourdock: So moved.

Phil Hayes: She is running out of tape down there.

Commissioner Fanello: Second.

President Mosby: Motion to adjourn and second, so ordered.

Meeting adjourned at 9:00p.m.

CONSENT ITEMS:

Employment Changes:

County Engineer
Health Department

Circuit Court
Burdette Park

Sheriff Department
Community Corr.

Travel Requests:

Health Department
Pigeon Assessor

County Assessor German Assessor

Requests for Service:

Juvenile Court

Legal Aid

County Clerk:

Submit monthly report.

Health Department:

Permission to go to Council for Request for Transfer.

Sheriff:

Weekly Jail Information Report.

THOSE IN ATTENDANCE:

David W. Mosby
Philip Hayes
Madelyn Grayson
Steve Craig
Kerry Glaser
Scott Ames

Catherine Fanello
Suzanne Crouch
John Stoll
Mark Owen
Steve Perry
Don Beavin

Richard E. Mourdock
Tammy McKinney
Mark Taylor
David Matthews
Bobby Gold
Robert Goff

Lynn Kyle	Gerald Summers	Phil Hoy
Eric Williams	Brad Ellsworth	Wayne Wargel
Ellen Sprepski	Sharon Marsch	Harold Miles
Reverend Arnold	John Flowers	T.J. Brink
Eddy Perry	Steven Brown	Michael Bland
Joe Hudson	Sergeant Stock	Jonathan Weinzapfel
Tom Bodkin	Ron Keeping	Allison Comstock
Will Fosse	Linda Nalley	Dennis Au
Don Cox	Marsha Abell	Rose Young
Sam Elder	John Pulcini	Robert Canada
Jim Boots	Mike Howard	Connie Hollander
Les Smith	Mark Shireman	Dr. Heidingsfelder
Others Unidentified	Members of Media	

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson, Teri Lukeman, BJ Farrell, Charlene Timmons, Todd Hochstetler.

**Vanderburgh County
Board of Commissioners
Special Jail and Community Corrections Meeting
August 6, 2001**

The Vanderburgh County Board of Commissioners met in special session this 6th day of August, 2001, at 5:00 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: We'll go ahead and call to order the hearing for Community Corrections and the Jail. There is a sign up sheet going around the room right now for anybody that wants to speak or whatever, and if want, somebody wants to jump up and start, we can start wherever. Do we have any willing takers to start the meeting? Purpose being to talk about the size of the Community Corrections Center and the Jail. What everybody thinks is favorable, so.

Commissioner Fanello: If nobody wants to talk first, I've got somebody I want to ask a question. It's the Sheriff, right?

President Mosby: He popped up. He was willing and ready.

Sheriff Brad Ellsworth: I should have known this, Commissioners.

Commissioner Fanello: I was going to tell you when you walked through the door that you were going to be the first one to speak.

Sheriff Brad Ellsworth: Brad Ellsworth, Vanderburgh County Sheriff.

Commissioner Fanello: Just, I met with Brad last week, or the Sheriff last week, and kind of had a discussion with him about...educate myself a little bit about Community Corrections and, I guess, Brad, could you go ahead and tell us first of all in as little words as possible, I guess, what happened with the budget this year for Community Corrections? Then what you see the state, or what you have heard the state is going to do from now on about Community Corrections?

Sheriff Brad Ellsworth: Sure. I'm still learning about Community Corrections myself, so and I appreciate that. Basically, the Community Corrections in Vanderburgh County it's the oldest program to...from my information I have, it's the oldest program in the state. We were doing Community Corrections before anybody else was. That got us into a bit of a problem with the state because they...there was a statute that said they couldn't supplant funds that are already being dispersed by the County. That law has changed this year, and it enabled them to, basically, got rid of that law. So the state was able to...it was the first grant...the D.O.C. grants are on a, on a two year program. So, this was the first time that my staff and I have had a chance to jump into the grant. After a lot of hard work, we submitted that. I think that we submitted it for somewhere in the area of \$1 million point three per year for the two year period. It ended up they came back in the area of \$900,000. Now, that is broken down into several different areas that we have to disperse, that includes Judge Trockman's Drug Court Day Reporting Program. So, it's not as simple as that \$1.3 down to \$900,000, but it's, it's a 205 bed Work Release Facility, along with programming. We have Alcoholics Anonymous, we have Narcotics Anonymous, we have a new Medical Educator who is in doing programming. We've just hired our Program Services Director who is in charge, and he's sitting in the back of the room. He's charged with going out in the community and finding the programs to help these

people so they don't come back to us, basically. We have around 200 in residential there. There is probably another 150 on Electronic Monitoring, and then Day Reporting, I believe, has approximately 15 at a time in Judge Trockman's program. We look for that to be expanding as Judge Trockman gets his Federal Grants and starts Drug Court. We look for Day Reporting to fall under our umbrella and probably be expanding. Day Reporting seems to be the trend that the Department of Corrections seems to be leaning towards. The most expensive kind of Community Corrections is what we do, residential. The fact that we have to house, the fact that we have to feed, it becomes very, very expensive. It appears that D.O.C. is at least leaning towards funding Day Reporting programs. Basically, what that consists of is either they come in for urine tests, just to check in. Depending on their trustability, or trustworthiness, they, they come in, they can either just report, you know, in the morning or when they get off work. Or it might be an entire day where they come and sit and they receive programming for an entire day. That would depend on the Case Manager. So, that seems to be where D.O.C. is heading. They've told me that in our grant meetings, that they are preferring to fund that type thing. I've also spoken recently to Robert Ohlemiller with the Department of Corrections, I think, that was reported that he said he would get back to me early August about a meeting in September to talk about bricks and mortar funding from the Department of Corrections. We keep more people...we have the largest Community Corrections program in the state. I believe, we defer more, more people out of the Department of Corrections than any other county, and there is approximately 62 counties that do a Community Corrections Program. We know that...a northern county they provided, I think, \$1 million dollars and it was either Lake or Allen County. They provided \$1 million in building funds for their Community Corrections Center. So, I've tentatively scheduled, not a particular date, but in September I've arranged to have a meeting with Robert Ohlemiller and I will certainly invite members from this community to go up there, and from the Advisory Board, to try to obtain some kind of commitment from D.O.C. for funding for Vanderburgh County. I think, and it was, you know, several people were quoted this morning in the paper that, you know, unless D.O.C. is ready to fund some of this, we're doing our fair share down here, and, I think, it's the belief that the Department of Corrections needs to pony up. Is that close to what you wanted?

Commissioner Fanello: Yeah, thanks. (Inaudible. Mike not on.)

Sheriff Brad Ellsworth: I'm sure I'll be back up here again before it's all over with.

President Mosby: I'd take a seat right up front if I was you.

Sheriff Brad Ellsworth: I will, Commissioner.

President Mosby: It might save you a lot of walking. Is there anybody else that wants to offer any information?

Carol Davis: My name is Carol Davis, and I'm a child advocate. I noticed that the Sheriff said something about sending someone out in the community to keep offenders from coming back. My concern is the Juvenile Detention Center. I don't know how people have arrived at the bids for juvenile offenders, but I don't believe we spend enough time on prevention. You know, I've been following the crimes map from the City Police in the paper, and it seems like there's an average of two children a week that have been abused just from City Police reports, and that's not counting the Welfare Departments or the Sheriff's Department. Kids that are in risky environments, you know. If they are not going to get any TLC, you know, they are

going to grow up without it, and they are, naturally, going to be angry. We just are not addressing that. The Welfare system... I've been to many, many committee meetings in Indianapolis. I lobby a lot for children's rights in...it just seems like since kids don't, they can't speak in court, I mean, they are just kind of left by the wayside. They don't have any votes, and they don't pay taxes, so people don't pay attention to them. A child's cry, I mean, should be a universal language. 'Cause anybody that's had a child knows the difference between a child's cry. We just are not paying enough attention to the kids when they are growing up in these risky environments. I can see why they, you know, end up in detention. We need to look at prevention. I think there should be a task force that looks at these kids while they are in...I mean, 50% of the kids that are abused are below school age. 50% of the kids are abused in their own home. If we don't look at these statistics, and look at the welfare of these children, we're not going to build enough beds. We're not looking into the future. Same way we've built our streets here, you know, we are 20 years behind, and that's the same way it's addressed with kids. The Welfare and Judicial systems seems to have the only game in town when it comes to addressing these kids problems. The Welfare system keeps putting the kids back in homes. You can't legislate love. I mean, I've been to foster home meetings here and went around the table and almost all these foster families have had these kids in their homes. The same families. They will let them out and they put them back in the homes and they come back again. Then they wonder why they grow up with so many personal problems, emotional problems. I mean, I know like the Powers children, they are up in northern Indiana, and they've got all kinds of problems, but the Judge saw fit to put these kids back in the home. The girl had another baby and they ended up getting killed, and it was a totally dysfunctional home. So, I blame our system a lot for what's happening with these kids. I just wish the Commission...there has never been an audit of the Welfare system, of kids in the system. Never been an audit. That is really, truly alarming to me. We don't know how many times these kids have been moved around. How much money has been spent on them, or anything. I think...we're getting ready for budget right now, and, I think, that should be addressed. You know, I've spoke to the County Councilmembers about it. I've been before the Commission many times, not since you two have been on, but it doesn't seem to matter which party is in, you know, to me. I haven't seen any difference. I wish that somebody would look at it. These kids do need attention. If they are not getting it at home, they can get it from the system.

President Mosby: Can you think of any questions? Thank you very much, Carol.

Commissioner Mourdock: I have a question for one of the Judges, or several of you. Sheriff Ellsworth commented, and we've heard it many times, that the state is moving more towards Day Reporting type programs than the current dormitory type housing that we have. As someone who sits on the bench, when it comes time to sentence, is there any reason that Electronic House Arrest cannot be used in place of that dormitory style? Now, I realize there will be sometimes when it is obviously not an option, but if we were to reduce dramatically the number from 215 that we have now to some, say cut that number in half, would those other 100 people be capable of serving Electronic Arrest? Would that meet the same purposes as far as your sentencing is concerned?

Judge Heldt: Carl Heldt, Circuit Court. I don't think so. One of the primary reasons why Work Release is a good program is that it gets the people, some people, out of the environment that is causing the problems to begin with. Like their homes and their neighborhoods. When you are talking about people, perhaps, with drug addictions, or alcohol addictions, you need to sequester them from those influences. Is this meeting designed to talk about whether you're going to build a Safe House

or a new Correction Complex, and if so, the size of it? Is that the purpose of it?

President Mosby: Yeah. We're looking more for a size so that we can give the consultants and architects some—

Judge Heldt: Okay. I didn't get a newspaper this morning. Didn't get it delivered for some reason. So, I wasn't able to read, if there was a story, but I'm told that someone is discussing actually reducing the size of the Corrections Complex down to something in the low hundreds. Is that...and from the tenor of your question, I take it that somebody is talking about that?

Commissioner Mourdock: I understand those comments have been made, yes.

Judge Heldt: Okay. As I recall, the only committee, sub committee meeting that we had, we were talking in terms of 300.

Commissioner Mourdock: Uh-huh.

Judge Heldt: I mean, we were talking...we were, I think, agreeing that Community Corrections is really a good thing, and good for the community, and I believe that it is.

Commissioner Mourdock: Uh-huh.

Judge Heldt: Community Corrections started, I think, in the early 70's in Vanderburgh County. What it started out as was Work Release out of the Jail. What the Judge would do would be to tell the Sheriff, let this person out of Jail in the morning and take him back in the evening. Because we want them, we want them incarcerated, but we don't think they should go to the Department of Corrections. I mean, and we certainly don't think they should be put on probation, but we would like for them to keep their jobs, and support their families. That started out with two then three then four then eight people. Then, I think, two people were hired to go into the Jail and work as Work Release Officers to help facilitate that. It finally got so big because, in my opinion, it was a good idea. That is when Judge Miller constructed the Corrections Complex. I..and I would really hate to see... I think it's an awfully good program out there. It does a lot of good for the community. I would hate to see it diminished. Now, I think, there is also a misconception that if you, if you reduce the numbers from 200 to 100, that those 100 people would go to D.O.C. That's not, that's not going to happen. That's not true. Some of them might. In my opinion, a lot of them would go in the Vanderburgh County Jail. So, if you are going to reduce the number of beds at the Correction Complex, I think, you should really consider increasing the number of beds at the Jail. Because that is where a lot of them are going to go. Because it is simply...it's simply, they fall in the crack between D.O.C. and probation, and Electronic House Arrest. Electronic House Arrest is, as I say, I think, midway between Community Corrections and probation. It certainly serves a purpose, but it doesn't serve the purpose that the Corrections Complex does.

Commissioner Mourdock: This won't surprise you at all. That last answer confused me a little bit here, because of my lack of knowledge. In saying what you just said, that the 100 would not be sent off to D.O.C., and you are saying that many of them would still end up in Jail?—

Judge Heldt: Yes.

Commissioner Mourdock: –Define that one again? If, if the Jail is not a prison, it's simply for people, for preajudicated people—

Judge Heldt: No, well, no it's not always. I mean—

Commissioner Mourdock: – well, I—

Judge Heldt: –we sentence misdemeanants there all the time.

Commissioner Mourdock: Okay.

Judge Heldt: Or if a person is convicted of a felony...is convicted...is sentenced to a year and a half in prison and he's already done a year, he's got six months to do. He will do it in the Vanderburgh County Jail.

Commissioner Mourdock: Okay. So, then—

Judge Heldt: Plus, what you might get...if you've got a 100 bed Correction Complex and it's full with a two or three month waiting list, a Judge is liable to say I want this person working, but incarcerated. Therefore, once again, County Sheriff, put him in at 6:00 at night and let him out at 8:00 in the morning. That is going to take up a Jail bed. There are some people...I don't think that the Criminal Justice System should be...we should have to design the Criminal Justice System to fit the size of the Jail. I think we should design the Jail and the Community Corrections to fit the needs of the Justice System. I don't think, I don't think good faith Judges who feel a person should not...should be incarcerated, should not be in D.O.C., but should be, should be sequestered—

Commissioner Mourdock: Uh-huh.

Judge Heldt: –in some form, are going to send them to D.O.C. or turn them loose on the streets. I think they are going to put them in the Vanderburgh County Jail. They think he needs to be sequestered from society for some period of time.

Commissioner Mourdock: Uh-huh.

Judge Heldt: You know, it's just...you...and Community Corrections is a lot cheaper than the County Jail. As a matter of fact, the people at Community Corrections pay \$70 a week in rent.

Commissioner Mourdock: Uh-huh.

Judge Heldt: I mean, so there is some reimbursement to the County there. I understand it costs the County money, but I think, it's, it's one of the best programs we have in Vanderburgh County. To cut it...I mean, I think it ought to be 300 beds. To cut it back to 100 or 150 I think would be short sighted and not serving the people of this County well or the Criminal Justice System well.

Commissioner Mourdock: Okay. I have certainly seen over the last three years that we have been dealing with this how vital Community Corrections is in the sense of what it does to our Jail numbers. Without question, my biggest concern if we do reduce the size of the dormitory component, what is that going to do to our Jail numbers? Many people, I know you've heard me say this before, Carl, my biggest nightmare is not to build a 750 bed Jail. It's to build a 750 bed Jail, and six months

later have that Jail be overcrowded. I'm curious if you have any thoughts as far as is that type of situation you described a moment ago, where you are basically ordering somebody in and out of Jail on a daily basis, putting them back in there at 6:00 p.m., letting them out at 8:00, do you see that as simply an option? Or is that some component that could be used along with Community Corrections if the rest of Community Corrections were made smaller?

Judge Heldt: I'm not sure I followed that question?

Commissioner Mourdock: Okay. Alright. Let's say, just playing what if for a minute, and I apologize here, but if we made Community Corrections 125 beds, pick a number, and we had a larger Jail, do you see the bench basically doing what you just described? Which is going back to a system where you are using the Jail for those people that you are ordering in there at 6:00 p.m. and out at 8:00 a.m?

Judge Heldt: I can't...I'm not promising that or even predicting it. All I know is we have...at one time we had a 225 bed Corrections Complex that was full with a waiting list.

Commissioner Mourdock: Uh-huh.

Judge Heldt: So, apparently, the Judges in this County felt that that many people, at least, needed to be in Community Corrections.

Commissioner Mourdock: But, that was also before we were doing, basically, anything with Electronic House Arrests.

Judge Heldt: No, no. That was when we had Electronic House Arrest. That was when you took over two years, two years ago? Wasn't it? Didn't we have 225 people in there?

Sheriff Brad Ellsworth: (Inaudible. Not at mike.)

Judge Heldt: Didn't we have that many people in residence there? And we had 150 or 200 bracelets? (Inaudible. Talking over each other.)

Commissioner Mourdock: Yeah. The number 125 bracelets, I know after we started the Blue Ribbon Committee is when we increased that number of bracelets pretty dramatically. I think, we—

Sheriff Brad Ellsworth: We bought, we bought (Inaudible. Not at mike.)

Commissioner Mourdock: I think it was actually more than that, but, yeah, I was thinking 75.

Judge Heldt: The Corrections Complex has always been full, has it not?

Sheriff Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Mourdock: Okay.

Judge Heldt: What was the greatest number of people we house there?

Sheriff Brad Ellsworth: I think it was (Inaudible. Not at mike.) over 300. (Inaudible.

Not at mike.)

Judge Heldt: No. Never in house.

Commissioner Mourdock: Yeah, yeah.

Sheriff Brad Ellsworth: (Inaudible. Not at mike.)

Judge Heldt: All I'm saying is there has been no vacancy out there.

Commissioner Mourdock: Right.

Judge Heldt: That tells me that it's a useful tool for the Judges to use. If you take it away from them, or cut it in half, they're going to have to do something with those people.

Commissioner Mourdock: Uh-huh.

Judge Heldt: The best thing for them is Work Release.

Commissioner Mourdock: Uh-huh.

Judge Heldt: We may have to take the second best which is County Jail, or third best which is D.O.C., or children don't get support anymore. Or the fourth best, probation where they have no control..there is no control over them at all. Or the fourth best, bracelets, where you put them back in whatever environment they came out of in the first place.

Commissioner Mourdock: Uh-huh.

Judge Heldt: I mean...it's...I understand it's a budgetary issue. It must be a budgetary issue, because it...I don't....it certainly can't be what's right for the Justice System in this County.

Commissioner Mourdock: Well, there are three people sitting here, so there is probably more than three, three thoughts here. In my personal way of looking at it, just so you know, it's not simply a budget issue.

Judge Heldt: Well, somebody else told him that.

Commissioner Mourdock: Okay. Let me ask you one other question. With the 205 folks who are out there right now, is it your belief that not one of those people could otherwise be doing his time on Electronic House Arrest?

Judge Heldt: I won't say that, because they are moved on Electronic House Arrest. Most people don't know this, but if you are sentenced to two years at the Corrections Complex, you are actually there for six months.

Commissioner Mourdock: Right.

Judge Heldt: You spend the rest of the time on Electronic House Arrest.

Commissioner Mourdock: Uh-huh.

Judge Heldt: So, I mean, it's being used. People's sentences are being cut short. I think, the reason that was first put in was because of the overcrowded nature of the facility out there.

Commissioner Mourdock: Uh-huh.

Judge Heldt: So, I mean, it's being used big time, Electronic House Arrest.

Commissioner Mourdock: Okay.

President Mosby: I got a...I'm going to ask, it don't matter if you or Brad or whoever wants to answer, but you were talking about these people pay \$70 a week. What kind of collection rate do you have on these people? Sorry.

Sheriff Brad Ellsworth: I didn't bring that...I'm sorry, Brad Ellsworth, Sheriff. We have tried to put a big emphasis on that. I think, last year, our first year in, we collected over \$1 million. Steve, is that correct? In 2000 over \$1 million in User Fees last year? We still have some that, that fail to pay, but we stay on them. We charge the Case Managers with staying on them pretty good. We have seen some increases in that, but over \$1 million last year. I think that was the first year that we've collected over \$1 million in User Fees. That pays for a large amount of the salaries out there. As long as...as well as improvements and, you know, some of the Infrastructure stuff. You know, one thing about the numbers is...and we were going through the PMSI study and came up with 225 beds. I agree with that. It's a useful thing. The public accepts it. The Judges have gotten very used to using that. I guess the problem is, that when you start looking at the cap put on by the County Council, and you start looking at other facilities, and you start counting beds that \$35 million doesn't look that reasonable anymore. We don't know. They may come back and surprise us. Then you start looking...if this happens, and we have to cut, where do we cut? You know, last week we talked about 20 to 24 beds in Juvenile. That's not...we're talking about 16 males and eight females. We had a meeting with Judge Niemeier today, and he was saying, you know, maybe we want 18 males and six females. That's really not very many when we have the population that we do. I mean, that's...it's hard to cut numbers there. As far as the Jail goes, and that may be something we discuss later in the regular meeting, I'm not sure, but that is what we are in a lawsuit for and settling right now is the Jail bed space. That is where you get in trouble and you get the lawsuits is when you don't have Jail beds. So, you know, as opposed to the 500 expandable to 700, probably more realistic would be to go...build 600 expandable to 1,000 and make the Infrastructure closer to, at least for future use, for 1,000. That leaves you with Community Corrections on where, and, I agree, could we take care of 225? Absolutely. Could we put three in there? We could do it with the proper staff, but it's the easiest place to cut that's not going to get you in trouble. If you cut that to 150, we're not going to get in trouble over that. That's going to be the easiest place to cut beds, I think. That's just my opinion.

Commissioner Mourdock: The discussions you've had with D.O.C. at this point, Sheriff, regarding the \$900,000, that was, obviously, based on the presentation that you've put together passed by the Advisory Board. It's pretty well defining the program as it is today. If we were to do something in the near term to reduce the size of this project, and, again, or of the Community Corrections, does that number remain the same? Or does the state suddenly say, now, well, you know, instead of doing the project you were doing with that number of beds, now we're going to bring it down, so instead of \$900,000 a year, you are only going to get \$550,000?

Sheriff Brad Ellsworth: I've had no indication either way. Just by the layout of what I've seen from the grant, I'm going to guess, estimate that the grant would stay the same. We have not brought that up at all to them. We all read the letter that I sent that, you know, our decisions on Community Corrections will be based on their grant about building and that and our desire to continue Community Corrections. I'm not sure that letter got read. You know, I know it didn't get read the first time.

Commissioner Mourdock: Uh-huh.

Sheriff Brad Ellsworth: For the grant review. So, I'm not sure. You know, that is something that we can bring up to Ohlemiller next month.

Commissioner Mourdock: Did I hear you a moment ago say that you think the PMSI study is still pretty well on line with 225 beds as a target for Community Corrections?

Sheriff Brad Ellsworth: I think, I think that's something that we have the pop...or we have the staff to man that size. Actually, in a more well developed facility we would be in a lot better shape. That's an extremely hard place to supervise because of the three levels. On one level it would be a lot easier. I think there is things we can do, and I don't think this was any...there is things we can do to reduce that population naturally. It's my personal feeling, but not the desire of the Advisory Board, to reduce the amount of time that people are sentenced there at the Community Corrections Center, closer to a year. We'd reduce that some. We did put some restrictions on it a year and a half ago, but I think that could be brought down. I think there is areas where we could look at how many chances a person gets out there, and also the criteria for placing people out there. That's all something that is for the Advisory Board to decide what they are comfortable with on those.

Commissioner Mourdock: Just as history—

Sheriff Brad Ellsworth: I mean, 150 is a good number. I mean, that's something that we can work with that too, and if we need to increase, you know, bracelets and/or this Day Reporting Program, then that's areas, like I said, I think that's less expensive than actually housing somebody and having them under guard 24 hours a day.

Commissioner Mourdock: I've heard you say before, and I don't know that this is a direct quote, but I think there are other communities that do a dormitory style Community Correction Program and what is, this is a semi-quote, a glorified pole barn. If that is something that is in fact an option, do you think the cost of doing a larger facility, let's say at our present size, 225 beds, is going to be more or less expensive than including it as part of this Jail for even 150 beds?

Sheriff Brad Ellsworth: I think there's a couple of different ways you can look at it. Again, a lot of that's tied to budget. I know one of the architects had proposed building the extra beds early and using that as Community Corrections, the extra beds, and then you had them in place when they were...if you ever needed those as Jail beds you'd have them built up to the standards of a Jail. That's good in theory, but then would that naturally reduce the size of Community Corrections over years? Every time you needed a bed that you start robbing Community Corrections. I think we need a definitive number of this and that. Absolutely, does Community Corrections need to be as secure as the Jail? Absolutely not. You could do that dormitory style, you know, you could walk out of the facility now. We let them go eight hours a day, so. What I wouldn't want to see, and I know what we used to

have is, is the inmates releasing, as the guy who runs the Jail, I don't want to see people let out for 16 hours a day and then come back in to the secure area of the Jail. I think they need to be separate. That they have no contact with the regular inmate population because, you know, we get enough contraband in the Jail now—

Commissioner Mourdock: Uh-huh.

Sheriff Brad Ellsworth: —you let somebody out that's prone to bring something in and then you mix them back in the secure area. That's why I would be opposed to that unless it's a very definitive line where they come in and are housed and where the regular prejudicated population is. That proposes a huge problem.

Commissioner Mourdock: I guess logic dictates to me, construction being what it is, the fact that this is certainly a less secure area, as you just defined it, the dollar per bed basis in a separate facility could be much less than what it would be as part of this Jail project.

Sheriff Brad Ellsworth: I think, I think you could still do Infrastructure...build the Infrastructure that serves the whole thing. Whether it's—

Commissioner Mourdock: No question you can. I'm just saying on a dollar per dollar basis, given, I think, what our options are, where we might place this building, and with the general construction that is going to have to go with it to make the major part of it secure, it seems to me like that's going to drive up the per bed price considerably for Community Corrections if it's going to be part of that facility versus, again, what you've described as a modified or glorified pole barn. Whatever that—

Sheriff Brad Ellsworth: I think there's a lot of things you can do in, in supervision of staff. You know, there's no question that the Jail is going to increase our staff. You know, we're going to need new staff for the Jail. If that's, you know, that's designed right on one level, males and females, because we don't have classification there, can be supervised by less people. Also, with a separate campus, it calls for more supervision. You know, Sergeants, supervisors, whatever it may be. I think those are areas that you can combine, clerical, those are areas that you can combine and save money that way in the Infrastructure that way. As well as laundry, kitchen facilities, you know, if you go off site too far it's going to be a lot harder to cart, cart meals and things like that. So, that's what I'm looking at, having it all on a campus.

Commissioner Mourdock: How big a Jail do you think we need these days?

Sheriff Brad Ellsworth: I think 600 beds expandable with the Infrastructure to 1,000 beds for future use. If you don't need it, you've got, you've got an area where a chiller or an air conditioner would sit that's, you know, some floor space, but it's a lot cheaper to do it up front, and I'm no construction....just in my travels of jails is instead of trying to add a place for another chiller or another air conditioner or another stove or another boiling pot. So, you make your kitchen, your laundry and your HVAC system an area big enough for expansion. It may sit...it may look like a lot of wasted space. Lexington, Kentucky, you know, their kitchen is huge, but if they....if they doubled their population they could bring a soup kettle, you know, a 60 gallon soup kettle, two or three more and set 'em right there and double...just like that double the population. They are set up for that if the needs ever there.

Commissioner Mourdock: Given that we've already had as many as 400 in our Jail, a rare occurrence, but over 400, how long do you think 600 would last for?

Sheriff Brad Ellsworth: I think that's, I think that's where, where the committee, whether you call it the Blue Ribbon or the Jail Overcrowding Committee has to stay together and review the inmates. Keep ourselves in check. Keep reviewing ourselves, and remind ourselves how long people have been there. Keep reviewing the inmates that are there just like we're doing with the report now. That's hard to predict. I think we're doing a...I think we're looking at fake numbers right now, or false numbers. I think the Judges are doing, and I'm not going to speak for them, but I think there are people that probably deserve to be in Jail that we are letting out due to the numbers in our Jail. So, I think these, these are false numbers these 320's and these 329's. You know, when you get a guy with six failure to appears...I talked to a lady this morning, her son was beat up in the Jail and he had 15 stitches in his lip. She said it was wrong that he was in Jail, he got a 30 day sentence. I said well, let me look it up, and she said, well, yes he didn't do his Community Service, and he didn't...he had four or five failure to appears on a driving on suspended and she was complaining that he was doing a 30 day sentence. You know, I...there has to...some of the people refuse to cooperate with the system. There has to be something to make sure they go to court.

Commissioner Mourdock: Well—

Madelyn Grayson: We need to make a quick tape change, please.

TAPE CHANGE

Commissioner Mourdock: If in fact, Community Corrections were cut to, again just picking a number of 125, and let's say that we had a 600 bed Jail, you are saying our number right now is artificially low in the 320's, so let's say it comes back to be what it should be, what 425?

Sheriff Brad Ellsworth: I guess that is probably pretty safe.

Commissioner Mourdock: When I heard Carl, Judge Heldt say a minute ago that if in fact we cut Community Corrections, nearly half of those people wouldn't be sent off to D.O.C. but some numbers of those people, he thinks, it would be normal for the court system to send in. So, let's put another 75 in there?

Sheriff Brad Ellsworth: Okay.

Commissioner Mourdock: So, all of sudden, we are at 500 and if we are only building a 600 bed Jail, we are within 100 and we have just opened the door.

Sheriff Brad Ellsworth: Right.

Commissioner Mourdock: I mean.

Sheriff Brad Ellsworth: We will see increases in the Jail, when the doors open.

Commissioner Mourdock: I totally agree with you.

Sheriff Brad Ellsworth: Every jail that I have been to said to be ready for it, it will happen.

Commissioner Mourdock: How many of those jails, do you know off of the top of your head, Brad, what they did Community Correction wise? I mean, did they change

their component at that point? Was that part of their increase?

Sheriff Brad Ellsworth: Most have very small...they will take a pod or a cell. La Grange County had a ,I think, a 60 ,you know, they had a pod dedicated to Community Corrections. Lexington has a pod dedicated to that. They have got a 900 bed facility, but only one of the pods. So you are talking about 60 or 70 people in Lexington, Kentucky. They have basically taken a separate entrance, separate, you know, one pod area. It is designed just like the jail. Most don't have the program or the magnitude that we do. So, it is hard to say what they had before. I didn't get into what they had so much. I would welcome, like I said, I don't want to speak for the Judges on that. I would appreciate it if they would help me on that. It is just that feeling that I keep hearing through discussions, that-

Commissioner Mourdock: Let me throw this one back to the Judges. If we have the largest Community Corrections Program in the state currently, and I guess we define that as the largest with permanent housing, or with a residential program, is that not correct?

Unidentified: Right.

Commissioner Mourdock: Are we that much safer than any other community because we do this? Is this to say that our system is working better than somebody else's? I realize that is an abstract question, but we have to make the argument here somehow. Are we that much better off than everyone else by having this large of a dormitory style program? Are we right and everyone else is wrong?

Judge Pigman: Bob Pigman, I am the Chief Judge of Superior Court. That is pretty abstract.

Commissioner Mourdock: I defined it as such.

Judge Pigman: I think that studies show, I know that the years I was prosecutor, the studies consistently showed that we were one of the safest counties in the state. Evansville is one of the safest cities in the country. I assume that we are in the same position now that we were 10 years ago. Let me, I think it is, and I want to address everything that Judge Heldt said. I think it is a terrible idea to think about making Community Corrections smaller. There is a couple of other aspects that haven't been addressed yet that really don't talk to much about the Jail population, but are important considerations that I want to talk to you about in just a minute. There is a large population of offenders that fit Community Corrections. They don't fit anywhere else. You could put them in the Department of Corrections, but you are imposing an awful lot of costs on their families and you know they do have jobs, they are capable of working. They need to stay away from the booze. They need to stay away from the dope, and they need to stay away from their buddies or their boyfriends, girlfriends, and the crowd that they run around with and put them in the position that they are in now. They are not all bad people. They have made some bad choices, and they need a lot of supervision, and stern supervision to get them off on the track and back where they need to be, but they don't necessarily need to be incarcerated. I think that population is much greater than 150. I sentenced a young man last week and I was told by the Safe House people that there is a six week waiting period to get him into Community Corrections. That is a real problem. You get these guys coming off of probation who violated, maybe they tested dirty and we are going to send them over to Stepping Stone for some treatment, and then we want them to go to the Safe House for some more intense supervision. They

can't be out on the street anymore because it is obvious that they are running around with the same crowd, but they have to sit and wait for six to eight weeks to get in out there. In that time, they have lost their job and they are not highly employed people to begin with. They struggle to get decent jobs, and so there are costs associated there. There is another aspect of this that speaks to the merits of Community Corrections, and that's many offenders get split sentences. They get "x" number of years at the Department of Corrections, and then on the tail of that time, Community Corrections, so that they are not released directly from prison back into society. They are coming back through a phase, in which they are a step down from a secure penal facility, but in a situation where they are being integrated back into the community but still with supervision, and fairly strong significant supervision, but they are not locked down in a prison and they are not set loose on the streets. I think that we see a fair number of sentences handed down like that. It would be hard for us to tell right now what that population of people is because they are at the Department of Corrections right now, but they will be coming back to us. That has been a fairly routine thing. I think that is also a benefit to the community. The Department of Corrections people tell me that the incident of recidivism is greatest in the first six months. So, if an offender can make it six months out, not that he won't or she won't recidivate, but that rate drops off pretty significantly after six months. So, if you can get them out six months and stay in a stable work environment, social setting, whatever routine, your chances of getting them on the right road are pretty significant. I think what happens, is that if we cut dramatically, like Judge Heldt, I think it is a 100% accurate, we cut Community Corrections dramatically, then we will see the Jail population climb significantly. I share the sentiments that have been expressed, our Jail population is artificially low right now. It will expand, as soon as there is space to put people. There are a lot of decisions being made right now that are being made with an eye towards Jail population, and not towards what, necessarily what's best, for the community. I say that because I am making those decisions myself and I know that others are to. I think when that burden is lifted and we are free to do what should be done, we are going to see those numbers jump up. But, I would really hate to see you build, make a Community Corrections Facility smaller than what we have now. It has been full, I assume, for as long as I can remember, there has been a waiting list. Two weeks is the smallest waiting list that I ever remember there being. Typically, they tell me that it runs between four and six weeks to get somebody in out there. I would really like to see it be bigger now and give us more opportunities to get people, to get themselves straightened out.

Commissioner Fanello: I don't know which Judge would want to answer this question, but in order to help me understand, with the state saying that they are moving towards funding more Day Reporting Programs, and, I guess, if we will be implementing more Day Reporting Programs, I don't know, if that's the Sheriff, if that's what we are going to do, is that kind of where we are headed? You both may need to answer this question.

Judge Heldt: I don't know that. The Sheriff was told that. As I understand it, we just talked right now, I think we should really, I think between the Corrections Advisory Board and all of the public officials should really do a full court press on the Department of Corrections. It has been a good start in that regard now, but I am all for taking a bus or van up to Indianapolis with some folks, you know, so that they know that we are really serious about this. Especially now that we are about to build something maybe. We need some help for bricks and mortar and I understand that there is some possibility that it might happen. I would also hate to see this Commission make a decision on what you know now, and come up six months from

now and find out that we could get a million bucks or whatever from the Department of Corrections. So, I really think that we should make a concerted effort to do that and this is a perfect time to do that. This is a perfect time to do that now that we are taking about building something.

Commissioner Fanello: Well, in order to help me understand, I know that you gave a couple of examples, Sheriff, about the Day Reporting, what that entailed but does that mean that we would be moving towards more treatment? Or instead of them, I guess.

Sheriff Brad Ellsworth: Traditionally, what has happened on the grants, as they were written is that they were, the state similar to what the county does on the raises, put in for a three percent. When we wrote the grant we asked for it to be considered a new grant and I think that it averaged out, for the regular day to day operations a 28% increase for us even though it appears closer to 50 with community transition, the Day Reporting Program. What Judge, what Judge Trockman has done is what his Drug Court has got his D.O.C. grant under, because D.O.C. does not fund Drug Courts, so they call it Day Reporting and it serves approximately 15 people, I think, at a time. I don't know those numbers exactly, but I know at some point, I know that Judge Trockman is going to seek federal funds, a federal grant, to support his Drug Court Program. At that time, Community Corrections, we would take over the Day Reporting, and we would certainly look to expand it to more than 15 people. We then do that, and like I said, different people require different levels of supervision, just like we do the phases now, where we do the 24 hours a day and then we start releasing them for work, we then release them for work and a half a weekend pass and then a full weekend pass and stage four is Electronic Home Detention. We would look at Day Reporting in the same way. Some people might just be, where they come in and say, I am here, I'm sober and I am off to work and see their Case Manager and go on down the road.

Commissioner Fanello: So, they wouldn't stay at the, they wouldn't be staying at the Safe House at all?

Sheriff Brad Ellsworth: Not at all. They would walk in and see their reporter and say that I am breathing and alive and take my breath test. I have no alcohol in my system and I am going to work. That, you know, for the good student, that's what would work for them. Another person might need a little more supervision. He comes in, he is working second shift, he may come during the day and stay four hours and go through an anger management school, a budget school, whatever that might be and then you might have somebody that, you know through the phase stays. We think that requires the Case Managers. We feel they need a full day of supervision. As I said, these would be other steps, other cogs in that wheel along with Electronic Home Detention people who stay 24 hours a day. They might just come eight hours, but then they go home. They may tell them to bring their lunch with them. So, that is how Community Day Reporting becomes a cheaper person. They don't have guards there. They are there with the Program Services Director, or the school in the day, or the Medical Educator or whatever.

Commissioner Fanello: I guess this may be a question for the Judges because I don't know the answer for this. Would we not want to move towards, I guess, more Day Reporting type programs?

Judge Heldt: The Sheriff doesn't have it, it is the Judges that sentence them. So, the Judges sentence them to the Community Corrections Complex, Sheriff Ellsworth

can't say, okay, well, we are going to put them on Day Reporting, because these people specifically have been found by some Judge to need some supervision, some semi-incarceration. That is not what Day Reporting is. Day Reporting is more like probation. We have a Probation Department.

Commissioner Fanello: That's what I wanted to know.

Judge Heldt: They live at home, work at home, and come and report, but it's a much less sanction against a person and control over that person because they are living at home in that same environment, doing whatever they want to do and then come in and report every day. That is much different than Community Corrections. It would be people that the Judges would feel, after going through all of their process, don't need to be in a secure environment.

President Mosby: So, let me clear myself here not to make sure I understand what you said and him. I think he reaffirmed what you said a minute ago. Even if we went to Day Reporting and I am going back to this last question, even if we went to Day Reporting, is what I understand that you are saying is that's the Judge's decision, whether that person be on Day Reporting or would be incarcerated or in Community Corrections and you are saying that we don't have, the amount of people out of, in the Safe House right now and the Safe House is full, that you could see that would be on Day Reporting? I think that is what I heard you say at the beginning of the meeting and you reaffirmed that.

Judge Pigman: I think, David, that one of the great misunderstandings here is that it is a choice a Judge faces is punishment and treatment. That is the choice that a Judge makes. It is not that way. Almost everyone sentenced in felony court is getting some kind of treatment unless they are going straight to the Department of Corrections. These people at the Safe House have had multiple contacts with the system. Multiple treatment plans. They have been on probation. Almost every probationer is required to attend at least one treatment program of some kind designed for his specific, or her specific problem. So, Community Corrections is a melding of the idea that we are going to help this person and give this person an opportunity to help themselves really with a treatment program designed for their alcoholism, their drugs, or anger or whatever it is that got them into trouble to begin with and we are going to punish them to some degree for the anti-social conduct they engaged in while under the influence of whatever it was they were doing or whatever caused them to do that. So, the mere fact that you are going to the Safe House does not mean that you're not receiving treatment. You are. They spend I don't know how much of their budget on treatment programs, and in addition, the Judges typically impose treatment programs in conjunction with that, that apply at the same time or dovetail into what they do when they get out. So, the second point, a lot of the people in the Safe House now are people who have failed treatment programs multiple times. They are on probation. They have tested dirty. They won't follow through with their treatment plan. They won't go to Stepping Stone when they are supposed to or they dropped out of their treatment plan because they just don't feel like it anymore. They are working too much. The list of excuses are endless. So, you put them there, hey, and tell them we are a little bit, this is serious. You are going to be locked up. You are only going to be allowed to get out and go to work, support your self and your family and to go to your treatment plan and that's it. You are going to be locked up the rest of the time. I don't see...the notion that punishment and treatment are two opposite things or things that don't co-exist at the same time, it's not accurate. The third thing that I would say, every successful treatment plan, and this is what the experts tell me, I didn't come up with this myself,

must include a punitive element when there is a relapse or there is a person, well, when there is a relapse. If a person, who is involved in drugs or alcohol, can relapse and suffer no sanctions, can walk into court and say, yep, I am an alcoholic and you know I drink and that's what I do and I am sorry, I won't do it again. What will happen here is that she will continue to drink. The quickest way, the best way to treat that addiction is to tie every step off the wagon, or every relapse to a punitive sanction of some kind and do it as quickly as you possibly can, that helps that offender, beat their addiction. That is an excellent use and I think that most judges makes the Safe House (inaudible). As soon as there is a failure of the treatment plan in any degree then you step up some degree of sanction against that person, so that the treatment people can say, that's the way it works. You follow the rules or you suffer sanctions and the idea that we are going to add treatment and more day and it's going to relieve all of our problems is false, I think. I think, quite frankly the more day treatment we get, it would work the other way, the more people that we have are not going to follow through and we are going to have to use additional sanctions.

President Mosby: I am just going to ask you this question. Is it safe to say that everybody that is in the Community Corrections Safe House has got a job?

Judge Pigman: I think they almost all do.

Judge Heldt: They are supposed to.

President Mosby: Well, I am seeing four heads go no and some goes yes.

Unidentified: (Inaudible)

Commissioner Mourdock: You need to come to the microphone.

Sheriff Brad Ellsworth: I will echo what Judge Tornatta just said. If they don't work then they are required to do what we call tech work. We certainly stress that they go out and find jobs and give them job search, that is part of what, what we try to do in training is getting and keeping a job for more than a week or until the next paycheck. But, if they don't have a job, presently they do what we call tech work, and that is either in the facility or community service around the building or whatever we put it in for community service.

President Mosby: So, I guess the majority of them have a job.

Sheriff Brad Ellsworth: The majority of them definitely do, yes.

President Mosby: I was just wondering because there was plenty of work around the county that they can do.

Sheriff Brad Ellsworth: We don't want them just laying around, that's the last thing-

President Mosby: Well, I don't either.

Sheriff Brad Ellsworth: Watching reruns and that is one of the things that, why we try to bring in so much more programs. Instead of laying there watching, you know, Andy and Mayberry reruns, we want to at least learn him something. You know, that's with the Medical Educator, we have had some great training out there in the last month and we have the next years training for medical and our Program

Services Director is going to be doing the same things for the other program, to give these guys some options. So, we are doing some great things out there.

President Mosby: The great treatment would be working.

Sheriff Brad Ellsworth: The working is great, but also learning the fundamentals, you know if they, at Burger King they are not learning how to balance a checkbook or do a budget so that has to go with it and they are not learning that. Before you buy your six pack, or you buy cable, you have to pay your child support and that, so that's the things that we are trying to strive as life skills, instead of personal feel good skills.

Madelyn Grayson: Excuse me. May we make another tape change?

TAPE CHANGE

Judge Heldt: This is a Work Release Facility. Anybody out there that doesn't want to work or doesn't work, it's called a Judge's ... we'll put them in Jail or in State Prison. It's a Work Release Facility, that's exactly what it is.

President Mosby: Okay.

Philip Hayes: May I ask of the Judges' panel and the Sheriff as well, in terms of legal interpretation on the purpose of the grants and the availability and use, if that's permissible? I'm sure that all of you have had a lot more experience with this than I have. I've had difficulty interpreting the law and the purpose of the grants and the availability in use of appropriation sections. It's under 11-12-2-1, which is the introductory part and the plan that the Community Corrections Board is supposed to do, basically, what it appears is that the better the community takes care of itself, the less the Department of Corrections is going to participate with you in managing to give you grants for your Community Corrections. Am I oversimplifying this from a legal standpoint? The question comes out of looking everywhere I can look to try to find construction money that's in here, and I don't find it in the system. Or I find extremely little and it is tied in particularly with populations and that usage. Brad, you've had a lot more experience with this.

Sheriff Brad Ellsworth: I'll try that one. Brad Ellsworth, Sheriff. I feel the same way, but we know that \$1 million was granted to, like I said, it was either Lake or Allen County for building projects.

Philip Hayes: Do we know enough details? Was it tied to the Jail or was it considered regional?

Sheriff Brad Ellsworth: I don't know that.

Philip Hayes: Because it's something we'll look at. I'm glad you mentioned it.

Sheriff Brad Ellsworth: I don't know if it was worked as part of the Jail or it was a separate...Julie Von Arx would know and she's on the team with United.

Philip Hayes: Great, sure.

Sheriff Brad Ellsworth: She would be pretty familiar with it. I've also talked to Joe Fistrovich at D.O.C. and Julie Von Arx as well and they did at least make a commitment, like I said from the director of D.O.C., some one time building money.

Like I said, that's verbal on the phone from Fistrovich to me. That's why the meeting with Ohlemiller and a van load of our delegates is going to be important in September.

Philip Hayes: In examining the act, I can't seem to get around the notion that based on the Community Corrections Advisory Board and the plan that's done and all of the other alternatives to incarceration, the Day Reporting, all of the monitoring that we've already discussed tonight, I just don't see the lump sums of cash coming from anywhere else. They may promise that, or they may suggest or infer they have it, but I don't know where –

Sheriff Brad Ellsworth: I don't either, I don't either. It would be very simple if they would come up with a formula based on how many people you defer and here's the dollar amount that you defer. I've suggested that to Mike Brown and Ohlemiller and you don't get a response. You know, if you defer 200 it's \$25 per person per day or whatever it is, or \$5 a day. You'd know then. You could compare us to Dubois County that has ten people in Work Release to Vanderburgh County that has 200, but there is no rhyme or reason to that. I don't know if it's the grant writing, something they look for in the grant or what. So, maybe we'll know more in September.

Philip Hayes: I understand.

President Mosby: Any other comments? Judge Tornatta? You made your way halfway to the front so –

Judge Tornatta: I'm just completely dismayed that you would consider cutting the number of beds at the Corrections Complex. If it's tied into the fact that you don't have enough money to build as many beds for the Jail as you know you need, don't put Community Corrections with the Jail. I hate to say that because I know that the Sheriff can say it's much more efficient to have it in one facility for kitchens, for staff. That's true, there's no question about it. But if you...every one of the Judges will tell you that for as long as they can remember there's been a waiting list for the Corrections Complex. If you look at a continuum of sentencing people from Department of Corrections to the Corrections Complex to Home Detention to probation, it works for a lot of people. It's like if you were considering building a highway that was congested, were going to put down new pavement, put down new curves, make it a lot better by updating it, but make it smaller so it could carry less traffic. It's completely dismaying. I think any rumblings you here about the Department of Corrections being in favor of Day Reporting, I think it's back to the comments that Judge Pigman said, where people are saying what percentage of people that are incarcerated are there for drugs? I have people ask me that all the time. It's a very large percentage. The other question is if you'd ask how many people that have committed home burglaries, business burglaries, stole their mother's checkbook and forged checks because they were addicted, there's a lot of people that you sentence for forgery that their real problem is they're a drug addict. There's a lot of emphasis on these people need treatment, and they do. But I can't reiterate what the Judges have already said. It's all a process. It's very simplistic to say we'll cut the number of Corrections Complex Work Release beds and we'll put them in day treatment, because it will not work. If anything all of these components need to be expanded. Just please don't take the option away and if it is tied into the jail, you know, you need to look at something else. I think there is a very limited life to the facility that is there, but tear it down and put up some pole barn type structure, but don't reduce the beds because there's a waiting list now. it is a real problem

when you tell someone you've sentenced to the Complex, but you can't go for six weeks. It just doesn't work.

Commissioner Mourdock: And when you tell them they can't go for six weeks are they sitting in jail for that six weeks?

Judge Tornatta: Some of them are and some of them...you do the cart backwards and you put them on House Arrest first which is really unworkable. Some of them can't go on House Arrest because they don't have a phone. Or like someone has already pointed out, their phone is with the buddy that they were with when they got busted. It just doesn't work. Their grandma doesn't want them, they can't go out to the Blue Sky Inn because their Telex system won't allow for House Arrest and that's where they live. So, it just doesn't work. It's a problem. And there are a lot of people that get sentenced out there for 60 days or 30 days and if you can't put them in Work Release they are going to have to go to Jail. It's already been said, punishment is part of the equation.

Philip Hayes: Judge, or maybe one of the other Judges, just one last question, your recidivism rate, how's it doing in terms of people that you have sentenced to Work Release? Do we have any notion as to whether they're back through the revolving doors, or has it been a successful long term program?

Judge Tornatta: I have folks that I'll get a pre-sentence there for a repeat OMVWI and you think you know this isn't a person that has to go to prison, but it's their sixth one. I think you can sit and debate forever what's the best thing to do. Should I put them in prison for three years which is the maximum penalty so in 18 months he's going to be right back out, and I suspect the first thing he is going to do is drink? Or do I put them, try to figure out some sentence where some aspect of it is Work Release, some of it is Home Detention, he's in treatment, he's going to AA and it is a three year sentence which means he's on some sort of supervision for three years? I think the latter is more effective. But you're dealing with people, they're all different. As I said, I thought if anything we'd be increasing the number of beds. I'm just shocked that you'd think about reducing the number of beds.

Philip Hayes: Judge Pigman, do you the know recidivism rate? You've been doing the heavy lifting on both sides of the bench for a long time.

Judge Pigman: Well, that's why my back hurts.

Philip Hayes: Well it probably does if you've been doing that.

Judge Pigman: I don't know. I'm trying to think as you were talking. I was at a seminar put on by the Judicial Center last fall, I think, maybe some of the other Judges here were there as part of our annual judicial training. The recidivism rate for a straight drug treatment program is bad, around 75%. The best, now there are programs out there that advertise they do better than that and I really question the authenticity of those programs and the honesty of those programs. I think the drug treatment programs, even the best ones, and we have good ones here and good ones throughout the state, but I think it is somewhere around 75% failure rate. I don't know what our recidivism rate at the Safe House is, but it is high. It's high. It's not as high as the Department of Corrections, the Department of Corrections recidivism rate is higher than that.

Philip Hayes: We're beating the Department of Corrections, in Vanderburgh County?

Judge Pigman: I don't know, I've never seen a study. I've never done a study, but I think everybody would agree that it is a high recidivism rate. It's more than 50%.

President Mosby: Comment from Sheriff Ellsworth, then I got a question for you too.

Sheriff Brad Ellsworth: One of the interesting stats that we were just talking about, when we switched to computers we pulled some information out and had 77,000 bookings in the Vanderburgh County Jail in seven years time. Was it seven or eight years? Eight years time and there was only 22,000 different names in the eight year period. So, taking the average, we have the Otis's that get arrested 25 times, but you know it looks like a four to one, you know, at least four times through. Like I said, there are people that skew that number, you know the town drunks that get a lot of arrests. I guess my question is, and like I said, as President of the Community Correction Advisory Board, I know we wrote a letter to this board and to the County Council saying please don't include that facility in your future plans for the Criminal Justice System. I think that's still a sentiment, you know, with last week's storm and now the roof caving in, you know, on the drywall, like I said last week, is pretty disheartening. What I heard from the County Council was a \$35,000 cap. Now if that wasn't, and Richard we talked about –

President Mosby: \$35 million.

Sheriff Brad Ellsworth: Oh, I'm sorry. Did I say thousand? A \$35 million cap and I assumed that was to include all three projects. Now, if that was a \$35 million Jail, the architect is in the room, he may be able to tell us on the same campus we can build that less secure where we don't have to use the steel doors, the stainless steel. I don't know, we'll have to look at that.

President Mosby: That's my question.

Sheriff Brad Ellsworth: I don't think when I say under one roof or on the same campus, I'm talking a very short distance so that we can share the Infrastructure on the thing. It might be a corridor or a hallway. It might be able to be cheaper construction, ten feet out of the door of the highly secured Jail. A glorified pole barn. Like I said, he might want to address that if that's possible or feasible. I think what we are looking at is that if this entire project has to stay within \$35 million, and that doesn't appear to be realistic. It may be then we're going to have to cut. So, like I said, I can live with, we are supervising 225 now or 205 now. We can do it. We can expand if the Council is willing to give us the staffing to do that and put the money to do that. If they are tying our hands to the \$35 million on the bricks and mortar, then we will either have to get some from D.O.C. or we will have to get some from the Feds, to agree, if we agree to house federal inmates and they will kick in if we agree to house feds. That's decisions that we have to make. Are we going to make that commitment and yet make it big enough to house them? That is going to be you all deciding, yes, we will house federal inmates, the federal marshals will take your money and there is a million or more available there also. So, like I said, I don't think that moving, you know, we could tear down the existing facility. We don't own that property, we would have to buy it or whatever, I don't think that moving it off of the campus of the Jail is going to make this any cheaper or influence the numbers. If we are tied to that number, and we can't build all three projects for that. I guess that's where my question would be. What we are committed to? What's the Council committed to ?

President Mosby: I guess my question, when I wanted you to back up here, was

more or less what you just said. Maybe I need to ask the consultants but I was wondering why we couldn't take the same piece of property and build a Jail? But if it is a pole barn, dormitory style, build that too. It doesn't have to be as secure and as expensive as the Jail does. I guess that is feasible to do and I see one of them nodding their head.

Sheriff Brad Ellsworth: He wants to tell you that we haven't signed a contract yet.

President Mosby: Well, I understand that.

Commissioner Mourdock: But, there are more components to this as well. I hope that no one will ever accuse me of having a closed mind on this because this has been a very interesting discussion and certainly some of my feelings, the ones that I carried in here, I am feeling different about now. I don't see that there is any way and it would take a lot of convincing of me to make me believe that we can do a pole barn on a per bed basis. I believe that we will also be cheaper on a pole barn basis on a per bed basis than including that in a new Jail Facility. But, let's not stop at that because, if, in fact, we just say okay it is 125 beds in the Work Release Program, but we also expect Day Reporting to increase at some period of time, which I think we all would, given that scenario. What we are saying is that the amount of traffic coming in and out of that building is even greater. I don't, personally, like the idea of that much traffic coming in or out of either this location over here or the back 40 or something close to this building. Which again, is my preconceived notion. I could be wrong. I think ultimately that's where the Jail is going to be. I think if you do put Community Corrections there, that aspect of that traffic coming in and out everyday, whether it is cut in half and the Day Reporting increases. I mean, that is going to be a big factor. Sitting here I am coming to the conclusion that I think that the two, sort of as Judge Tornatta was saying a moment ago, need to be separate. I think there is certainly some gains to be made in Infrastructure, but I am not sure that those gains are going to overcome the cost difference of the price per bed in a new facility and deal with the traffic congestion.

Sheriff Brad Ellsworth: I know. I just got back from Owensboro with Councilmember Bassemier and Councilmember Wortman, and they have the Jail Facility and 25 yards away is their Work Release Facility and 25 yards from that is a Juvenile Facility. They all are on the same campus and they share the Infrastructure. They roll the food down in carts but it is cooked in one location. They don't have the three kitchens.

Commissioner Mourdock: Where is that from downtown?

Sheriff Brad Ellsworth: That is on the riverfront. I can't remember what the highway is.

Commissioner Mourdock: This is where, Lexington?

Sheriff Brad Ellsworth: Owensboro. Highway 60 in Owensboro. So it is all on the same campus separated by sidewalks. They all look the same. Three different, separate buildings, separated by a sidewalk, but they share those laundry, kitchen and those items, share supervisors.

President Mosby: That is what I was wondering.

Sheriff Brad Ellsworth: They, I think that I am going to take the giant step here and

say that when this all comes down because one thing that I think we have to do, is not draw this facility to fit in a square here or whatever. I think that when they are done drawing what Vanderburgh County needs, whether that Jail is connected to Community Corrections, connected to Juvenile, we are going to find that this is not suitable. It is, I don't think that it is going to end up on the back 40 right here. That is my gut feeling that we are going to need somewhere closer to 20 acres as opposed to what we have back here. I could be wrong, but I don't think that we need to design the building to a square.

Commissioner Mourdock: If we do disagree on that one, let me point out one that we do agree on tonight, Brad, and that is your comment, and I agree wholeheartedly, if you started out with a certain amount of, call it dormitory space, in the new Jail, a certain amount dedicated to Community Corrections, I think on day one you are going to start losing that space and it is going to shift over and edge them out and I don't like that scenario at all.

Sheriff Brad Ellsworth: That is why, like I said, I don't know if the architects want to address this, but I don't know why you couldn't build this on the same campus but of a less expensive construction but yet share some of those things that are cost savings and staffing, I don't know.

President Mosby: Does somebody want to address that? Take recommendations here? We need to move into the regular meeting. We are about 15 minutes behind.

John Staley: My name is John Staley with DLZ. We have a project that we completed with the La Grange County Jail, where they are connected, Community Corrections and the Jail, and we did use a different construction. Although, it is more along the traditional construction and not a pole barn. I would agree that a pole barn is far cheaper, and I think that the point the Sheriff was making about the staffing, was an important one. If you can share the resources of staff then that is the greatest cost. Historically, staffing costs of operating Correctional Facilities is ten times first cost and capital project costs. That is not what we normally look at over a life cycle of 25 to 30 years. So, we want to be cognizant of the staff efficiency formula. As we get, we develop the program for the projects, then I think we will look at different construction scenarios and come back with some ideas about how to save costs and make that work. Obviously, if you construct a Jail you are looking at a type one construction, a fire resistant type frame. You are not allowed to put combustible construction such as a pole barn of a lesser rate within a certain distance of that. As long as you watch those kinds of things.

Commissioner Mourdock: Let me clarify that, the term pole barn, we use pretty crudely. None of us really mean a pole barn, but we are talking about some kind of prefabricated metal building.

John Staley: That might be, but basically a non, what we call non-rated fire structural system. If you need fire proof it, that can add some costs to that type of construction, which reduces it's advantage. We have the same debate going on in a county very close here about building a pole barn with Community Corrections and what the advantages and disadvantages are. I have outlined a number of those issues for them to make a decision, but I think what we need to do is proceed with developing our program based on the need of a bed county need. Obviously, whatever that is, it will be size for some expansion in terms of how we look at that program and the support spaces that are in the first project that is constructed in the first phase. Then we will look at construction scenarios that might satisfy that

program and you can make some real choices based on costs at a later date. I am not sure that we are ready to tell you at this point. But, if we look at conventional construction for the various components that we have so far assessed and say it was a 600 bed Jail, 155 bed Community Corrections and 24 bed Juvenile, obviously, we are more than \$30 million dollars in construction in conventional terms.

Commissioner Mourdock: Where did the 155 beds come from?

John Staley: What, I am thinking in a work session, we were looking at 155, that is not a conclusion at this point. There has been some discussion in a work session as to where do we start. Is it 155 or 225? I don't think that any determination is made on size. We are still in a programming phase and we are going to work up some square footages that respond to this definition of program and then come back and discuss that further.

Commissioner Mourdock: So, saying all of that in a few words, you don't think that we are ready yet?

John Staley: Well, I think that we need to size facilities, but, whatever we do, we are going to size for expansion. I guess the question is how much expansion? Whether it is 1,000 beds, 1,200 beds. Most of the facilities we size for a reason, for expansion. I do think that we need some direction on how to plan our project, though. I think we are looking for that this evening.

Commissioner Mourdock: Well, having heard those numbers, I mean, the number again, as I stated a few minutes ago, if I hear the number 600 bed Jail, to me that's not in my way of thinking what is adequate for the future. Because when we have had as many as 400 already, simply to go another 200, I think we are kidding ourselves. If we have to, I don't see this as a zero sum gain, but if we have to take beds from one to the other, right now, I certainly want to put more beds into the Jail, than I would in Community Corrections. But that's again assuming that they are all sitting there is one building. Which I am not at all convinced that is the way that needs to go.

John Staley: Site may drive some of this too, depending upon availability of the land.

Commissioner Mourdock: Absolutely.

John Staley: We think that there are some significant savings to be, to result from some co-located facilities.

Commissioner Mourdock: Some what?

John Staley: Co-located. We think that needs to be looked at seriously before we dismiss it.

President Mosby: I am still trying to get an answer here.

Commissioner Mourdock: Sounds like we are still not ready.

President Mosby: No, I mean, I heard everything you just said, but I guess what I am asking you, and you are talking about type one with the Jail and that, you know. Can we put a Community Corrections Facility, maybe not a pole barn, and you know at half the cost, a fourth of the cost?

John Staley: I would say it could be half of the cost because -

President Mosby: I mean I know that we don't need steel doors and, yeah, I have heard that before and, I guess, in a Community Corrections Facility we don't need special tables and beds and toilets and steel doors. So, I mean, what I am asking you, is it half the cost? A fourth of the cost? Are you going to tell me it is a 100%?

John Staley: It is not half the cost, but typically—

President Mosby: Less than half?

John Staley: —it is around \$110 to \$120 for Community Corrections, is what we typically. So, you are substantially less if it is \$180 to \$200 and those are obviously averages on the high end. Historically the projects that we have done together, both DLZ and United are Jail projects. St. Joe County was \$145 a square foot. Just opened.

President Mosby: For the Jail?

John Staley: That's 250,000 square feet, 830 beds.

Commissioner Mourdock: For which? Was that Jail or Community Corrections?

John Staley: St. Joe County Jail.

President Mosby: Was \$145 a square foot?

John Staley: La Grange was about the same. It was 208 beds.

Commissioner Mourdock: But again, that is a Jail, not Community Corrections?

John Staley: No, La Grange has Community Corrections. 46 beds for Community Corrections out of that 208. So, you could segregate those costs. I would imagine what piece cost what dollars. I would say that the Community Corrections part was a lot less costly because it was light frame steel, choice roof, metal deck roof as opposed to the Jail, which is a concrete plank roof, a lot heavier, exterior wall, that is fully grouted, solid.

Commissioner Mourdock: So, was that a podular type Jail?

John Staley: Yes, sir. Each pod has 14 beds. The day rooms in the county is pretty small. So we...the county is pretty small, so the cell blocks are small.

Commissioner Mourdock: With some maximum security units within that, I assume?

John Staley: Correct.

President Mosby: Okay, we need to make recommendations.

Commissioner Fanello: We need to make recommendations to give them directions to go and a contract to start from. Who wants to go first?

President Mosby: I will be honest with you. I am not ready tonight. I would rather hold this until next week.

Commissioner Mourdock: I agree, and I don't know if even next week is going to be right. I am not trying to delay it at all. I think there is a lot of information that we need to gather.

President Mosby: Why don't we hold off for two weeks to make a decision?

Commissioner Mourdock: Okay, two weeks.

Commissioner Fanello: Well, what are you needing to make a decision?

President Mosby: Well, what I want to do. I am not ready to give you any numbers tonight.

Commissioner Fanello: Then we will not be able to meet our deadline of signing a contract with them.

President Mosby: That's fine.

Commissioner Fanello: We are going to need to extend that.

President Mosby: I would make a motion that we need to extend 60 days to sign a contract. Okay?

Commissioner Fanello: Okay.

Commissioner Mourdock: Is that to be in agreement with the stipulation?

President Mosby: Well, originally we had said that we would have a contract within 90 days.

Commissioner Mourdock: But, we said that in part of the stipulation.

Phil Hayes: Well, actually the stipulation is to be acted on. The stipulation will be acted upon tonight, and as far as the self imposed contracting it is not necessary tonight in order to make it valid.

Commissioner Mourdock: Okay.

Phil Hayes: It is not a problem.

President Mosby: I will make a motion in the next meeting to stipulate it if we have to.

Commissioner Fanello: So you are saying two weeks? Is that what you said?

President Mosby: I don't know, somewhere in that area. We will recess for ten minutes and then start the regular commissioners meeting.

Commissioner Mourdock: Okay.

The special Jail and Community Corrections meeting ended at 620 p.m.

**Vanderburgh County
Board of Commissioners
August 6, 2001**

The Vanderburgh County Board of Commissioners met in session this 6th day of August, 2001 at 6:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call To Order and Introductions

President Mosby: At this time we'll at the same time call to order and reconvene, if that makes any sense. That's what we just did. The Board of Commissioners meeting of Vanderburgh County for August 6, 2001. With us tonight we have the Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If we would, stand and please say the Pledge.

Approval of Minutes

President Mosby: First on the list tonight, action items, approval of the minutes of the July 30th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered.

**Selection of Shireman Corporation as Construction Manager
for new Jail, Community Corrections and Juvenile Detention Facilities**

President Mosby: Award of construction manager's contract. Do we want to start?

Commissioner Fanello: Do you want to go ahead and start with a motion, unless there are any questions? I just want to say thank you to both the companies who came in. The Skillman Corporation and Shireman Corporation. A difficult decision, but I'm going to make a motion that we enter into a contract for construction management with Shireman, Incorporated.

Commissioner Mourdock: This is one that going over all the documents I could argue either way, to be honest with you. I think both...one certainly has some local connections that are helpful. Both have some experience that is relevant so I won't belabor the fact. I'll just go ahead and second the motion.

Commissioner Fanello: Thank you, Commissioner.

President Mosby: I have a motion and a second, so ordered to award construction manager's contract to Shireman, Incorporated.

Commissioner Mourdock: I guess, just a matter of procedure with that we need to direct the County Attorney to enter into some discussions as far as negotiating a contract because there isn't any fixed form at this point, so we need to work through that.

Philip Hayes: Very good.

Commissioner Fanello: Thank you.

President Mosby: Okay, and with that I would echo the sentiments of Commissioner Fanello and thank both companies for their time in making their presentations.

Z Tuley - Bank of Evansville

President Mosby: Z Tuley.

Z Tuley: Good evening. I'm Z Tuley, Vanderburgh County Treasurer. We have with us tonight Tom Austerman with the Bank of Evansville and he would like to speak to you a little bit about his bank's interest in bidding for the interest or the investments for the County's money that is available for investment purposes. So I give you Tom Austerman.

President Mosby: Thank you. Tom, it's all yours.

Tom Austerman: Thank you. My name is Tom Austerman. I'm President and Chief Executive Officer of the Bank of Evansville which primary office is at 5130 Vogel Road. We have a branch at 530 North St. Joe. The bank was chartered as a national bank and we opened our doors July 2nd of this year. We've been open a little bit more than a month. We were approved by the State Board of Accounts as a public depository on the 23rd of July. That was the first meeting that they could have after our doors opened. We are a national bank chartered by the OCC, Office of the Comptroller of the Currency, which is a department of the United States Treasury. We're more than adequately capitalized and so far we've been doing very, very well.

President Mosby: Okay.

Tom Austerman: We have, myself, I've been in banking 30 years this year. Mike Sutton, who is Executive Vice President, 19 years in Evansville as a banker. Our Chief Financial Officer has been in banking for 27 years. So our total staff has 251 years of banking experience.

President Mosby: Just a little bit. What bank did you used to be with?

Tom Austerman: National City.

President Mosby: Okay, I knew you were with one of the banks and I couldn't remember. Are there any questions?

Commissioner Mourdock: As listed on the agenda and as Z said, just interested in bidding for the business so this is simply a little bit of an introduction. Obviously, whatever process we need to look at in the future as far as what things we have going out and include Mr. Austerman and his company on the bid list.

President Mosby: I would echo that.

Z Tuley: I was seeking approval and as the Board of Finance is to be the supervisor for the investments and for the money for the county.

Commissioner Mourdock: Is there any qualifications, Z, that the state puts out as far as what we have to have in a bank to put those investments out? I mean, Mr. Austerman mentioned the thing with the State Board of Accounts.

Z Tuley: Right, and then once they are on that list as far as the state is concerned they are recognizable for this type of deal. Now, we won't be looking at Bank of Evansville for the cash management package at all this year because that bid won't come up until 2002. It's a two year contract.

Commissioner Mourdock: And what will come up this year?

Z Tuley: It will...oh, what will come up this year?

Commissioner Mourdock: What will come up this year?

Z Tuley: Investing money in the General Fund for CDs, repose.

Commissioner Mourdock: And how or do you have a hard date in mind as far as when that next bid would go out to try to get those services?

Z Tuley: No, it's very...it's as money becomes available and not immediately needed. For the most part I set the dates on how long. If I am targeting a specific date such as for payrolls, such as for inheritance tax to be paid to the state, something like that. I may have so many days and it is all variable.

Commissioner Mourdock: So when you see one of those days coming up what do you typically do, call the three or four pre-qualified banks, if you will, and see what they can offer at that given day?

Z Tuley: And ask for a bid. None of the bids are revealed until all of the bids are taken. Then we call each of them back and let them know what the highest bid was and who was awarded the bid.

Commissioner Mourdock: Okay, so I think probably that being the case, and I don't recall us doing this before, but we may have. You don't have a bank come in every day.

Z Tuley: We've not had a—

Commissioner Mourdock: That's the difference.

Z Tuley: Exactly.

Commissioner Mourdock: I would therefore move that we officially include the Bank of Evansville since they have been approved by the State Board of Accounts as a public depository on to the Treasurer's bid list.

Philip Hayes: For the record the State Board of Finance.

Commissioner Mourdock: Oh, I'm sorry.

Philip Hayes: No, it's okay.

Commissioner Mourdock: Well, my motion corrected for that.

Philip Hayes: Indiana State Board of Finance.

Commissioner Mourdock: Okay.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

Z Tuley: Thank you.

President Mosby: Thank you very much.

Commissioner Mourdock: Thank you.

Judge Knight - Discussion Regarding Telephone Problems

President Mosby: Judge Knight.

Tammy McKinney: He called me earlier and said that he wasn't going to be able to make the Commissioners—

Judge Knight: Here I am.

Tammy McKinney: Oh.

Judge Knight: Thanks. That's alright.

President Mosby: Tammy, this is Judge Knight.

Tammy McKinney: He did call me.

Judge Knight: Actually—

President Mosby: Never a dull moment.

Judge Knight: Doug Knight, Judge Vanderburgh Superior Court, here about telephones. Actually asking for clarification. The scenario is that Tuesday a clerical

worker is in charge of answering phones for 26 different lines in one area of the court and she can hear the phones ringing, but can't determine which phone is ringing because the little triangle won't light up and can't answer it. The other scenario is a jury panel goes out, 600 some odd people solicited for jury duty and if they got a problem call Judge Knight and there is the phone number. They try to call the phone number and sometimes it goes dead or it is dead. If this happens on a Tuesday, I understand the policy is that we are to fill out a certain form, explain what the problem is and then have those repairs approved by the County Commissioners. I'm not sure of that. Is that the procedure that we need to follow?

Commissioner Fanello: Yes, I mean, unless...I mean, if it is an emergency situation Tammy can go ahead and make a call and then just put something in our packet for the next week, but this was to help us kind of get a handle on...it's more than just service calls, but for equipment and things like that because I think in our review we felt like there were some unnecessary requests at the first part of the year. But if you have an emergency situation I think the Commissioners when we came up with this form instructed her to go ahead and make a call and get it taken care of.

Judge Knight: Alright, those are realistic examples and I was asked to find out what the answer was.

President Mosby: I'll tell you more where I was coming from when we did this. I think there was some phones moved, some remodeling done, things like that and all of sudden we incurred a bill probably more substantial than what we had thought or wanted to have. I never intended for it to...if there is an emergency situation and you can't answer your phone I would fully expect that you would call and have that corrected.

Judge Knight: Okay.

President Mosby: Now, if you were going to add lines, add voice mail—

Judge Knight: Right.

President Mosby: —do a bunch of remodeling, then I would ask that would come through the Commissioners and we could look at that before we incur that expense.

Judge Knight: I understand and I appreciate the clarification. Incidentally, I've had an opportunity to work with Tammy and the phones in my office. She does an outstanding job and deserves to be complimented. Thank you very much for your assistance.

President Mosby: Thank you, Judge, appreciate it.

Executive Inn - Skywalk Drawings

President Mosby: Executive Inn, skywalk drawings.

Joe Vezzoso: Mr. President, fellow Commissioners, Joe Vezzoso with the Executive Inn. We have an army here, I think. At least behind me, hopefully. We have some plans to show you all of some renderings from Morley and Associates. A possible design for the crossover between the Executive Inn and The Centre. Ben is here with Morley and Associates to address any issues or questions that you might have in relation to the design. We feel it is a good design. It fits both of our properties.

The Executive was built, of course, in 1965 and had additions put to it three or four different times, so the relationship between the two buildings, the age of the two buildings, the fact that you're tying into a brand new center and tying back into our building which is a considerable age on it I think it looks good. It fits well into our building and I know it fits well into The Centre. So, Ben, from Morley, if you have anything.

Commissioner Fanello: Is there a difference between B and C or are they just different angles?

Ben Kunkel: B is from the...different angles. One from the front and one from the rear, basically.

President Mosby: I guess looking at this drawing, I mean it's going to match our building. The colors always match. What about the material and what you're building it out of? I mean, is it going to be the same type of construction, the same type of material and not just the same color? I mean—

Ben Kunkel: Actually, the material will be a little different. It's EIFS, more of a stucco like product, it's that tan that you see on there. Of course, on The Centre it's a metal panel, the majority of it. The majority of it, I guess, is glass and that will match.

President Mosby: Yeah, I understand that.

Ben Kunkel: And the brick will match.

President Mosby: I see Mr. Shoulders in the audience, and I know Mr. Shoulders was the architect on The Centre and I guess I would ask have you seen this?

Mike Shoulders: Yes.

President Mosby: And do you know the type of material that he is referring to?

Mike Shoulders: I would like to—

Commissioner Mourdock: You need to come to the mike.

President Mosby: Could you come to the mike, please, because we are recording this and I know I'm going to have to have you on.

Mike Shoulders: I'm Mike Shoulders, President of Veazey Parrott Durkin & Shoulders. I have with me Mike Buente who was...I was the principal in charge, principal architect on The Centre and Mike was my project architect. About a month ago, maybe, Ms. Fanello and I talked about the possibility of us taking a look at what was happening, so we've had a couple of meetings and we are aware of what is going on. I want to compliment Ben Kunkel. This young man has done a lot of work on this program, but we do have some concerns about the direction that the connector is heading, so let me just share those with you. When we...and, of course, Mr. Mourdock was there the whole way through the process of design and construction of The Centre and he realizes how much research was put into materials, flow, marketing, and all the issues that have made The Centre a success and has been very well accepted in the community. When we began to design The Centre we conceived the two towers on either corner as potentially being locations for connections as the one is being contemplated now. We saw the connection

occurring in the center of the tower. There are three glass panes, so to speak, and we always envisioned any connection either at the Locust corner with Martin Luther King or Walnut. The connector coming right dead center symmetrically into those towers. That's the logical place to do that.

Commissioner Mourdock: This does not—

Mike Shoulders: This does not do that. We have made our concern known and I think there are some options that have been looked at. Those towers on the corners have large defined brick columns that give a certain sense of sturdiness to the tower and expression to the tower. We think that bringing the connector in off center, which is what is being shown here except for there is one that has an offset and that would come in, but the preferred direction, I think, and I don't want to speak for the group, but I think their preferred direction is to come to, I guess you would call it...as you're facing from the Executive to the tower, the right side and virtually the connector is sort of flush with that south edge. We think that is a very poor detail and it's not in keeping with the original conception and we would like for the Commissioners to ask the design team to revisit that issue. Secondly, we feel that one of the elements not shown on the renderings is the fact that we have a tree line with Zelkova, is that what we planted? Trees along Martin Luther King. This sets up a strong pedestrian way to the right-of-way and we feel that the design, while it is rather attractive, and we don't really have a great deal of argument with the materials or the express or the portion other than we feel like the round expression is going to be very awkward once you see it built because there is a row of trees that will continue to mature there along that stretch of green grass and we feel that the design has basically been done and focused between the facades of the buildings in terms of its symmetry whereas we feel that the proper express would be that the round figure would be from curb to curb and express the right-of-way. That's item number two in our observations. We also in discussing this with Mr. Kunkel understood that the doors coming in from the connector to The Centre were going to only be about seven foot doors. All of our doors are eight foot doors. That particular space that they're coming into is like a 16' ceiling so we think that a seven foot door entering The Centre at that location is out of scale. I think the reason they had to do that is that the ceiling of the connector would only allow them to get as that thing comes down a seven foot door. We think that the height should be raised on that end to give us a nice broad entry into The Centre from the connector. Finally, our fourth issue and our fourth concern is the supports that are underneath the connector, particularly on our side of the street, will block our windows. We think they're too close to our building. They don't...they're not designed in keeping with any other elements on the entire, as far as we know, either the Executive or The Centre and we think those supports should be pulled away from the building and should be expressed a little more sleekly and not have the X bracing and all the post structures and so forth.

Commissioner Mourdock: Is that last issue (Inaudible. Mike not on) if it is in fact moved into the corner (Inaudible) way it was designed into the building, does that last issue still become relevant?

Mike Shoulders: In some form or fashion the connector must be supported on our side and we just feel that where the supports are located in that favored drawing that it blocks our windows and has no real sympathy with The Centre. We have those four concerns. We would really ask that the Commissioners take those quite seriously in this effort and ask that the design team go back to the drawing board and take a look at these very seriously. I don't know if they are too far down the road

and have steel ordered and all. I mean, if that is the case, I guess they should be forthcoming and tell us. And I don't know if that is case or not, but we've talked to them. We've met twice. We've worked on this for about a month and we still have those concerns and we think they're certainly legitimate concerns that should be reviewed.

Commissioner Mourdock: Let me ask the obvious question. With the fact that the building, The Centre, was designed with those, and I'll call them portals, and I'm sure there is some architectural term that is a better one, but with those designs for this thing eventually to be put in why would you put the walkway any other place?

Joe Vezzoso: Mr. Mourdock, I think if you look at your drawings, probably B is the best. The brick that sticks out from the Executive Inn building is a fire escape. That has been cantilevered out over the street and is supported by a poured concrete piling. Not a piling, it's a cantilevered, poured cantilever base, poured from the second level of the building. To move the structure back that way which would then hit right in the center of the three windows in that best view, I guess, whatever you want to call the three windows at each corner of the building—

Commissioner Mourdock: Is this The Centre?

Ben Kunkel: If we can get The Centre's overview, what happens is if you take that straight across from where ideally they would like to see it come is this hits into that stair tower over there. It's cantilevered out, hanging out over the edge of the Executive Inn site and it gets to be pretty, kind of a quirky little detail there, where we only end up...we're very limited, so we would only end up with roughly two to three feet between the edge of our pier and the edge of the stair tower and we're very limited about pulling that away from the street because we've only got about...the building is built right on the edge of the right-of-way, so we've only got about ten feet from there to the edge of the curb.

Joe Vezzoso: In addition to that we currently are losing three hotel suites and at any point that the hotel would ever go back up for sale those rooms would be worth \$60,000 to \$70,000 a piece.

Commissioner Mourdock: You're not making an announcement here by saying that?

Joe Vezzoso: No, no, no. Mr. Bayes has all intent of keeping the property a long time, but when you look at it and think about ever reselling the property the rooms are worth X number of dollars a piece and right now they are probably \$50,000, \$60,000 or \$70,000.

Commissioner Mourdock: Well, not being an architect and just being of a simple mind do these two things...I mean, does it have to be a right angle across the street? It would seem to me you could come—

Joe Vezzoso: There is suggestion by Mike of skewing it five degrees.

Mike Shoulders: Or offsetting. We're not saying it has to be a straight shot between both sides. It would be nice. I think from their standpoint it's expedient for them where it is coming in, not from a design point of view, but from a structural and a connection and a cost point of view to be where they want to be. What we're saying is we designed that tower specifically for a location to connect and we would ask that they find a way to do it. It doesn't have to be straight. It can be angled, it can be offset, whatever. But find a way to enter our building properly is what we would

ask.

Joe Vezzoso: If it is skewed I think that the pier on the side of The Centre as you would drive down the road of course you're going to see the skew in the pier. It's five degrees, I believe, and Ben has a rough drawing.

Ben Kunkel: I just have a sketch. You can see one edge of the pier and (Inaudible. Not at mike) on the edge of the sidewalk and the other would be inches away from the sidewalk so it gets pretty tight here, a (Inaudible) condition on our side. We can deal with on The Centre side, but again we're limited because of the ten feet that we have.

Joe Vezzoso: Because of the elevations when it hits the Executive building it takes not only the second floor room, but it also takes the third floor room to get the head room that we need to come into that building.

Ben Kunkel: I guess it is our opinion that the trade-off of skewing it versus coming straight across where we lined up the edge of the brick pier is we prefer to see that, but you know that's a differing opinion from what Mr. Shoulders has.

Joe Vezzoso: As far as a round window the window doesn't make us any difference.

President Mosby: I don't know that I am concerned about a window. I guess I am very concerned about you coming into our building where this was originally planned. I mean, I understand it might cause some problems on your side of the building, but you know evidently there is going to be a problem somewhere, either your side or our side. I would rather it be on yours. No, no, I mean, I'm just concerned that it was built for this and that we would comply to that.

Commissioner Mourdock: And just by way of history, and I think Mike Shoulders or Mr. Buente will agree to this, it is my recollection, and I realize Mr. Bayes didn't own the hotel at the time, but when we went through this process and we talked about the possibility of that skywalk there was some discussion at that point with the owner of the hotel about how this would be put in there. So—

Joe Vezzoso: What was the discussion?

Mike Shoulders: (Inaudible, comments made away from mike.)

Commissioner Mourdock: You need to come to the mike, please.

President Mosby: Mike, I need you over here, if I can.

Mike Shoulders: Well, that didn't go very far, but it was broached with, I guess, who was it, Mr. Grannoff at the time?

Commissioner Mourdock: Yeah.

President Mosby: Yeah, Grannoff.

Mike Shoulders: You know, there was receptiveness on his part, but it was then up to the point who pays for it.

Commissioner Mourdock: But, I mean, in the sense of the structural where we were

saying this is where our portal is going to be—

Mike Shoulders: Right.

Commissioner Mourdock: —that would have been the time for him to say could you move it down ten feet to the left.

Mike Shoulders: Well, he didn't really study it in the depth that these gentlemen have done.

Commissioner Mourdock: I understand, but at least he had that opportunity.

Mike Shoulders: Yeah, he would have.

Commissioner Mourdock: Because there were discussions taking place.

Mike Shoulders: Yeah, he would have because it was broached. We feel like that there can be some kind of transition space on our side. We have a wider pedestrian on our side. We have a wider pedestrian space by far on our side then they do. They've got a very small transition, so we feel a transition, maybe it's not an angle, maybe it's a jog, some way to come into our building and express the bridge part over the right-of-way from curb to curb and then maybe flatten out and transition to both buildings is the way to go with this. We've talked about it. So I think that the number one issue, I think Mr. Mosby has hit it on the head, is to address our building properly as it was intended to be addressed.

Joe Vezzoso: When he was speaking it was example A.

Commissioner Mourdock: Yeah, this one.

Joe Vezzoso: Being able to jog over. Compare that to example B.

Philip Hayes: If we got the three rooms away from you on this program would it be within your appraiser's opinion that it would elevate the value of all the other rooms to make up for that loss?

Joe Vezzoso: The only thing that elevates the value of other rooms is our occupancy levels and hopefully they'll be at a point—

Philip Hayes: So the flooding of those crowds from The Centre over to your—

Joe Vezzoso: You know, that is all our hopes. When The Centre was built it was to reattract the convention business to Evansville and now we've got a gentleman that is willing to put the money into the Executive to help attract that business and connect the two buildings together. I would just say that from our side, from our building, you know we don't feel that we can go into the fire escape and make the direct straight across the road. That means supporting that entire fire escape for the entire eight stories nearly and putting some framework in there to carry that load which would incur a substantial additional cost.

Commissioner Mourdock: But you don't have that in your drawing A?

Ben Kunkel: No, sir. You know, we have been out on the street and we've looked at it. I'm not an architect by any means, but I think if you go look at it and you put an

eye across the street I don't think...I think the design is well done. I think it meets both buildings. I just think, you know, we're at a point that Morley & Associates has the structural design done. It has been approved. It's ready to go out for—

Joe Vezzoso: It's been out for bid.

Ben Kunkel: It's out for bid for structural so we're nearly ready to do construction.

Philip Hayes: If I could, this should be part of my legal report, but I talked to Jim Morley at some length on the phone and we arranged to get together tomorrow. He needs to get me legal descriptions and when I say me it's because I didn't attend the meeting and I'm stuck with the job of drafting this for all the parties. You have to be sure to be there and protect your interest. I didn't, but I have talked to Mr. Schopmeyer about it. Would it be appropriate and with the agreement of the Commissioners, that this determination about design I would be more comfortable in terms of the drafting if we would use this additional time to get our contract together? Jim seemed to think that it was alright. I talked to Mr. Bayes' attorney, Edward Johnson, and Edward had a chance to go to your shop and take a look at the design and all that. Rather than make a decision on this at this point would it be appropriate to wait until we get the contracting situation done and see what else can possibly be accommodated between the two views?

Joe Vezzoso: You know, we'll certainly do whatever the Commissioners say.

Philip Hayes: I understand. I just wanted to report it if that makes a difference, Joe, as far as pressing for a...I did not know that you were ready to go out to bid with it. Jim didn't indicate that to me.

Ben Kunkel: It has actually been out for bid. It is ready for—

Philip Hayes: Quotes, okay.

Ben Kunkel: It's ready.

Philip Hayes: It's a question of discussion.

President Mosby: Well, I am going to step in because I'm not going to agree to this. I mean, I'm not happy with where it comes in and, you know, he was talking about the doors over there are eight foot and you're talking about seven foot. I understand Mr. Bays came in here and he has put a lot of money into the Executive Inn and I think this county and city was very good to Mr. Bays by what we offered and this was one of the only things we asked for. In asking for that I think we need to get the design that fits our building, too. Our building is a little bit newer than yours.

Joe Vezzoso: That's true.

President Mosby: We were designed for this and I don't feel like you've met that in any way. So I'm going to ask you to go back and relook at this. Even though you have bid it, I mean, I'm sorry, but maybe this should have been cleared here before you bid it. I'm not going to agree to it. I don't know about the other two Commissioners.

Commissioner Mourdock: Let me ask Phil, the last time I think we spoke of this whole issue, forgetting the architectural work for a minute, we were talking about making sure the liability issues were all cleaned up with this. Has that been taken

care of?

Philip Hayes: No, not a bit.

Commissioner Mourdock: And I am surprised that being the case that you have went as far with this as you have.

Philip Hayes: Well, Jim...when I talked to Jim the use of the term bid/quote was interchangeable. I said, oh my, you've gone out for bids already? Well, I had the impression from talking to him that they were not hard hitting hard and fast. He told me how many you have talked to. I think three or four. There have been discussions there. Maybe it is just a question of definition, but no. I had talked to Mike Shoulders on the phone and I didn't get any more indication from him then I got from Jim that we were all set to hit the deck with this, Joe. I know you want to get started and I promised Jim I would get busy with him and start scribing this up. The city still has a say in this as well as far as how this thing needs to get drafted up and I don't want to hold you up at all, but I think it would be in everybody's interest to, you know, give us a while to get those issues set. We're going to have to anyway.

President Mosby: Why does the city have a say in this skywalk?

Philip Hayes: The contract. Just the contract because of the money. Not in terms of this design.

President Mosby: I thought this was just something that the county asked for when we was having the hearings with Mr. Bays.

Philip Hayes: Well, the three parties are the Building Authority, the City of Evansville. They have conditions on their end of the grant. It's those issues, Commissioner, that I mean to which they have any input.

Commissioner Mourdock: Well, I'll move that we defer this until we see a plan come back to us that we can agree to architecturally in the sense of how it ties into our building and also to make sure all those liability issues are taken care of.

Philip Hayes: Right, exactly.

Commissioner Fanello: I'll second.

Madelyn Grayson: We need to make a tape change.

President Mosby: Okay.

Tape Change

President Mosby: There has been...are we back on?

Madelyn Grayson: Yes.

President Mosby: Okay, I was waiting for a tape change. There has been a motion and a second to defer the skywalk drawings until we get a design. Originally I guess my concern was the doors, the material and the support of where it comes into our building. So I am asking that I see that be corrected in your next design.

Ben Kunkel: The materials? Mike didn't you make a point about materials?

President Mosby: No, he didn't, but I originally asked, you know, if this material was of the same material or close to and that it matched The Centre. I don't want to see something that is a whole different—

Commissioner Mourdock: Yeah, I think the four things that Mr. Shoulders mentioned just to go through them I think are our concerns, David, and agree or disagree, but the first concern is to make sure it ties into the towers as we originally designed for it to do. The second thing is to make sure that the doors are eight foot instead of seven foot and then the last concern is the supports on the side of The Centre to make sure they are not as close to the windows as at least the one drawing shows.

President Mosby: And the support.

Commissioner Mourdock: Yeah, the porthole or call it that window that was expressed as a concern. Like you, I don't want to get into the architectural design of that. I'll leave that to them.

Ben Kunkel: What about the dogleg?

President Mosby: I'm just asking that the architecture or that the material be at least matching and relatively close.

Ben Kunkel: That's not a problem. What about the dogleg? Do you like that portion?

Commissioner Mourdock: Is that what you are pointing on A?

President Mosby: Is this A?

Commissioner Mourdock: I would like Mr. Shoulders' answer on that one.

President Mosby: Have you seen A, Mike?

Mike Shoulders: I've seen that. It's just a (Inaudible) and I think it's a distortion of how that dogleg would really appear. It would not loom as large as it seems there. We're talking about a transition piece, a flat roof piece, on that dogleg and I do think that the dogleg idea, which we call a transition into our building, is a better idea than the skewed angle, quite frankly.

Ben Kunkel: On that, though, the transition piece he's speaking of that is as low as it can get structurally.

Mike Shoulders: The way it is rendered from the angle it is an exaggeration from where I am standing looking at that. It's an overwhelming look that I don't think in the breadth of that space is really an accurate picture of how that dogleg would be, so it essence what I am saying is the answer to this situation probably lies somewhere within that transition piece from the curb line into our building, whether it is an offset or whatever. I think that is direction they need to began to research.

President Mosby: Yeah, because this is all the same. I mean, I don't really have a problem with it. I'm looking at this and then coming down. That's up to the other Commissioners, too.

Commissioner Fanello: I don't know because like Mike said when you first look at it I don't like the way it looks here, but I don't know if it is distorted in any way. It looks a little exaggerated.

Ben Kunkel: It's really not. I mean, this camera is set up and the computer rendering does that. It is a five foot six eye height and giving you the correct perspective of a person standing there. This picture you see of The Centre, I stood right on the sidewalk and took that picture.

Commissioner Mourdock: What do you mean when you said a moment ago it's as low as it will get? What part do you mean?

Ben Kunkel: I'm saying that we've lowered that for a ceiling height I think of like eight feet and that is about as low we can get with it. It won't go any...I mean, to match up with your floor line and then to have a ceiling height of roughly eight feet that's as low as it can go.

Commissioner Fanello: Can I just make one other comment? I had made the comment to Mr. Morley, but I think the middle doesn't even match the design of The Centre. For some reason that totally looks out of place to me.

Mike Shoulders: Could I say something about that? We don't object to it, but if you go to Circle Center Mall tomorrow you'll see one of those dead in the center of the street and it's a very appropriate logo or icon for Circle Center Mall.

Commissioner Fanello: Uh-huh.

Mike Shoulders: I'm not sure Circle Center Mall logo is an appropriate icon for the Evansville Centre. We do call it The Centre, however.

Commissioner Fanello: But it doesn't match.

Mike Shoulders: We're not objecting so much to his expression or articulation, we're objecting to his planning transition, proportion, scale, obstruction of our glass. So I'm not...every architect that you ask, if you ask ten architects to come in they would have ten different—

Commissioner Fanello: Yeah, that's just my personal comment because it is going to be something connected to our building and I just think—

Mike Shoulders: There are no circles per se on our building.

Commissioner Fanello: Yeah, there are no circles on The Centre and to me it doesn't match the design of The Centre. That's just my personal opinion.

Mike Shoulders: Working with me on the project was Michael Buente. Richard, you worked closely with Mike. He wanted to make a comment about this transition idea that might help clarify what he is trying to say.

Mike Buente: When we worked on The Centre those large towers they are massive towers on purpose. They anchor, like Mike said, they anchor the corner of the building and they were conceived to be entry points for this crossover walkways that we are talking about. It was never planned. In fact we thought it was impossible to plan that you center these towers in such a way that every building from any corner

opposite the intersections was going to come in straight on in a straight line, therefore they are set back not up to the property line. We did a reasonable setback there, as Mike said, to give some pedestrian scale because we thought we were going to have a lot of traffic between the hotel and The Centre in that area. It was also setback from the property line and the right-of-way lines to allow this kind of dogleg or transition elements to take place. You know, if there is a parking garage built catty-corner over to this site over here the same thing will have to occur. Sometimes you may even have to go over one street and then back over. For instance, if there was one built across the street over here in the Building Authority property you may have to go across Martin Luther King, do a ninety and then come in straight or do another transition. That was always intended. That's why they were set back so far from the street. If we had pushed it to the property line there would be no wiggle room to align things. So we feel that these doglegs or these transitional elements, joints, whatever you want to call them, are appropriate and necessary for this to work architecturally speaking.

President Mosby: Thank you very much, Mr. Buente.

Joe Vezzoso: So do I hear that the guidance that you all are giving us is to do the transitional piece and the dogleg, is that correct? We hate to go back and I don't even know what Mr. Bayes is going to do because he has already paid for the design once, but is that what you want us to come back with?

President Mosby: That is my opinion.

Commissioner Fanello: That's mine, too.

President Mosby: And I think Richard just hit the four basically that I just hit, so—

Joe Vezzoso: So if we bring in a transitional piece that doglegs and hits in the center of that tower and meets the other requirements you're saying that we would get approval from the County Commissioners?

Philip Hayes: We can't give you that Joe. As their lawyer, you don't get to precut any deals with it. It just...we're here either to act finally or not act finally, but I think that it is pretty clear from the tone of the motion and it is real clear from my suggestion to you that you wait and we have a chance to do some negotiating and talk about our contract, and in that context maybe add the architects in and we may hit this real close without a dogleg figuratively speaking. The dogleg may not have dogleg (Inaudible. Mike not on). The Commissioners can't make a vote on your proposition.

Joe Vezzoso: No, I'm not asking you to vote on it. Just guidance.

Philip Hayes: Well, I thought I heard that two or three times.

President Mosby: Well, the motion, you know, was that we defer this until we see the door, the supports, where it comes. So yeah that's what we're asking.

Commissioner Mourdock: As one vote of three Mr. Shoulders' and Mr. Buente's opinion, since we paid them a lot of money to do a very nice job over there, still carries a lot of weight with me. So, I would certainly want you to be discussing it with them, because I want to make sure it fits what they originally set out for us.

Joe Vezzoso: Okay. Thank you all for your time.

President Mosby: Thank you.

Rob Kerney - Disability Accessible Voting Machines

President Mosby: Rob Kerney. I don't, oh yeah there he is. Okay.

Rob Kerney: Thank you. My name is Rob Kerney and I was coming to you all and I will prepare for this by saying that, no, I have not talked to Marsha Abell yet, but I came before you all first because I know you make the final decision on county buying voting machines. So, I have come to you first and I will talk to her and the Election Board, that is in my plans. I'm here to tell you my concern about optical scan machines. That these are not accessible by people with visual impairments. Also, that in this county there are no machines that are easily accessible by people in wheelchairs. So, I would like to ask that the Commissioners take into consideration the concerns of the disabled people of Vanderburgh County when they finally vote on voting machines. Currently, there is not a company that is certified with the state through their new program, but I have an example and some literature that I am going to give you here in a minute of a company that was getting their specs in by August 1st so that they could start applying for certification with the state. Also in this information I am going to give you is a comparison of the advantages and disadvantages of optical scan and DRE machines, which are the direct record electronics, and also a 17 point criteria of the State of Texas that their Secretary of State has set forward to be considered as an accessible machine. In Texas, the optical scans are already obsolete in the state of Texas due to their lack of accessible to people with disabilities. There is a few other things that I leave you to read, but I would like the Commissioners to take into consideration the needs of the disabled voters of Vanderburgh County. That would probably help get out the disabled people to vote and that you would consider the information I give you before you vote. Also, I would like to put in a request to Ms. Crouch that on the streaming for the Commissioners meeting over the Internet that before people are able to type in questions to the Commissioners that some sort of spontaneous text is allowed for people with hearing impairments to be able to send in their questions to Commissioner meetings when everybody else has that opportunity. So I'll give you my information and that's all I have to say. Thank you.

Commissioner Mourdock: Rob, the DRE machines, are you suggesting that those are more accessible?

Rob Kerney: They are the most accessible for people with disabilities.

Commissioner Mourdock: Why is that?

Rob Kerney: The reason being is that...well, actually it is in there because it doesn't take a lot of arm strength or a lot of those have audible for people with sight impairments. There are some other reasons. The machine I have actually put in there as an example, and I am in no way endorsing that machine, but it's supposed to be a comparable priced machine to the optical scan. It will use...it has audible and it is used by people who are quadriplegic or need to do air puff voting and so it gives people with all types of disabilities the best chance to do a secret ballot like everybody else without needing assistance.

President Mosby: Rob, you say you have talked with somebody at the state about this?

Rob Kerney: Yes, sir. I have talked with Spencer Valentine, co-manager of the State Election Commission.

President Mosby: Okay, because that has been one of my concerns. I know the Election Board held some type of a experiment or whatever which was, I guess, very prematurely.

Rob Kerney: Right.

President Mosby: Because they had no idea if these companies are even going to be certified, so why we are wasting everybody's time yet I didn't know. I guess that was as premature as it comes, but I would want to make sure that whatever we look at that, you know, it is okayed by the state because I mean I have talked to Jonathan Weinzapfel and I would hate to think that we would run out and purchase something that we could get 50 percent of our money back on under Jonathan's law.

Rob Kerney: Like I said, I'm not endorsing this company. This is just a company--

President Mosby: Right, no.

Rob Kerney: And they are applying for certification with the state.

President Mosby: And that's why I wanted to make sure that you brought this to their attention because if they can include this in their, I guess, certification of whatever company then we can look at that company and we can still, you know, receive part of our money back. That's been my big concern all along is that we try to save this county taxpayer's dollars as much as possible and that is why I call Marsha's deal premature. I mean, we're not going to go out and pay \$2 million and not try to recoup our money. So if you have talked to them I am going to talk to Jonathan too to make sure that hopefully something like that is included.

Rob Kerney: This is the same information I have presented to the Voter's Integrity Task Force that the Governor and Secretary of State has set up also.

President Mosby: Okay.

Rob Kerney: So it was presented to their task force and hearings last Thursday.

President Mosby: Any other questions? Thank you for bringing it forward.

Rob Kerney: Thank you.

President Mosby: Appreciate it.

Phil Hayes - Jail Litigation Settlement Agreement
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President Mosby: Phil Hayes. The final version of the Jail case.

Philip Hayes: Yes, in your packets the document labeled: "Stipulation of parties to enter into private settlement agreement after plaintiffs' counsel gives notice to the class" is the final version. It incorporates on page four at paragraph 13 the amended language which was voted on at your last meeting. That was the only change to be made. Procedurally, this matter will be handled by first of all when all parties have

signed, if passed tonight, it will be tendered to the counsel for the ICLU, Mr. Ken Falk, who is counsel for Vanderburgh County Jail inmates. Those Jail inmates will be notified according to the text which is the last two pages of the document and addressed to all prisoners confined in the Vanderburgh County Jail. In summation, that document recommends first of all review of all the points in the summarization of it and then points out and specifically for this record he is asking for the thoughts of the parties to the private settlement agreement. He is requesting a letter to be addressed to him within 30 days of the date and then he will summarize the viewpoints of those persons who are members of the class and in the event they wish to write a letter they may send a copy and he will submit it if he is released to so submit that to the court. Once that process is done then the court will make an assessment and make a ruling as to whether or not under the statute as with all settlements is it full and fair and to the interest of the administration of justice under that federal statute that we're in court on. In the event that the court so finds it will be approved and the manner for reposing the federal case administratively will go into effect. The rest of the details I am going to omit because they have been covered many times on the record here. It is your motion tonight simply to settle or not settle the case since most of the individual issues have already been voted on as well. County Council reports informally from legal counsel that Mr. Royce Sutton did not sign and that is because he was absent at that time, but I think I am told informally that there will probably be a letter or some substitute procedure to express his support of the concept of settling this.

Commissioner Mourdock: Since this thing was originally filed in 1979 no one can accuse us of moving with too much haste here. I will move with the approval that we have here from counsel that the County Commission accept the stipulation of the parties to enter into a private settlement agreement after plaintiffs' counsel gives notice to the class as filed or as submitted to us this evening.

President Mosby: Second? I have a motion and a second, so ordered.

Phil Hayes - Johnson County Juvenile Detention Agreement

President Mosby: Phil Hayes, again. Proposed Johnson—

Philip Hayes: On the item of the Juvenile Detention Agreement may I just simply defer that to my report. We do not have that finalized with the County Attorney in Johnson County and I'll report on that.

President Mosby: Okay.

Catherine Fanello: Statement of Salaries and Wages

President Mosby: Approval of statement of salaries and wages.

Commissioner Fanello: I've got to ask Suzanne. Were we supposed to actually formally approve this? I didn't call you and ask you and I just wanted to—

Suzanne Crouch: The other Commissioners...in the past the Commissioners didn't formally do it. They accepted it and they made no recommendations to Council, so it's really up to your discretion.

Commissioner Fanello: Okay. Well, the recommendation we were going to make

has already been approved by Council. John Stoll's salary, so I didn't know if we needed to do anything else so I went ahead. Okay.

President Mosby: So that's out of the question?

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Richard Helzerman: My name is Richard Helzerman. I'm here to talk to you about the overcrowding in the Jail. There is an article in the paper that indicated there is some hope that the overcrowding of the Jail would be helped by giving...when the police arrest someone for a misdemeanor they give them a ticket to appear in court instead of bringing them into the Jail so I graphed out since April 18th through the last week how many people are pretrial misdemeanors and you can see the pretrial misdemeanors started out at 12 and it has gone down to eight. The 12 and the eight...so if this procedure eliminated all the pretrial misdemeanors then the number...the top line on the graph is the number of inmates in the Jail, actually in the Jail. The yellow line just underneath it is how many people would have been in the Jail had there not been any pretrial misdemeanors. You can see it tracks the population very closely. Where you hit 350 you're still way over the limit and the number of pretrial detainees is so small that any hope that policy will make any serious dent in the population in the Jail overcrowding problem should not be thought of as a possible. The average number of people in the jail is still going up by two a week. So if you save 12 people in the Jail it's only going to help you for six weeks and then you're still going to be facing the same thing. Now, the problem with the overcrowding in the Jail is not the pretrial misdemeanors, it's the pretrial felons. Now here the top blue line is the number of total inmates in the Jail. The pink line is the number that are pretrial felons. Over half of the people in there are pretrial felons. According to their constitutional rights they should have a reasonable bail and they should be able to be out on bond and not stuck in Jail. Now, the yellow line is the number of people who could be released if they had a reasonable bail. Then that is right around 100 and that particular number, you know, you can see that it is very steady.

President Mosby: Mr. Helzerman, I'm not going to be rude. This is the same thing over and over.

Richard Helzerman: Right.

President Mosby: I believe me and you had this discussion in one meeting that I'm not going over and telling the Judges what to set the bail at. You're talking to the wrong person because, I mean, I have listened to this eight or ten times over and, I mean, it's the same thing and it's not something that I am going to act on. If you want to go over and talk to the Judges about reducing the amount of bail money and they agree to it I'm not going to argue with you. But, I mean, this is something that you're bringing up again, and again, and again, and it is not something that we've acted on and it's not my pleasure to act on and the other two Commissioners can speak for themselves.

Richard Helzerman: Well, the point is that the people are putting out to the public that this reducing the number of pretrial misdemeanors is somehow going to deal with the problem of overcrowding. I just want to point out to you that's a false hope.

President Mosby: Okay.

Richard Helzerman: The only thing that is going to help the problem is the pretrial felon, dealing with somehow with the pretrial felon problem, not the pretrial misdemeanor problem. Thank you.

President Mosby: Thank you.

Richard Helzerman: I would like to say one more thing, if I could. The third person that sued you with the federal court got in trouble because when they passed out the meals he didn't get a meal tray or somebody stole his meal tray. Now my person that is in the Jail, Dutsel Greene, the last time I visited him said that in the morning when they roll the oranges under the door he is not getting his orange and when they pass out the meals the meal trays are getting lost and there is not enough meal trays to go around. As that wasn't a problem when the numbers in the Jail were a little lower, they were able to manage it, but the numbers in the jail are getting much, much higher. You are sitting there and he said there are fights over it. Now, this third guy got into fight. They knocked his eye out, they broke his shoulder. He was very, very seriously hurt and you've got the same problem, same potential for this same kind of thing going on here. It's still even when you let the bids for the Jail, even when you go to build it, even with not putting the misdemeanors in there you still have a very, very serious problem. Even if you settle these courts...these cases you still have the problem.

President Mosby: Right.

Richard Helzerman: The Jail is overcrowded and something needs to be done.

President Mosby: We're working on it as quick as we can.

Richard Helzerman: I understand that, but it is still very, very...it's a very bad problem.

President Mosby: Any other group or individual wishing to address the board? Mr. Lawrence.

Phil Lawrence: Yeah, wish I would have moved quicker, but that's alright. Sometimes in life you don't move as fast.

President Mosby: I was going to shake you if you woke up or went to sleep, that's no problem.

Phil Lawrence: I would like at first just apologize on my ignorance. I did not realize that as the Purchasing Agent that when I opened the bid at the Board of Public Works I was supposed to come and tell you what happened. I didn't realize it and no one told me. So I apologize for not bringing that information to you in the past. Fortunately, I have only opened three or four bids, so I haven't been real bad about it, but—

President Mosby: Just tell us what you hid from us, that's okay.

Phil Lawrence: Alright. We opened this morning the City/County Payroll/Personnel System that is bid number CE2001-11. That was the request for proposals. As you can see we got four bids in. I think two of these have had demonstrations on how

their product would work. Suzanne knows probably a little more about the demonstrations than I do, but these are the ballpark numbers that are on the figures there. Some could be negotiated up or down. I think it is important as you look at those numbers to remember that whatever the final number will be this is half because the city will pay half, you guys will pay half, but we think it's probably going to be somewhere around \$350,000 to \$400,000.

President Mosby: Now, is there three bids or four?

Phil Lawrence: Huh?

President Mosby: Is there three or four?

Commissioner Mourdock: You said four.

President Mosby: You said four bids.

Phil Lawrence: Did I say four?

President Mosby: Yeah.

Phil Lawrence: I meant three. I'm sorry.

President Mosby: Okay, well you had...I was looking through here.

Phil Lawrence: Boy, I'm quick, but I'm not that quick.

President Mosby: You're okay.

Phil Lawrence: No, that's it.

Commissioner Mourdock: I'll make the motion that we take these under advisement then.

President Mosby: Second.

Phil Lawrence: This is the form, this is how I should do this in the future.

Commissioner Fanello: Just want to make sure that Phil is working with them on the contract.

President Mosby: We just made a motion to take it under advisement is all we did.

Commissioner Mourdock: Yeah.

Madelyn Grayson: We need to make another tape change.

President Mosby: I didn't second it. Pardon?

Madelyn Grayson: Can we make another tape change please?

President Mosby: No problem. Thank you, Phil.

Commissioner Mourdock: Thanks.

TAPE CHANGED

President Mosby: Thank you. We're back on tape here. Any other group or individual wishing to address the board?

John Stoll - County Engineer

President Mosby: Department head reports. County Engineer.

John Stoll: First I've got a request for acceptance of Spring Valley Road east of Greenriver Road and also a right-of-way dedication acceptance request for Spring Valley Road. This is the extension of Spring Valley that runs east off of the traffic signal at Spring Valley and Greenriver Road. This is...leads back into the retirement apartment community. It was inspected and it's recommended that it be accepted for maintenance.

Catherine Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. So ordered.

John Stoll: There aren't any signature lines or anything on that right of way acceptance. It just needs to be accepted and recorded.

President Mosby: Okay, I was looking.

John Stoll: The next item I've got is an amended maintenance traffic plan for the Vanderburgh Industrial Park railroad spur. The reason for the change is there were some concerns about whether or not lowboy flatbed trucks could cross the Boonville-New Harmony Road railroad crossing at Highway 57. So, what Bernardin Lochmueller has proposed is to change the detour route for the lowboys trucks up to Greenriver Road, north off of Greenriver Road north of Boonville-New Harmony, and send the trucks up to 57 that way as opposed to running them straight west on Boonville-New Harmony to 57. I've taken a look at their plans and would recommend that the amended detour route be approved.

Catherine Fanello: So moved.

Commissioner Mourdock: Is that done with signage, John? I don't ever recall seeing a sign that says lowboys go this way.

John Stoll: They're making special signs that for that.

Commissioner Mourdock: Really?

John Stoll: Lowboys only.

Commissioner Mourdock: Lowboys only, okay.

John Stoll: (Inaudible)

Commissioner Mourdock: I'm sure it will, yeah.

Catherine Fanello: It confused me.

Commissioner Mourdock: I won't even go there. I'll second that.

President Mosby: I won't go there either. I have a motion and a second. So ordered on lowboys only. It's pretty easy to tell when somebody is coming through the door –

(Inaudible – several speaking at once)

John Stoll: The next item I've got is a Notice to Bidders for the Vanderburgh Industrial Park railroad spur project. This is part of the – not part of the project, this is the project that the Department of Commerce money is coming in on and I spoke to Bernardin Lochmueller this afternoon. They said they were still waiting for a final authorization for approval of plans from the Industrial Foundation. They said if they got that by some time tomorrow morning, they'd still have the plans ready for pickup by contractors by Friday. So based on that, it's recommended the Notice to Bidders be signed off on.

Catherine Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Madelyn Grayson: And we need permission to advertise that, John?

John Stoll: Yes. If something changes I'll get a hold of you, Madelyn, and let you know that we pulled the ad.

Catherine Fanello: Do we need a motion to advertise that?

Suzanne Crouch: Yes.

Catherine Fanello: Motion to advertise.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next, I have a letter for INDOT in regard to the University Parkway project between State Road 62 and State Road 66. This is a certification letter that says that the county is complying with the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970 and the Service Transportation and Uniform Relocation Assistance Act of 1987. This is basically saying that we're complying with federal regulations and acquisition of right-of-way in pursuing the project in accordance with any of the applicable regulations. This letter needs to be signed by the Commissioners.

Commissioner Mourdock: I'll move signing of the letter.

Catherine Fanello: Second.

President Mosby: So ordered.

John Stoll: Next I have a request for acceptance of the storm sewers located outside of county rights-of-way in Eagle Crossing North Subdivision. This is a subdivision that's located on the west side of Petersburg Road immediately north of Eagle Valley Golf Course. This subdivision has 1,202 feet of pipe outside of the right-of-way. The developer has submitted a two dollar a foot fee for a grand total of \$2,004. It's recommended that the pipes be accepted for maintenance.

Catherine Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a request for approval of the street plans for section two of Alexander Estates Subdivision. This is located off of Browning Road. It's probably a half a mile south of Boonville-New Harmony Road. The original first phase of this subdivision has a 16' private street located within the subdivision and the developers have requested that section two also have the 16' privately maintained street. I've reviewed the plans and they are acceptable, and once it's completed, we'll just make sure that the developer has covenants and restrictions and make them responsible for all maintenance and liability associated with their privately maintained road.

Catherine Fanello: So moved.

Commissioner Mourdock: I will second and say just for the record, this issue got quite a bit of discussion at APC the other night, so there were several statements made by the developers as far as their long-term maintenance of the road to clarify that it was, in fact, a private road. Privately maintained road.

John Stoll: I was going to say, the way it was laid out, it could have been done better but that was just my personal opinion. They wanted to do it this way.

Commissioner Mourdock: It is their choice to do what they want to do. It is a public road but they are responsible.

President Mosby: I have a motion, a second, so ordered.

John Stoll: That is all that I have unless you have any questions.

Ralph Kissinger - County Highway

Ralph Kissinger: I know that this has been a long meeting and I will keep mine fairly short. My report, I hope that you have my report in front of you. If you have any questions, I will be glad to answer. I have got three questions that I would like to ask this evening. First of all, we have a gradall unit that was red tagged. I say red tagged, they deemed it dangerous to use. One of our equipment companies has asked us if we would be interested in selling that, so that, they could refurbish

it and sell it again. I told them that I would have to come before the Commission to even entertain the thought of that before I could give them a yes or no on that. Would it be acceptable for me to get a price and bring it to you on this piece of equipment?

Commissioner Mourdock: Clearly we want to liquidate the equipment. The question is simply how?

Ralph Kissinger: Certainly.

Commissioner Mourdock: Whether we go to them or five other people.

Ralph Kissinger: I think that this avenue might bring more than an auction, I think by far it would bring more than an auction. I think from my stand point, I don't know what Phil would think, if we sold this to them, we would have to be released from any liabilities, I think, that would be associated with the piece of equipment. But, if you will let me entertain the idea, I will bring some offers to you that they give me.

Commissioner Mourdock: Probably, the easiest way is to put out an advertisement, saying that we have a piece of equipment for sale, and they have a certain time to respond with a blind bid.

Ralph Kissinger: Also, after your visit two weeks ago, I believe it was, we talked about some things in the yard. I have been trying to clean the yard up as we had help available. We have old snow plows, old spreaders that have been robbed, pieces taken off of to the point that I say they are scrap metal. I don't think that they will bring much at auction, but, we can take them and scrap them and put the money back into the County General Fund. With your permission, I can itemize these, send it through the Auditor's office and make sure that everything is checked off and I would like to sell it as scrap.

President Mosby: There are no other pieces that can be (inaudible).

Ralph Kissinger: There are about six or seven pieces of, plows and things, they are pretty well robbed out. I mean they are basically down to bare metal. I mean even the springs and things have been taken off of most of them. I really don't think that they will bring much at auction. Somebody might buy them at high scrap value just to scrap them out.

Commissioner Mourdock: They would wind up at Fliegeltaub's or whatever.

Ralph Kissinger: Exactly.

Commissioner Mourdock: Just the mechanics of doing that is as you stated it. We need to make sure the inventory list is cleaned up.

Ralph Kissinger: Certainly.

Commissioner Mourdock: If you would compile that list of items to be liquidated.

Ralph Kissinger: I would be glad to do that. Before I liquidate, I will be sure and get you the list. The last thing I have is, for about 60 days, I have had no long distance service in my office. To make a long distance phone call, I have to go and get a cell

phone and I know it costs more to make a cell phone call than it does to. I got some new long distance codes. Our old codes are no good anymore, the new ones are no good. I have tried a 10-10 type number. I can't get any, I just want to know. Is there something that I am doing wrong?

Tammy McKinney: You didn't call and tell me. You have to tell me.

Ralph Kissinger: I've got to tell you? I was told it was already in service when I got the new code.

Tammy McKinney: Yeah, but if you've got a problem or something, you have to call me. There is no way to know if you don't tell me. So, I will call it in tomorrow.

Ralph Kissinger: That's all that I have.

Commissioner Mourdock: Going back, I think that we need to act on that first item. I would move that the County Highway Superintendent prepare an advertisement for the blind bid pricing on the gradall.

Commissioner Fanello: Second.

President Mosby: So ordered.

Ralph Kissinger: Thank you.

Phil Hayes - County Attorney

President Mosby: Phil, do you have anything more that you haven't?

Phil Hayes: Only that we have enough docket or agenda for an Executive Session in regard to legal matters, if it's convenient for the Commission to schedule one for the 13th of August, which would be next week.

President Mosby: We have Solid Waste next week, too.

Phil Hayes: Then I think the matters can wait. I don't see a demand at that time and particularly with regard to contract drafting issues probably it wouldn't be mature enough.

Commissioner Mourdock: Just to clarify the contract drafting, is not one of the items, at least as I understand, that we can do under the Executive Session.

Phil Hayes: Only legal, the legal issues, I have several questions and would like some anonymity in regard to remedies, choices and choice of form. I have should have specified that.

Commissioner Mourdock: Don't get me wrong, I want that to be as easy as process as we can do -

Phil Hayes: Right.

Commissioner Mourdock: There is part of that than can not be done public, what

can be done publicly that should be, but if there is some part of it, that obviously, on negotiating or something.

Phil Hayes: Well, there is part of it also, that choice of language will reflect on an ongoing dispute that is in existence now. I would like to inform the Commissioners about that. It is an outgrowth of issues from the 1996 agreement.

Commissioner Mourdock: So, it sounds like we need to schedule for the 20th then, since we have Solid Waste?

Phil Hayes: I think that would be satisfactory.

Commissioner Mourdock: I will move the advertisement for an Executive Session at 5:00 p.m. on August 20th.

Commissioner Fanello: Second.

President Mosby: So ordered.

Phil Hayes: When you say advertisement, you mean just notice.

Commissioner Mourdock: Public notice.

Phil Hayes: Yeah, Tammy's notice, okay.

Tammy McKinney - Superintendent of County Buildings
--

President Mosby: Superintendent of County Buildings.

Tammy McKinney: What are you laughing for?

President Mosby: I lost my...my mind.

Tammy McKinney: The only thing that I have is a late Request for Service for the Sheriff's department. A phone went dead late this afternoon.

President Mosby: Did they know that was supposed to be in? Sorry.

Sheriff Brad Ellsworth: (Inaudible)

Commissioner Fanello: I will move, I will move acceptance of the late item.

Commissioner Mourdock: Second.

President Mosby: Motion, second and so ordered. Is that it?

Tammy McKinney: That's all.

Commissioner Mourdock: Let me throw one at Tammy here. This package that came in a couple of weeks from Siemen's

Tammy McKinney: Siemen's.

Commissioner Mourdock: On using Senate Bill 351 as part of the courthouse plan. I have read through this. I don't have read strong feeling one way or the other but could you look at that and give us some recommendation that you see it as something that is applicable for us.

Tammy McKinney: Dennis Au and I have talked about it and it's a good thing. I mean.

Commissioner Mourdock: Well, if it is a good thing, let's put a plan together and let us know how to use it.

Tammy McKinney: I can have them come down and make a presentation to you. Also, they-

Commissioner Mourdock: That's fine. But, if he could just give us some bullet points and outline as to here is what we need to do and this is how we are going to do it prior to that plan, I think that would be helpful.

Tammy McKinney: Okay.

Soil and Water Conservation/Ozone Reports
--

President Mosby: Any other comments or questions under department head reports? I need a motion.

Commissioner Mourdock: I will move approval of the Solid Waste, I am sorry, the Soil and Water Conservation District and also the Ozone officers report.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

Commissioner Fanello: Did we do Burdette Park?

President Mosby: Oh, I am sorry. I skipped, how did I do that? I am sorry Gary, I skipped right over you. I am just.

Gary Hohman - Burdette Park

Gary Hohman: That's alright. The only thing that we have would be, in addition to our monthly report, is that we are, at Burdette, are sure glad that the month of July is behind us.

President Mosby: The Day Camp is shut down?

Gary Hohman: Yes, Friday was the last day.

President Mosby: Friday, and what's the pool stay open the rest of this week?

Gary Hohman: The rest of this week and then weekends thereafter until after the holiday.

Commissioner Mourdock: I bet that you had a huge party out there yesterday.

President Mosby: Sounds good. Any questions or comments? Thank you, Gary.

Madelyn Grayson: May we make another quick tape change?

TAPE CHANGED

Consent Items

Commissioner Mourdock: I'll move approval of consents as filed.

Catherine Fanello: Second.

President Mosby: I have a motion and a second to move approval of consent, so ordered.¹

Old Business

President Mosby: Old Business. Is where we need to make a motion to – I'm not supposed to make it –

Phil Hayes: Yes, (inaudible – microphone not turned on)

Commissioner Mourdock: Yeah. And from our previous meeting, do you want the motion to defer the signing of the contract for up to 60 days? Is that correct?

Phil Hayes: Yes.

Commissioner Mourdock: Okay. That is my motion.

Catherine Fanello: Second.

President Mosby: I have a motion and a second to approve 60 more days prior to the 90 days for signing of a contract with a jail consultant. So ordered.

Commissioner Mourdock: One other bit of old business on our space allocation, and Tammy, maybe you can make a call to talk to Steve Utley, when last we had the courts group together with us they were going to be looking at some space issues in this building. Just kind of remind them, we're still looking for a report from them.

Tammy McKinney: Okay.

President Mosby: Any other old business to come before the Commission?

New Business

¹Consent items listed on Page 58.

President Mosby: New business.

Catherine Fanello: I've got one thing that I should have brought in a couple of weeks ago. Mike Shoulders, in order for him to complete his work with Morley, he has an agreement – well, he didn't give me a formal agreement, but he sent a letter and I think Tammy copied it for you. Did you put it in their...

Tammy McKinney: It's probably in the box.

Catherine Fanello: Okay. Oh, I thought it was in their packet. He estimates that his work will not exceed \$1,950, but he's only going to bill hourly for actual hours spent, but he's putting a cap on it of \$1,950. So –

Commissioner Mourdock: And this is for the issue –

Catherine Fanello: This is for the issue of the skywalk. So I would just like to move approval that we grant him –

Suzanne Crouch: And I believe we can make payment of that out of Food & Beverage.

Catherine Fanello: Oh, okay.

Commissioner Mourdock: And I'll second the motion. That does remind me of something else, too, under Old Business that might be an Executive Session issue that we need a report on Phil, and that is, there is some outstanding negotiations, I don't think it's hit litigation phase yet but I could be wrong on that, in the construction of the Centre between Industrial Contractors and one of the subs.

Phil Hayes: To which I was referring obliquely, but that's why –

Commissioner Mourdock: Well, you mentioned a moment ago that –

Phil Hayes: Yes, that reference was oblique, but yes, and that's in the nature of an arbitration. The arbitration is private and contractual, but the parties are Industrial Contractors and United Steel Fabricators, which is a subcontractor of Industrial, and the Building Authority. And those are the three parties to it at this stage and I, by way of report, have conferred with them and we're getting into that and that's another part of it. The drafting part of it as far as the contract's concerned is that I thought it important to talk about the various remedies which are not necessarily written into our standard architectural drafts and would like to speak to you about those and their implications. So.

Commissioner Mourdock: That's all my old business.

President Mosby: Okay. Any other – well, that's all old business. New business?

Catherine Fanello: Budget hearings are tomorrow so I think – are you working tomorrow?

President Mosby: Yes, I will working at the fire house tomorrow, so I have designated the vice president to go and take my spot and get beat up, so I won't have to do that.

Catherine Fanello: Thank you. And while we're here, because I'm going to have a question tomorrow at budget hearings and since Suzanne's here I'll ask her real quick because I'm not sure, originally when we were talking about the cut in the road funding, Suzanne had felt that we were going to have to cut our Highway budget by \$700,000 and then she said now we'll only have to cut it \$200,000, so does that mean they're cutting our funds to us by \$200,000 or in order to make the fund solvent?

Suzanne Crouch: In order to meet the revenue, we need to cut our budget by \$200,000.

President Mosby: To meet revenue...?

Suzanne Crouch: The projected revenue for next year. Our budget is actually over what are revenues are anticipated for next year. I think the budget increase went up – oh, Ralph's not here.

Catherine Fanello: Let's see, the budget, yeah, I've got it right here. Let's see, the budget request for Highway for this year is three – I'm just going to round it off – 3.3 million, and last year it was about 3.1 million.

Suzanne Crouch: And actually, the Motor Vehicle Highway distribution has gone down \$100,000, that's part of that road cut that the state has made. The hundred million less in road funding this year for counties from last year.

Catherine Fanello: Is that the only money we use to fund Highway, is just –

Suzanne Crouch: That is correct.

Catherine Fanello: (Inaudible)

Suzanne Crouch: Yes.

Catherine Fanello: I didn't know if they put anything else towards the...

President Mosby: Well, how did we originally come up with \$700,000? Where did that come from?

Suzanne Crouch: The state had indicated when we called that in, noted that they were surprised more counties haven't called yet, but I think it's because we have our budget hearings pretty early here in Vanderburgh County as compared to the rest of the state. In the original projections, Motor Carriers, the time that they can make their payments to the State Revenue Department has been extended, so that caused them to look at the revenues a little more conservatively. In addition, the Indiana Department of Revenue had computer problems, therefore, their revenue forecast to the state were more conservative – I'm sorry, more liberal than what they originally had intended. So those two things caused the projections to be off somewhat.

Catherine Fanello: So you're projecting that we'll have enough cash balance then to cover, I guess, the budget requests plus the estimated revenue –

Suzanne Crouch: That's correct.

Catherine Fanello: Okay.

President Mosby: Any other New Business? Any other business period? Seeing none...

Catherine Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 8:00 p.m.

CONSENT ITEMS:

Employment Changes:

Sheriff Department	Health Department	Circuit Court
Prosecutor	Superior Court	

Travel Requests:

Health Department	County Assessor
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Requests for Service:

Sheriff Department	County Clerk	Superior Court
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Auditor:

Submit monthly financial, cash and expenditure report.
Submittal of settlement agreement for Commissioner signature.

Sheriff:

V.I.P. Guaranteed Maintenance Agreement with Van Ausdall & Farrar
Weekly Jail Information Report.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Judge Heldt	Judge Pigman
Judge Tornatta	Carol Davis	Brad Ellsworth
John Staley	Z Tuley	Judge Knight
Mike Shoulders	Joe Vezzoso	Ben Kunkel
Michael Buente	Richard Helzerman	Phil Lawrence
John Stoll	Ralph Kissinger	Gary Hohman
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 6, 2001**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson, Teri Lukeman, Charlene Timmons, BJ Farrell and Todd Hochstetler.

**Vanderburgh County
Board of Commissioners
August 13, 2001**

The Vanderburgh County Board of Commissioners met in session this 13th day of August, 2001 at 6:05 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for August 13,2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight and sitting in for Tammy McKinney, we have Jean Gentry; Counselor, Phil Hayes; Commissioner Fanello; myself, Commissioner Mosby; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Also, with us tonight, my daughter, and I will let her lead us in the Pledge.

The Pledge was given.

President Mosby: For the record, it is Ashley, I forgot to mention her name.

Approval of Minutes

President Mosby: Action Items. Approval of minutes from the August 6th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered.

**Phil Hayes: First Reading of Ordinance Amending
Title 17 (Zoning Code)**

President Mosby: Phil Hayes, First Reading.

Phil Hayes: Yes, we have an Ordinance on First Reading. It is in your packet and that ordinance—

Commissioner Mourdock: Turn your mike on.

Phil Hayes: We have for first reading the Ordinance amending the Evansville Vanderburgh Zoning Ordinance for the County, which adds another use group for gaming. This is meant to cover the contingency of a selection of land entirely within the county that would be involved in the off track betting facility, which is a state sponsored project.

President Mosby: Do we need a motion to pass to second?

Phil Hayes: Yes.

Commissioner Fanello: Motion to approve.

President Mosby: To approve or pass to second?

Commissioner Fanello: Or to pass for second.

President Mosby: We could do both

Commissioner Mourdock: This is for first.

Commissioner Fanello: This is first reading?

Commissioner Mourdock: Yeah, this is.

President Mosby: Okay. I didn't (inaudible) second and I'll second.

Commissioner Mourdock: No, I'll pass.

President Mosby: I have a motion and a second. So ordered.

Phil Hayes: That will be advertised then again for final action, second and third reading, on Madelyn the-

Madelyn Grayson: August 20th.

Phil Hayes: The 20th of this month.

Commissioner Mourdock: When it comes back on final, we will need a voice vote.

President Mosby: Alright, no problem.

<p>John Stoll: Open Bids for Contract VC01-08-01 Boyle Lane Bridge #260</p>
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President Mosby: Next, John Stoll, open of bids for contract, Boyle Lane Bridge. I guess we can take a motion to do that?

Commissioner Mourdock: I will just move the opening of the bids. I presume the County Attorney has received those, John.

John Stoll: Yes.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second for the counselor to open the bids.

<p>Computer Services: Information Resource Management Agreement</p>
--

President Mosby: While we are doing that, we will move onto Computer Services Agreement between Information Resources Management and the City of Evansville and Vanderburgh County. Is there anybody here from Computer Services.

Commissioner Fanello: Dave, why don't you give a little short description of what-

Dave Gumbiner: Dave Gumbiner, Account Executive for ACS. In the current agreement with ACS, there is an annual, a CPI adjustment that goes with the contract. This year's CPI adjustment was like 3.49 which is when we look at the CPI as of April of last year and then April of this year and we take the difference and calculate the percentage increase. But, last years CPI was miscalculated and the actual payments were not what they were supposed to be. So we have asked for an adjustment from 3.49 to 3.55, which I had put in my budget proposal, I think, on the revised letter that I sent up, it's in there. It won't recoup all of the dollars that were not collected last year, but it would get the majority of it. So, that's what we are asking. It is just, as per the contract.

Commissioner Mourdock: What was the source of the error?

Dave Gumbiner: Miscalculation of the monthly amounts. They didn't-

Commissioner Mourdock: They meaning, BLS?

Dave Gumbiner: Our billing department.

Commissioner Mourdock: Oh.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Dave Gumbiner: Thanks.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Thank you. Okay, any other group or individual wishing to address the Board. You jumped too quick.

Phil Lawrence: Boy, I remember last week.

President Mosby: You can't take it two weeks in a row.

Phil Lawrence: Not this ol' boy. I learned pretty quick.

President Mosby: I was wondering why you sat up front.

Phil Lawrence: I was ready to make a move.

President Mosby: Okay, you are on.

Phil Lawrence: The reason I come today, also, earlier I met with the Board of Public Works, we had some problems with the City/County Payroll Software Bid and, so we are here today. We were originally going to ask you for approval to reject and re-advertise, but because of some critical issues in and timing and how we get this contract awarded, we are going to do what we asked at the Board of Public Works

and that is to ask that this would fall under the emergency bidding procedures so that we may go out for bid. What happened was that there were two bidders who were omitted. Who, in fact, one was here today, who gave a demonstration on their products and somehow was left off of the bid list and-

Phil Hayes: Excuse me, Phil, technically speaking it wasn't the bid list it was the request for proposal list, was it not?

Phil Lawrence: Yes, right, I am sorry.

Phil Hayes: So, where you previously referred to bid and bid list, what you meant to refer to was the request for proposal list?

Phil Lawrence: Correct. So, because of these problems, we need to address, we have to address, how do we allow people who were omitted or not allowed to bid, to be able to send a Request For Proposal? So, after several days of discussion and deliberation, the only thing that we could come up with is to allow the three bidders, who did bid, an opportunity to change their bid or rebid and allow the two bidders that were omitted an opportunity to bid as well. But, because of the critical factor of the contract that they currently have in September 30th and Suzanne and Mr. Gumbiner can explain this a little better on this part than I can, we need to act quickly and get a new contract so that we can make sure that people have payroll come October 1st. So, the critical issue is and why I asked and was suggested by Kevin Winterheimer, to use the emergency process so that we could avoid the advertisement for bids and go straight out to the bidders. We know who they are. There are going to be five bidders, have them respond, open the bids on the 27th and then begin the evaluation process as soon as possible.

Phil Hayes: Technically, if I could ask one other thing. The five bidders that you think are involved. Are those who were involved in the RFP process with the exception of one, you would invite that other person, who did not get an RFP into you?

Phil Lawrence: Correct, except there were two who didn't.

Phil Hayes: Two who did not?

Phil Lawrence: Yes.

Phil Hayes: Three who did.

Phil Lawrence: Yes.

Phil Hayes: And you would simply get an invitation and you would narrow the list and then invite bids from them?

Phil Lawrence: Right.

Phil Hayes: And Mr. Winterheimer thought that would be alright on an emergency basis?

Phil Lawrence: Yes.

President Mosby: Now, have we done opened the bids?

Phil Lawrence: Yes.

President Mosby: Is that gonna be fair?

Commissioner Fanello: That is what I was just going to ask?

President Mosby: I just don't see this as being a fair process now that you have three of the bids that are already opened and you are going to invite two more people to put in a bid. I mean, I would like to be the other two.

Phil Lawrence: Well, I guess if there was if there was a consolation, the two bidders, all of the bidders are from out of state. The two other bidders, one is from Florida, one is from Maine. So-

Commissioner Mourdock: Did they not bid the first time because of failure to respond to our notice? Did we advertise it properly?

Phil Lawrence: We advertised it in the Evansville Newspaper.

Commissioner Mourdock: Which by any definition is proper?

Phil Lawrence: Yeah, proper. The problem was that we contacted them and asked them and told them that we were going to send them an RFP.

Commissioner Mourdock: Them, meaning the other two?

Phil Lawrence: The other two bidders, we did not send them a bidder.

Commissioner Mourdock: So, we told them we were going to send them a bid or a package to bid-

Phil Lawrence: We asked them to participate in the process. They didn't call us and say, can we bid? We called them and said, would you bid?

Commissioner Mourdock: And then we failed to give them-

Phil Lawrence: And then we didn't-

Phil Hayes: Didn't send them an RFP, they didn't get the specs, is what I understand.

Phil Lawrence: Right and I have to be honest with you-

President Mosby: I am just scared that we are going to open ourselves to a lawsuit.

Phil Hayes: When we discussed this by telephone this morning, Mr. Lawrence and I, we were discussing the shares of funds that were around and at that time I thought that I understood that the City's 60% share represented by Mr. Winterheimer's opinion, was at that point to go ahead and to just rebid the item. But, since that time, the proximity of needing the software has closed in on you, the proximity of time?

Phil Lawrence: Yes.

Phil Hayes: The proximity of time, so you are wanting to try and hasten that. What

is the consequences of not meeting that deadline?

President Mosby: I guess I am saying, fast track or slow track, are we going to open ourselves to a lawsuit either way (inaudible)?

Phil Hayes: Well, it is a good deal of money, isn't it?

Phil Lawrence: Yes.

Phil Hayes: I mean, what?

Phil Lawrence: \$400,000.

Phil Hayes: That has been the estimates from the City/County Purchasing, about a \$400,000 deal. So, yes, I would say that is a high risk venture.

President Mosby: I mean, if I was low bidder and you went back out after already opening bids, I mean, I would feel a lawsuit sitting on me.

Phil Hayes: It is a high risk, and the statute of limitations is relatively long, I think.

Phil Lawrence: I think it is a risk either way. I mean the guys who were left out can sue just as quick as the ones that didn't.

Commissioner Fanello: Well, but-

President Mosby: We have contacted them, they did not contact us and we did not fail to send them the package.

Commissioner Mourdock: Yes, we did.

President Mosby: We did on our word, but they did not make contact to us.

Phil Hayes: Right.

President Mosby: Well, that doesn't prove that they made contact.

Phil Lawrence: Well, that's not true. The guy came here today to do a demonstration-

President Mosby: But, he is late though.

Phil Lawrence: But, he was talking to the departments all of the way through the process and no one said a word to him.

President Mosby: Well, you just said a minute ago that you made contact with him and offered to send him a bid package. He never did make contact with you.

Phil Lawrence: He called. He called Computer Services, several times.

Commissioner Mourdock: Yeah.

President Mosby: Now, awhile ago, you didn't say that.

Commissioner Mourdock: No, I think he meant, just initially we contacted them.

Phil Lawrence: No, right initially. In the very, very beginning, this was probably in March when they contacted all of the bidders. Then as they narrowed it down, they asked people to come in and do demonstrations. He was one that was asked to do a demonstration, but we never sent him a bid package. So there is liability on both sides.

Commissioner Mourdock: Either way.

President Mosby: I don't know any of the parties involved.

Phil Hayes: I think we, what would be the consequences of not meeting the anticipated deadline?

Suzanne Crouch: Well, PDS, our current provider, is withdrawing support as of October 1 for the current system, so-

Phil Hayes: Are they willing to extend this support for a-

Suzanne Crouch: Not for the system that we have.

Phil Hayes: For a time to time basis?

Suzanne Crouch: No. We have already investigated that, seeing if they would provide support on a month to month basis, and they said absolutely not.

Phil Hayes: Is there?

Suzanne Crouch: That is kind of what we are looking at.

Phil Hayes: Uh-huh.

President Mosby: I don't have a problem whether it is an emergency or not an emergency of voting right now.

Phil Lawrence: The emergency is only necessary because we don't have to advertise.

Commissioner Mourdock: The only-

Commissioner Fanello: He's wanting to rebid, that's excuse me, (inaudible)

Phil Hayes: What you would basically do, is invite the current players, the respondents plus the two people who you solicited.

President Mosby: I mean, are you not asking us to take a vote to rebid this?

Commissioner Mourdock: He is asking us to declare an emergency so that we can rebid it. Because if we don't declare it an emergency, then it would have to go through the normal rebid process which would take too much time.

Phil Lawrence: Right, it takes about three weeks.

Phil Hayes: And a-

President Mosby: So, you could still rebid it without our say so?

Phil Hayes: Well, on the emergency basis, you could. But, I want to clarify on the record-

Phil Lawrence: (inaudible), I wouldn't want to.

President Mosby: I am just trying to clarify one thing here. I mean, I am trying to clarify whether he can go ahead and rebid without us voting, because I want to take a vote because I am going to vote no.

Suzanne Crouch: No, I don't think he can. You would have to declare it an emergency.

Phil Hayes: He would have to have our authority on the declaration of an emergency.

Phil Hayes: I want to set the premise correctly that this was appropriately advertised and in addition to that you had two persons, that is, two providers, potential providers, who did not respond to the RFP and so they were called and solicited, is that correct?

Phil Lawrence: No.

Phil Hayes: They were called and solicited-

Phil Lawrence: Prior.

Phil Hayes: During the period of time, that a timely RFP could have been submitted?

Phil Lawrence: Right.

Phil Hayes: They were told that they would get the specifications and details about the project and then did not get it.

Phil Lawrence: Ever.

Phil Hayes: They did not get it. As a result, they misunderstood and as late as today were even here to do demonstration, at least one of their potential respondents.

Phil Lawrence: Correct.

Phil Hayes: What you want to do is waive the further advertising and solve the problem by laying the foundation for an emergency because of the fact that our current provider will not support after October 1-

Phil Lawrence: Yes.

Phil Hayes: You would have the same group then of players, so to speak, that were anticipated to participate, go ahead, with one notable exception. You have three RFP's that are open and available for inspection by the other two that have not submitted one.

Phil Lawrence: Correct.

Phil Hayes: Okay.

Phil Lawrence: If we had, this would be an easier process, if we had a really clear, low bidder. The bids are so close that you couldn't really say who the low bidder is without evaluation.

President Mosby: Okay, the chair will entertain a motion.

Commissioner Fanello: Can I just ask one question? Why have we waited so long to do this? Why did we come down to the last minute? Does anybody have an answer on that? I mean, we are in August and you are telling me, and I know that this is not a question for you, but can anybody from Computer Services or can Suzanne answer that.

Unidentified: (Inaudible)

Commissioner Mourdock: You need to come to the mike.

Dave Gumbiner: Again, Dave Gumbiner from Computer Services. The only thing that I can tell you is that when I got here in March, one of the major items on the annual work plan, was the purchase of the new payroll system. When I found out that was going on and the length of time, I asked for a meeting. We had a meeting, I think it was around April 4th or April 11th, somewhere in there with the Controller and the Auditor to talk about this. We started through a process of trying to get specifications together. The Auditor's office looked for the previous specifications that were put out in 1989 to see if we could use those. We couldn't find them and we came up with a series of specifications. We asked the Auditor and the Controller to respond and give us information and changes that they would like, and only the Auditor responded. I think that, we finally got, we got final, everything together by the end of May, as I recollect, once everybody looked it over and put their changes in. I think that probably the biggest issue, which is something that I know Suzanne and Catherine have heard me say in the Data Board is that one of the problems that we have is that we haven't prioritized our annual work plan to the point of looking at what's important. That is one of the things that I have been trying to address with the Data Board as we have gone forward. But, that is the only thing that I can say. Suzanne?

Suzanne Crouch: Well, the only thing is that I take a little issue to the prioritizing because the PDS replacement, payroll replacement, has been a priority for this year because of budget purposes and it was set in at budget time for that. So, I think it has been a priority. I do believe also that the Commissioners held this one week because they wanted to get some more information when we initially came. So, I don't know why we are down here to the last minute.

Commissioner Fanello: One week is not three or four months so, one week didn't set it back a whole two or three months, three or four months.

Dave Gumbiner: There are a lot of specifications in there and for everybody to look them over and make their recommendations for changes, you know, it takes, it took some time.

Commissioner Fanello: Well, I think it has set a bad precedent. We have advertised

this properly and I don't see how it would be fair if we rebid it, so I am going to have to vote no. So, the motion is? Is there a motion?

President Mosby: Well, the chair will entertain a motion.

Commissioner Mourdock: I will put in the form of a motion and the motion needs to be, obviously, in the positive. I would move that, and while doing this I would ask for a voice vote, that we move forward to declare an emergency to rebid this.

President Mosby: Okay, so I have a motion on the floor to declare an emergency with a voice vote-

Commissioner Fanello: Second.

President Mosby: Declare an emergency, let me write this down. So, I have a motion and a second and we are going to do a voice vote?

President Mosby: I will call on Commissioner Mourdock?

Commissioner Mourdock: I am concerned and I think as you said, David, we have run some liability either way, but I think, as someone who has been on the private sector side a lot longer than I have been on this side, one of the things that makes you most skeptical in bidding to government, is that occasionally you see people get a second bite at the apple or get your numbers revealed and I see that as grossly unfair. So, I vote no.

President Mosby: Commissioner Fanello:

Commissioner Fanello: No.

President Mosby: Commissioner Mosby, no. Three nos. It is defeated. Thank you, Phil.

Phil Lawrence: Thank you.

President Mosby: Any other group or individual wishing to address the Board?

Opening of Bids VC01-08-01 Boyle Lane Bridge

President Mosby: We'll go back to John Stoll, for opening of bids for contract on Boyle Lane.

Phil Hayes: The bids have been opened and I am prepared to go ahead and read those into the record, with your permission.

President Mosby: Yes.

Phil Hayes: With regards to Boyle Lane Bridge, project VC01-08-01, removal and replacement, the first bid that I will read in is from J.H. Rudolph Company, Incorporated and the apparent total bid is \$160,305.60. The second apparent bid is Deig Brothers Lumber and Construction Company, Incorporated and it is the apparent total amount of \$165,508. The third respondent is Southwest Engineering

Incorporated and the apparent total bid is \$134,962. The final proposal is submitted by CCC of Evansville, Incorporated and the apparent total bid of \$130,983.94. That concludes all of the bids that were submitted on that project.

Commissioner Mourdock: I will move that we take the bids under advertisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to take bids under advisement for VC01-08-01, Boyle Lane Bridge #260.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Sure, go ahead.

TAPE CHANGE

Madelyn Grayson: Thank you.

President Mosby: We could adjourn real quick while Susan is out of the room. I said, we could adjourn real quick while Susan is out of the room. Department Head Reports.

John Stoll: County Engineer

President Mosby: County Engineer, John Stoll.

John Stoll: First I've got a letter from Stankoven and Company, Inc. in regard to Parcel number 11 on the University Parkway Project. This is the Ron and Elaine Inkenbrandt parcel. The Stankoven and Company is the relocation people, relocation consultant, and this is one of the houses that we had to purchase as a part of that project. In conjunction with buying the house, the county has to pay for moving expenses. So in addition to the previous relocation costs that we have paid they are now requesting that we pay \$1,950 for the moving expenses on that parcel. It's recommended that this be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and a second. Is there anything that I have to sign?

John Stoll: No, that's just for the record. We will also have some closing costs that we will have to reimburse, but we don't know what that amount is. When I get that, I will bring that in at a later date. Next I've got a Reimbursable Utility Agreement for phase four of the Burkhardt Road Project between Morgan Avenue and Lynch Road. This is with Ameritech, and the agreement amount is \$29,322.67. This covers a portion of their relocation costs because they do have some easements out there that we need to force them to move out of.

Commissioner Mourdock: Who was the they, John?

John Stoll: Ameritech.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

John Stoll: That's the same agreement format that you approved last—

Philip Hayes: Oh, I understand on that. They are going to be moving their current in place utilities.

John Stoll: Right.

Philip Hayes: They currently have an easement with us, do they not?

John Stoll: Yes, they've got a copy of their easement document in there.

Philip Hayes: Okay. They are just...this is one of the Ameritech documented easements?

John Stoll: Right.

Philip Hayes: Okay.

John Stoll: This runs on the east side of Burkhardt north of Old Boonville Highway up towards Burkhardt Lynch Subdivision.

Philip Hayes: Okay.

John Stoll: They've got a fiber optic line in there and some other phone lines.

Philip Hayes: Okay, so this is post recent—

John Stoll: Yeah.

Philip Hayes: —Ameritech issues in regard of right-of-way?

John Stoll: They could document that the easement exists.

Philip Hayes: Very good. Okay.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I've got request for street plan approval for section four of Windemere Farms Subdivision. This is located on Highway 57 south of Kansas Road. The subdivision will have access to Highway 57 and INDOT's approved the access point out on 57 in regard to county roads. This subdivision connects into phase three of Windemere Farms which is shown on the north side at the top of that drawing that is on there. I've reviewed the plans and would recommend that they be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. So ordered.

Philip Hayes: No signs in boulevards.

John Stoll: Next I would like to request approval to have Clark Dietz Incorporated proceed with design of a box culvert storm sewer structure out on Pine Place as part of the drainage study that they have done out there for Evergreen Acres Subdivision. This was included in the memo I sent you last week. I don't know if any of you have your copy of it here, but, basically, what the consultant found was one of the components of the drainage problem out at Heather Court and Pine Place was the fact that the overflow from the lake out in Evergreen Acres was causing a bunch of surface water to end up down at that intersection. So, they've proposed that a storm sewer be installed to catch that water and run it down to the intersection. Their estimated cost was \$212,000, and we could cover those costs out of the Riverboat Fund. Like I said in the memo, I've already had them start on the design for the additional inlets on Pine Place, and on putting a new culvert in underneath Heather Court. That was what the original scope of the drainage study included, so, they have started with that. I just wanted to get your approval to proceed with the rest of it since that was a little above and beyond what we had initially thought needed to be done out there.

Commissioner Mourdock: Just so I fully understand it, John, is this the area that back in, when was it? Had the flooding with a number of houses out there getting water in the basements? They were fairly new homes that Bill Jeffers was working with? What was the March 5th storm, or whatever that was about five years ago?

John Stoll: We had an area on Pine Creek where in this memo I pointed out that the consultant said that 8210 Pine Creek there was an undersized pipe in a ditch. There was some flooding out there several years ago, and we replaced the pipe underneath Pine Creek.

Commissioner Mourdock: Okay, that was what I was thinking we had done. Something like that.

John Stoll: It discharges into this substandard pipe.

Commissioner Mourdock: So we did work above this pipe then?

John Stoll: Right. We fixed what the county had control over, but since this was off right-of-way and, actually, there is not even an easement, we didn't do anything above and beyond replacing the pipe underneath the road. So, we did do some work out there several years ago.

Commissioner Mourdock: Okay, but this work that you are talking about tonight, are you telling me that that is not in our right-of-way?

John Stoll: No, what we are talking about tonight is in the right-of-way. Basically, it goes underneath Pine Place. The lake is up here at the top of the hill. The overflow structure is here. Basically, what is happening is that this water is going from that lake overflow, coming down this hill and ending up helping to flood this intersection. So, they're proposing to build a new structure up here, catch the water run it underneath this storm sewer and then dump it into the ditch. At this point they will tie into a new culvert that they are sizing underneath Heather Court and they are

also putting a couple of—

Commissioner Mourdock: They is the developer?

John Stoll: —the consultants, as part of their drainage study.

Commissioner Mourdock: Wait a minute. The consultants are going to pay to do this work?

John Stoll: No. The county would do the work, it's just the consultant is already working on the design for that part of it.

President Mosby: This is the contract that we give to Clark Dietz.

Commissioner Mourdock: Right. Yeah.

President Mosby: But what he is going to do is add this to it—

John Stoll: Right.

President Mosby: —to correct the whole situation.

Commissioner Mourdock: Okay.

John Stoll: This water from this lake is getting down here. So, they have already proceeded with the design for these inlets down here, plus this new culvert underneath Heather, but that is only part of the problem. That is why they are proposing digging this up and running the storm sewer and dumping into the ditch as opposed to having a sheet out on the road that would end up out in the intersection.

Commissioner Mourdock: Does that price include all the road replacement here? Because it looks like you are going right underneath a bunch of pavement.

John Stoll: We are, and that is what their cost estimate includes.

Commissioner Mourdock: The \$212,000 includes all that?

John Stoll: Yes.

Commissioner Mourdock: Is it concrete street?

John Stoll: It's concrete that has been overlaid with asphalt. Well, I take that back, I can't remember if Pine is concrete or not, but it will go back as asphalt, basically, because everything out there is asphalt or concrete that has been overlaid.

Commissioner Mourdock: So, we'll do some paving ourselves?

John Stoll: It would be part of our contract.

Commissioner Mourdock: But I mean county forces..oh, it would get contracted?

John Stoll: Right. Basically, we would set this up all to be contract work.

Commissioner Mourdock: Okay.

John Stoll: The reason we didn't address these other ones, like I said, a few years ago we replaced this pipe here because this, I believe, is the man who was getting the flooding in his garage. We replaced our substandard pipe. The problem is that there was no easement here, and since it was off right-of-way we didn't do anything about that. Like I said, this memo I sent you last week, if anybody is being damaged by this, their best bet is to file a drainage obstruction petition and have it ordered removed, because it's definitely substandard as far as the size goes.

Commissioner Mourdock: File that against?

John Stoll: Come to the Drainage Board at the Drainage Law.

Commissioner Mourdock: Yeah, but file it against who?

John Stoll: Against the owner of the property.

Commissioner Mourdock: Oh, okay. Not us.

John Stoll: He's got a house sitting here (Inaudible. Someone coughing.) and he's got a pipe running down the middle of it. To the best of my knowledge the county didn't put that pipe in. I hope they didn't put it in, let's put it that way. Because there is...it's well out of the right-of-way. We don't even have an easement through there. So, that is why I would recommend that we don't pursue that.

Commissioner Mourdock: Okay.

President Mosby: The chair would entertain a motion.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I've got a request this afternoon from CSX. They would like to close Mill Road on Thursday, August 16th from 8:30 to 2:30 for the purpose of putting in a pipe for conduit for their communications lines for their signals out there on that crossing. What they have submitted was a drawing showing that they are just going to be a few feet off of their crossing out there on Mill Road and I would recommend that it be approved subject to them providing all traffic control and subject to them being responsible for repairing all the damage they have done to the road out there at that location. Because there is a substantial amount of rutting that's gone on as a result of the work they've been doing. Now, that we've finally got some contact people's names, we can try and get some action taken on that. Subject to those two conditions, I would say that—

President Mosby: I would just—

Ralph Kissinger: I don't mean to butt in here, Ralph Kissinger, I stopped and talked to the actual construction superintendent today. They have caused considerable damage to the crossing, and the approaches to the crossing. He assured me that

they would take care of it, but he gave me a number in Memphis, I think it was, to call. So, I think John is a little bit more on top of it than me, but there is a stipulation that he repair all damage, I think, needs to be put in there, because there is some real bad damage out there from the heavy trucks moving back and forth.

John Stoll: The phone number I got is an 812 area code, so it's a local contractor. I'm not sure what, what company but Dave Franklin in my office is going to meet with him tomorrow to discuss the damage that has been done to the pavement. So, I think we can get some action taken on it.

President Mosby: Ask them if they will try something unusual and fix them crossings around here.

Commissioner Mourdock: I'll move approval with those stated conditions.

President Mosby: Right.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second with the stated and amended conditions. So ordered.

John Stoll: The last item I've got is on the Consent Agenda we've got the deeds for parcels number 13 and 14 on University Parkway Project. This is for the Gates parcel and the Stephens parcel, and there is no signature lines or anything on it, but it just needs acceptance of the deeds.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to accept the deeds. So ordered.

John Stoll: That's all I have.

Commissioner Mourdock: John, I have something that I will pass on to you. I don't know if the two of you got this, but—

President Mosby: I think I did.

Commissioner Mourdock: —from Starrow and Kinsella on the early coordination package for phase three industrial corridor of the Evansville Pigeon Creek Greenway. I didn't see your name on this on the circulation—

John Stoll: I did get a copy.

Commissioner Mourdock: You did.

John Stoll: I already sent them a letter.

Commissioner Mourdock: Okay.

John Stoll: The recommendations I made to them was get some good soil

consultants because they are planning on going underneath Franklin Street, Ohio Street, and Fulton Avenue.

Commissioner Mourdock: That's exactly what I was thinking. I wanted to be sure that you were aware of this, John. Very good. You're a step ahead.

President Mosby: Hate to see the Greenway fall in.

Commissioner Fanello: That's why you get paid the big bucks.

President Mosby: Gee. Just tell 'em not to build any bridges right? Don't try to build a bridge.

John Stoll: (Inaudible. Away from the mike.)

President Mosby: Any other questions or comments for John. Seeing none.

Ralph Kissinger: County Highway
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President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway Department. I've submitted my weekly report. I have, last week I requested that we surplus some items to be sold as scrap, and I have the serial numbers and the actual model numbers for those units here. I did tell my mechanics to strip anything that was useable off of it, and they assured me that they had been stripped as far as they could be. With your permission, I will go ahead and take care of that on our next rainy day, or when I have the manpower to do that. I also had one other thing this evening. I told you awhile back, I asked for permission to get quotes on a crack sealing machine. I sent out a total of six requests. I actually got a copy of the State of Indiana's bid specs on their crack sealing equipment, and sent them out. I had three actual responses and only one gave me a quote. Mr. Ray Demas is here this evening. He drove down from Muncie, Indiana to answer any questions you might have. I would like permission to go ahead and purchase this. I know our budget for Roads and Streets and for County Highway is going to get smaller as the years go on, and I need to start crack sealing the roads that we have and try and save what we do have for as long as we can.

Commissioner Mourdock: Just to clarify, did we actually bid this thing? Or is it a unique piece?

Ralph Kissinger: It's a...apparently, it is a unique piece. The state uses this, and from the information I've gotten, there is two companies that actually manufacture this type of equipment, and one is being bought out by the other now.

Commissioner Mourdock: One is being bought out by the other?

Ralph Kissinger: Yeah. So, actually, this particular piece of equipment, I guess you could say, they have a monopoly on it. From talking with the state, they've used them for years and say that's absolutely the best thing they've ever had.

Commissioner Mourdock: How much are we talking about, Ralph?

Ralph Kissinger: It's \$12,800, I believe, was the, \$12,800. It's actually—

Unidentified: \$12,900.

Ralph Kissinger: —\$12,900, I apologize. It's actually below what we have to bid, but we can quote it.

Commissioner Fanello: What's the bid threshold? Is it \$25,000, Suzanne?

Suzanne Crouch: I believe it's \$75,000.

Commissioner Fanello: Or \$75,000? How much do you have in your line item budget? How much do you have in your budget? Do you know?

Ralph Kissinger: I still have over \$100,000 for equipment.

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to approve crack sealing machine for County Highway. So ordered.

Ralph Kissinger: I would like to say before we finish that I did go to Terre Haute, they just purchased one this last Spring, and they are very happy with theirs. I looked at it, and I talked to the...actually, again, this week I've talked to the Highway Superintendent up there, and he said he was well pleased with the machine.

President Mosby: Now, is this something that we could still have before Fall?

Ralph Kissinger: Mr. Demas assured me that two months we should...two months is what he says is the delivery is on this.

Unidentified: Just in time.

President Mosby: Sixty days. I mean, I would like—

Unidentified: The State of Indiana preceded your—

President Mosby: I need you at the mike.

Commissioner Mourdock: You need to come to the microphone.

President Mosby: You might as well come up and introduce yourself.

Commissioner Mourdock: State your name please.

Raymond Demas: My name is Raymond Demas. I am President of the bidding company, namely the Indiana Public Works Equipment Company. I've been in the business for 45 years, primarily with the State Highway Department. Your request to buy this piece of equipment was preceded with an order for 16 from the State Highway last week. Just to give you some idea, and to correct Mr. Kissinger, there were four manufacturers of this particular type of equipment. Two went bankrupt,

one withdraw, withdrew for whatever reasons, we don't know. The remaining company is the company that I represent.

President Mosby: Thank you.

Raymond Demas: Your welcome.

President Mosby: Ralph, have you identified any roads that as soon as we get this that we can try to salvage and save?

Ralph Kissinger: Certainly. All of our concrete streets need to be sealed.

President Mosby: Okay.

Ralph Kissinger: We've got problems in several neighborhoods. Anywhere there is a concrete street, you need to seal the cracks, because the water undermines and then we have cave ins. Upper Mount Vernon Road, an asphalt road, needs to be taken care of. There are sections of St. Joseph Avenue which haven't been paved recently that need to be taken care of. Just about every road in the county has got some kind of cracks or allegation and once...what I understand is once salt gets in in the Winter, they are going to start to pop, and if we get them sealed we can alleviate some of that problem. The less moisture that gets under the roadway, the less chance it has for mud to form and, you know, as traffic goes over, the roads pump, as they call it.

President Mosby: No problem. I'm just concerned with the road money being cut that we start trying to save these things as quick as we can.

Ralph Kissinger: I agree. I think anything that we can save, even if we can save it for two or three years. That's two or three years that we don't have to spend money on that road.

President Mosby: Are there any other questions or comments?

Commissioner Mourdock: Just for Ralph, not on this issue, but I would just formally move then that we go ahead and declare as surplus the issues he gave us in his report.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to declare the list surplus. So ordered.

Commissioner Mourdock: Also, while John is still here, have and this will be new to you, Ralph, but, John, a few years back we started up our infrastructure group, so that everybody; the County Engineer, the City Engineer, County Highway, and all the City people were talking together on a fairly routine basis. Have we been having any of those meetings? Because when I saw your thing on Windemere here, the last one, with the road cuts and all that will be required that brings that to mind that we need to do a good job coordinating that. I know on Darmstadt Road lately there has been a whole lot of road cuts made.

Ralph Kissinger: I talked with, not to interrupt you, John, before I started paving this

year, you had mentioned the infrastructure, I went to Waterworks, I went to SIGECO, and also went to the Sewer Department. I asked all them about the infrastructure and they said in the last two years they really hadn't had much activity in that. Before I paved, I did talk with Waterworks and I get a weekly report from SIGECO, and I do read those reports and try and see if there is anything that interferes. Waterworks actually gave me what they had projected for the next two years. As far as water line breaks and that, it's unforeseen.

Commissioner Mourdock: Sure.

Ralph Kissinger: I do have a list of what their new construction is and we will try to pave around that.

Commissioner Mourdock: Yeah, okay.

John Stoll: I was going to say the last time we met was probably about a year ago.

Commissioner Mourdock: Okay.

John Stoll: Other than the paving, I guess, we really haven't started any new big projects since then. We are still trying to get Mt. Pleasant moving ahead and Burkhardt section four moving ahead. We can have more meetings. That's no problem.

Commissioner Mourdock: Well, I'm not looking for people to meet just for the sake of having a meeting. I just want to make sure—

John Stoll: Coordinate projects.

Commissioner Mourdock: —well, before we have projects. Because too often we see this stuff come through after the fact where, gee, if we'd have coordinated it a little bit, so, I think, historically, John, you've kind of took that under your wing as far as organizing some of that. I think that's right. If not, I'll ask you to do it right here.

John Stoll: Okay.

Commissioner Mourdock: I know you always do a good job of coordinating that stuff, so.

John Stoll: Sure. We can take care of it.

Ralph Kissinger: I would be glad to cooperate in any way.

Commissioner Mourdock: Sure. Okay. Thank you.

President Mosby: Any other questions or comments?

Ralph Kissinger: Thank you.

President Mosby: Thanks, Ralph.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: We have no report this evening.

President Mosby: Okay.

Superintendent of County Buildings

President Mosby: Superintendent of County Buildings.

Jean Gentry: Tammy is not here, but we have nothing to report.

President Mosby: No, we want the report.

Commissioner Fanello: Yeah, make up one.

Steve Craig: Burdette Park

President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Burdette Park. We closed the aquatic center this week during the week, and it will be open on weekends through Labor Day. The Discovery Camp, the Day Camp is now closed for the season also. Outside of reporting that we've cut way back because of school, I've just got my work reports.

President Mosby: No problem.

Commissioner Mourdock: Steve, I'll pass something on to you. I was in some place, Johnson County, a week or so ago and they had an interesting concept that I thought you would appreciate. It's called the independence park which is at least advertised as Indiana's only all accessible playground area. I just found it kind of interesting and just pass it on to you for information.

President Mosby: Any other questions or comments for Steve? Seeing none.

SWCD and Ozone Officer Reports

Commissioner Mourdock: Soil and Water Conservation and the Ozone Reports--

President Mosby: Thank you. Thank you, Steve.

Commissioner Mourdock: -- are in the packets. So, I will move approval of the Department Head Reports.

Commissioner Fanello: Second.

President Mosby: I have a motion by Commissioner Mourdock, and a second. So ordered.

Consent Items

President Mosby: Consent items.

Commissioner Mourdock: Just a question. I had two packages of Consent Items, one before hand and then I found this one here tonight. I see Sandie Deig had initialed the first page, but I don't see her initials on the other page. Were these turned in late again, or what's the deal? Or do we know?

Commissioner Fanello: I don't even have the first packet you are talking about.

Commissioner Mourdock: This was in the one I picked up on Saturday. Maybe it's because Tammy was gone, I don't know.

Jean Gentry: Well, I wasn't familiar with the first stack that you are talking about, but she gave those to me about five after five, about five after four tonight.

Commissioner Mourdock: Okay.

Jean Gentry: The one where you had said that she had signed the top one. I wasn't aware that there were two in the packet.

Commissioner Fanello: I didn't...I don't have another one.

President Mosby: I don't think I have the first one that you're talking about. I got this one here.

Commissioner Mourdock: These may have been from the week before, because these are all dated 8/3, and the other one's are 8/8.

President Mosby: Okay. I guess these are—

Commissioner Mourdock: We're going back to the one's that are 8/8's then, I guess, the same question applies, has Sandie had a chance to sign off on these? She appeared...she initialed the front page, I just want to make sure that we're doing this right. It looks like they are all from the Sheriff's Department. At least all of them that she has not initialed. Then there's one she has.

Commissioner Fanello: Yeah, I think most of them she has. There's like, I think, I see three.

Commissioner Mourdock: Well, I'll just, I mean we can go ahead and approve them—

Commissioner Fanello: Yeah, she may have inadvertently forgot. She's been very busy, so.

Commissioner Mourdock: Okay. Well, that's true too. I'll move approval of the Consent Items.

Commissioner Fanello: Second.

President Mosby: I've got--

Commissioner Fanello: Oh, wait.

President Mosby: Go ahead.

Commissioner Fanello: Our Travel Budget, I've noticed everybody on here, Tammy has been telling people who've sent travel requests up that we...the Commissioners are out of travel money, and we do need to submit additional paperwork to Council to get an additional appropriation. I think we should hold the one's that are coming out of our budget since we don't have any money left. I think there was one for tonight, and that was Perry Township Assessor.

Commissioner Mourdock: Only question I would have on the Perry Township Assessor, was that, and I know that the Assessor's frequently have required training classes they have to go to in Indianapolis. Is that one of the required ones?

President Mosby: I don't know, I think it's the same place everybody else is going though.

Commissioner Fanello: It's that ProVal, it's the ProVal Users Conference.

President Mosby: Yeah.

Commissioner Fanello: Which is not a state called conference.

President Mosby: The only thing I would say it says half own budget and half County Commissioners, and I would approve it upon the fact that they can take 100% out of their budget. The rest of them have all been changed to their own budget.

Commissioner Mourdock: Which one are you talking about?

President Mosby: This one right here. It says half own. Everybody else changed theirs because we told them we were out of money, so they are all digging to find their own money.

Commissioner Mourdock: Okay.

President Mosby: I would accept a motion, if they can find the money, you know, we'll pass it up on that amendment.

Commissioner Fanello: I'll make a motion to approve the Consent Items with the stipulation that the Perry County Assessor find her own travel money.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second to have the Perry Township Assessor be able to come up with the other half of the money. So ordered. Now, Consent Items.

Commissioner Mourdock: Pardon, David?

Commissioner Fanello: That was approving all the Consent Items, wasn't it?

Commissioner Mourdock: That's what I thought.

Commissioner Fanello: Yeah. I just made that stipulation on the travel request.

President Mosby: Oh, okay, I thought that was just a motion for that part of it.

Commissioner Fanello: No, I did all of it.

President Mosby: Okay. So ordered on the Consent Items.¹

Scheduled Meetings.

President Mosby: Scheduled meetings.

Commissioner Mourdock: The Community Corrections group was supposed to get together this Thursday, but I understand that meeting has been postponed.

President Mosby: So, we're not ready to do Community Corrections next week?

Commissioner Mourdock: That was the normal Board Advisory meeting, not necessarily—

President Mosby: Oh, okay.

Commissioner Mourdock: —specific to the number of beds.

President Mosby: Do we have, do we have an Executive Session next week?

Commissioner Fanello: Uh-huh.

President Mosby: What time?

Philip Hayes: On the 20th, and I think it has been set at 5:00.

Commissioner Mourdock: Correct.

President Mosby: The 20th is also Rezonings. Do we know how many rezonings we have? Just one? We don't know what the rest of the agenda...I would like to get the Community Corrections and the Jail back that night. I don't anticipate needing as long as we did the last time because we've heard from all the Judges.

Commissioner Fanello: Can we do it in a regular meeting? Just put it on the agenda?

Philip Hayes: If you wanted to, I don't know how much time you want to do, but we could, it would be possible to shorten up the legal matters. You wouldn't have to go into the size of detail on the agenda.

¹Consent items listed on Page 33.

Commissioner Fanello: That sounds real good.

President Mosby: Well, it's too late to advertise it, though.

Commissioner Mourdock: Yeah, I think we can just add it to the regular agenda.

Philip Hayes: Oh, I'm sorry. That's right.

President Mosby: We'd have to advertise.

Philip Hayes: I'm sorry. We've already advertised, yeah.

Commissioner Fanello: Just make it the first item on the agenda.

Commissioner Mourdock: Right.

President Mosby: Okay.

Commissioner Mourdock: Then do our consent meeting at 5:00, or I'm sorry, our Executive meeting at 5:00, and then we'll just have that as a regular agenda item on the calendar. So, Jean, you will need to tell Tammy to put Community Corrections and the Jail in under, I guess, Action Items as the number one thing we'll discuss.

Commissioner Fanello: Well, actually, I think Jean will be doing the agenda this week.

President Mosby: Oh, that's right, you're doing the agenda. So, number one. Any other scheduled meetings.

Old Business

President Mosby: Old Business.

Commissioner Fanello: Old Courthouse, just for your information, I talked to Councilman Raben today and he is in favor of us going ahead and getting the money in the budget for this year for the roof, instead of waiting until next year. So—

Commissioner Mourdock: Is that going to be the full amount then that the committee brought back of the estimate of round numbers \$740,000?

Commissioner Fanello: \$700 and some thousand, yes.

Commissioner Mourdock: Okay, because originally it had spoken of \$600,000, now we're going to go to \$700,000.

Commissioner Fanello: The amount that Will Fosse...and also I've directed or kind of asked Tammy to go ahead and get information together in finding a grant writer, because that was also talked about at the budget hearings last week, and I think most of the Council or seemed like all of the Council was in favor of that.

Commissioner Mourdock: Are you going to just advertise that?

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Be interesting to see—

Commissioner Fanello: She's going to do some checking around and get like a sample RFP or something.

Commissioner Mourdock: Uh-huh. Good. Some of these, in fact I just laid one on Tammy's desk just before we started. There are a number of companies that seem to suddenly realize we are out here and they are sending us all kind of information telling us they specialize in Old Courthouse renovation. I have a hunch probably any number of those might also include that grant writing as a service.

Commissioner Fanello: Uh-huh. Uh-huh.

Commissioner Mourdock: It's something we may want to run by them.

Commissioner Fanello: The other two things that I wanted to bring up on the Old Courthouse was the recommendation for the Foundation Board and for the Advisory Board which I think is something we should probably go ahead and move forward on as soon as possible.

Commissioner Mourdock: Report on by way of specific names as to who is going to be on those?

Commissioner Fanello: I guess, direct the....they had said something about setting up the Foundation Board, like the Parks Foundation Board, so, I guess, our County Attorney, Mr. Hayes, would have to check on the language and see if there is any, what type of agreement we need to draw up or ordinance or—

Commissioner Mourdock: Uh-huh. Because ultimately they would be, I would presume, the grant, the grantors.

President Mosby: That's what I'm told.

Commissioner Mourdock: Grantors or grantees.

President Mosby: They would probably have to apply for the grant—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Uh-huh.

President Mosby: — I would hate to spend a million dollars and not try to match it off.

Commissioner Mourdock: Right.

President Mosby: If we could look at it.

Commissioner Fanello: So, I guess, we can direct the County Attorney to look into that.

Commissioner Mourdock: If that was a motion, I'll second.

President Mosby: So ordered. Any other Old Business?

Commissioner Mourdock: Redistricting. Where are we with redistricting and what's happening?

Commissioner Fanello: Mr. Jeffers called me today and he will be here next Monday to give a report.

Commissioner Mourdock: Okay.

Commissioner Fanello: He has people coming in from the state tomorrow and Wednesday. They are actually going around to every county. So, they are here this week in Vanderburgh County.

Commissioner Mourdock: Who is it from the—

Commissioner Fanello: The State Election Office, I believe. I don't remember the name.

Philip Hayes: It's actually, Legislative Services—

Commissioner Fanello: Legislative Services.

Philip Hayes: —it is one of the persons and they serve the State Legislature, both House and Senate. They are the bill drafting agency. The apparent, I'm sorry I don't recall the name of the person—

Commissioner Mourdock: Yeah.

Philip Hayes: —that's agreed to come down, but it's a person who's familiar with the redistricting procedures and legislation, and with the case law that's involved.

Commissioner Mourdock: So, this isn't the person who's coming through to review the redrawing of the precincts?

Philip Hayes: I don't think—

Commissioner Mourdock: Which is something that's mandated through the Election Board.

Philip Hayes: No. That would be an Election Board function. I think this is the person, if I understand it correctly from talking to Bill, maybe we've got two conversations going.

Commissioner Fanello: We might have two conversations going, because I think he's talking about the person that you are talking about.

Commissioner Mourdock: The Election Board?

Commissioner Fanello: The one that would approve—

Commissioner Mourdock: Yeah. The Election Board has to approve the redrawing of the precincts before we can go further.

Commissioner Fanello: Yeah. He, I mean—

Philip Hayes: But I don't think he's at any shape where it can be—

Commissioner Fanello: No. No. They're just coming down—

Philip Hayes: —viewed by the State Election Board at this stage.

Commissioner Mourdock: What is LSA doing then?

Philip Hayes: LSA is simply coming down to be of assistance, I think, and to take a look at the size of the project they have to do, and I think visit with for one thing with him, and I don't know who else will be around. I think that Jonathan Weinzapfel is going to be meeting with them. I'm sorry I don't have that.

Commissioner Mourdock: Yeah. What time is the meeting?

Commissioner Fanello: That I don't know.

Philip Hayes: I think it's just simply coming in and going to go over to the...I don't think it's a formal enough meeting. I think what he wants to do is show her what he has and get whatever technical assistance he needs to get from her.

Commissioner Mourdock: Okay, and Representative Weinzapfel's interest is?

Philip Hayes: As County Attorney. Under, he's with, as you know, Bowers Harrison and I've asked him to go ahead and coordinate the legal end of this for us. He's authored, as you know, and came in and gave us a report on the voting machine—

Commissioner Mourdock: Right. The Election—

Philip Hayes: —participation by the state, that's most of it that I have as of now.

Commissioner Mourdock: That's a separate..what he spoke to us that night about the election machines is totally different or segregated from what this is as far as redistricting though.

Philip Hayes: Right. I think this was an accommodation to try to get on track as far as making sure that lines that were not to be crossed don't get crossed. For example, legislative districts, I understand, can't be—

Commissioner Mourdock: Splitting precincts.

Philip Hayes: Yeah. Can't be splitting precincts and so it's an effort to try to technically get to where he needs to get to get a final product for us.

Commissioner Mourdock: Okay.

Commissioner Fanello: He did say he'll be making a report next Monday.

Commissioner Mourdock: Bill Jeffers?

Commissioner Fanello: Yes.

Philip Hayes: What I think would probably be appropriate if we want to get some further information, I can contact Weinzapfel and have him get in touch or e-mail you—

Commissioner Mourdock: Yeah.

Philip Hayes: —get some detail to you.

Commissioner Mourdock: Is he doing that, Phil, under his normal contract that—

Philip Hayes: Yeah. Right. Bowers Harrison—

Commissioner Mourdock: —we have, yeah, Legal Services.

Philip Hayes: —project. Yeah. Uh-huh. It was appropriate to try to get, to try to get some kind of, as far as I was concerned, independent view point of it. He's the most familiar...well, but he's also a bipartisan—

Commissioner Mourdock: We're all going to chuckle at that one, Phil.

Philip Hayes: He's also in a bipartisan law firm and his work is subject to review and look. So, it's the best I could do for ya under the circumstances.

President Mosby: (Inaudible. Mike not on.)

Philip Hayes: Now, Faulkner's available. Faulkner is available. I can get in touch with him if you'd like, but I'm sure not. No, he's followed up pretty well, and I'm confident you won't be dissatisfied with the work.

President Mosby: Any other questions? Any other Old Business? I'm going to bring up one thing under Old Business. You probably seen the article about the Old Courthouse or, Old Courthouse, I've got that wrote down, Health Department in the paper this morning. I know we requested information from the Health Department on the contracts. If everybody got the same thing I got, it was just a simple spread sheet, but I think there's a lot more to them two contracts than square footage and how many square feet are in the building. What I guess I'm going to ask everybody is to keep an open mind to is we are in negotiations with Emporia to move the Health Department. The Emporia being one building that we are looking at right now. I've been contacted by State Representative Hasler and I think they have about \$800,000 worth of Build Indiana Funds in this building. I've been contacted by the City, talked to the Mayor as late as this afternoon, and they are totally against the building downtown that they are looking at. DMD has quite a bit of money in this project, because I think I remember specifically putting about \$1 million in it out of CDBG money. Of course, the County Commissioners now have quite a bit of money in this project, and we just don't put in \$150,000 as late as March. I think, the banks are still holding somewhere towards \$1.4 million that they have in it, but they have no use for the building. The building is somewhere in the area of about 24,000 square feet. It has adequate parking. As the building downtown, if we had that building there is not adequate parking. Something that wasn't mentioned, they

probably talk about renting parking spots on a monthly basis. I think if you dig into these contracts and look at 'em apples to apples there not as good as they look. I'm going to ask that we keep an open mind to the Emporia Project because I did talk with the Mayor and he is in favor of it. I've talked with City Council President, Curt John, and he's in favor of it. Being as it's a building that we already have a ton of taxpayer dollars in, I think we need to utilize this building. 'Cause we've paid for it and I can't see us going out and paying over and over again when we already have a liability and an interest.

Commissioner Mourdock: Okay. Well, this is, obviously, the first time I'm hearing this. So, I guess, and I will keep an open mind. I have a totally open mind on this, because the questions that go through my mind, number one is that building going to be suitable in the sense of the separate HVAC requirements that are going to be needed? True, those would have to be made no matter where they go, because there is some pretty unique requirements because of the tuberculosis unit and such. So, with those unique requirements, are the owners of the Emporia going to be willing to do that? That jumps to question number two which have you had discussions, or have there been already discussions with the Emporia folks? The owners of the building?

President Mosby: No. I have not had discussion with the Emporia, the owners.

Commissioner Mourdock: Has anyone had that discussion?

President Mosby: I think, and I want to say that Mary Wildeman through DMD might have had some discussion with them, and they, I guess, have no offer at this point, from what I've read in the paper and from what I'm hearing. This was, I was in a meeting in the office the other day and I didn't have a lot of time to talk to 'em, but they come through. I tried to talk to Mary today, she's out for three days. I did have a conversation today with the Mayor, though, this afternoon. Whatever building we go into, I think, if you looked at the paper this morning, there is \$1 million worth of renovation that has to be done to the building downtown. \$400, or no, I think, \$600,000 was on the county's back. \$400,000 being on the owners back.

Commissioner Mourdock: Yeah.

President Mosby: This building is new, and I feel it's going to be, you know, a very air tight, solid building for a long time to come.

Commissioner Mourdock: Again, I'll—

President Mosby: It's just something that I'm passing on.

Commissioner Mourdock: Sure. It's worth exploring. Under the sense of keeping an open mind, let me offer the same or ask the same of you. One of the things that we've spoken of briefly here with the Old Courthouse is if we are going to put together some full plan to revitalize that building, as you heard David Matthews and that group here a couple of weeks ago, they feel the highest and best use of that building is, in fact, for government offices. I...it seems to me that as we look at all these different projects, which is to say, the Jail, the Courts, the Health Department, the Old Courthouse, I wonder if we might not be better served to try and put a longer term plan together, say over the course of the next three years where the Old Courthouse became the seat again of the County Treasurer or the County

Auditor, the Recorder, the Assessor, the Commission and the Council. In other words those Constitutional offices. If we were to vacate this building, and all of us move into that building, as it's being redone, might the space in this building that would otherwise become available, could we not keep the Health Department right here. They don't need new HVAC everywhere, but that would give them some additional office space in this building without having to relocate them. Again, we already own this building. So, I think there is a number of things that we might look at. So, I'll just say let's both keep an open mind.

President Mosby: I'm open.

Commissioner Fanello: I just want to add one thing. I guess in the newspaper article this morning it said something about the county would have to lease, are they leasing extra space? Because it said we would have to lease the space that they didn't use back to someone else.

President Mosby: Oh, you mean with the building downtown?

Commissioner Fanello: Uh-huh.

President Mosby: Yeah, there's 37,000 square feet there and they only need 28,000. So, they were going to have 9,800 square feet that we could lease out—

Commissioner Fanello: That we would have to be responsible for leasing out. I don't think that, personally, I don't think that's something we ought to get into.

Commissioner Mourdock: I won't disagree there. Even to the point of the Old Courthouse—

Commissioner Fanello: Same situation.

Commissioner Mourdock: —that's we have all these small things where we're sub-leasing, and I think we need to use that building for it's full, but it means we need a full plan too.

President Mosby: We have to be the landlord at the Old Courthouse, but we don't have to be at every other—

Commissioner Fanello: Exactly.

Commissioner Mourdock: But we don't have to be there permanently either.

President Mosby: True.

Commissioner Mourdock: The landlord.

President Mosby: That was the deal with that building is they don't need 30 some odd thousand square feet.

Philip Hayes: If I may, Mr. President, I've located my notes. The person that I understand is coming from Legislative Services is Maureen Mark, and the Director there is Phil Sachtleben and that's a non partisan agency of the General Assembly. They provide staff and bill drafting and technical assistance to both houses. As you

know, those houses are split, so the leadership must agree on those people. Generally, they are attached to the various committees. My understanding is that Ms. Mark was the technician attached to redistricting. Some of the discussion has been about using software for redistricting. What the County Surveyor has been pretty well stuck with is not having available the software that can be used to draw these lines, and to do it in a manner which as I understand is more compliant. Not just addressing that issue alone, but the entire issue in general, I think, they found it useful to have her come down, talk to 'em, see what they could work out with it. I'll provide you some other information here that may be of assistance to you.

President Mosby: Any questions or comments? Any other Old Business?

Commissioner Mourdock: The question, seeing Mr. Williams in the back. Did we get our Jail reports this week?

President Mosby: I had one.

Eric Williams: (Inaudible. Not at mike.)

Commissioner Mourdock: I don't see one.

President Mosby: I think—

Eric Williams: I don't print it out anymore. (Inaudible. Not at mike.)

Commissioner Fanello: I'm not...I don't want any copies.

Philip Hayes: You e-mailed everybody today. I got mine and downloaded—

Eric Williams: (Inaudible. Not at mike.)

Commissioner Mourdock: Do we have anybody out and about? Are we at our cap where we ship people this week?

Philip Hayes: Not yet. Not quite.

Eric Williams: Chief Deputy, Eric Williams. I think today we are at about 309. I'll send those reports wherever you want, but I just kind of didn't. I'm e-mailing them to the Auditors office so they can get them into the record, and to each one of you. I'll give the hard copy to Phil to send to ICLU, if that's okay?

Philip Hayes: Very good.

Commissioner Mourdock: Okay.

President Mosby: Do you feel like everybody's got a fair bond?

Eric Williams: I think everybody's has a very fair bond.

President Mosby: I have a credit—

Eric Williams: Probably too low.

President Mosby: I have a credit card on me.

Philip Hayes: You better stop talking about it. The longer you hold this meeting.

President Mosby: Richard wanted me to buy time for Mr. Helzerman. Is there any other Old Business.

Commissioner Mourdock: Motion to adjourn.

President Mosby: I have a motion to adjourn.

The meeting was adjourned at 7:20 p.m.

CONSENT ITEMS:

Employment Changes:

Co-Op Extension	Community Corrections	Sheriff Dept.
SWCD	Burdette Park	County Clerk

Travel Requests:

Perry Assessor	Knight Assessor	Computer Svcs.
County Assessor	Health Department	

Auditor:

Declaration of Surplus Equipment.
Submit Accounts Payable Vouchers.
Submittal of State Employees Health Plans for Local Governmental Units.

Sheriff:

Weekly Jail Information Report.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Jean Gentry
Madelyn Grayson	John Stoll	Phil Lawrence
Dave Gumbiner	Ralph Kissinger	Raymond Demas
Steve Craig	Eric Williams	Others Unidentified
Members of Media		

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 20, 2001**

The Vanderburgh County Board of Commissioners met in session this 20th day of August, 2001 at 6:03 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting for Vanderburgh County for August 20, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If you would, please stand and say the Pledge.

Approval of Minutes from August 13, 2001

President Mosby: Before we move on to Action Items here, if anybody has looked at the agenda we have several items on the agenda, matter of fact, more than probably what we should have. As we move on to each item, if there is people that want to speak, I'm going to ask you to try and limit your comments to just a couple of minutes. Mainly, if you are going to get up and say the same thing that we've heard over and over and as we discuss some of these situations, I know they are things that we have already heard, so it might be that we are looking to make a decision fairly quick. We also have zonings starting at 7:00 tonight, with this being zoning night on top of this agenda, so that's why I'm asking that everybody please try to limit your comments to just a couple of minutes, so that we can make a decision and move on. First, and I've lost my ink pen already. Approval of minutes from the August 13th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second. So ordered.

Approval of Minutes of Executive Session of August 20, 2001

President Mosby: Approval of minutes of Executive Session from the August 20th meeting.

Commissioner Mourdock: I don't have the form in front of me, but I will move that we approve the summary minutes of tonight's Executive Session, which began at 5:00 p.m., ended at 5:55 and concerned pending litigation against the County and a real estate issue involving the County.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. So ordered on the

first item too.

**Jail and Community Corrections:
Direction for Design Team on Number of Beds**

President Mosby: The next item is the Jail and Community Corrections. This is an extension of a meeting we had two weeks ago where, I think, we had very good discussion at that time, the Sheriffs, the Judges, everybody involved. We had asked the architects some questions towards the end. I think they took some time to go over some things that we'd asked them. If there is anybody that has any new information on the Jail and Community Corrections part, if you want to say anything we are open for comment. If not, the Commissioners will try and make a decision here in a few minutes on what size that we should be looking at. If there is any new information or anybody that wants to say anything, feel welcome to come to the mike. Not everybody at once. Okay.

Unidentified: I'll make a comment.

President Mosby: Okay.

Roger Madden: Roger Madden, Fathers United Visitation Enforcement Group. There was a public meeting, the crime and punishment, back in May at the Armory and I questioned the problem I've been questioning for 12 years about failure to enforce visitation. Prosecutor, Stanley Levco, said it was not a crime to deny visitation. Well, it just happens that the Indiana Supreme Court order adopting parenting time guidelines lists criminal penalties for interference with custody or visitation rights may be a crime under Indiana Code 35-42-3-4. The reason I bring that up, is that ten years ago USHHS said that 70% of the juveniles in long term correctional facilities grew up in a home without a father. So, if you all would start enforcing visitation rights in the County, you could reduce the Jail by maybe 50%, instead of enlarge it.

President Mosby: Okay. Any questions or comments? Thank you very much. Anybody else that wants to speak to the Jail and Community Corrections issue? I see part of the design team here. I want to ask a question that we had basically asked. I don't know who wants to answer. I see several people, okay. In our last meeting we were discussing the size of Community Corrections and the size of the Jail, and I had had a question, comparisons of costs of Community Corrections to the Jail. What do you think the cost is, standard cost per bed to build a Jail? Standard cost per bed to build a Community Corrections?

Paul Summers: I'm Paul Summers, United Consulting Engineers and Architects. Project Architect for the Correctional Facilities. The short answer, to sum it up?

President Mosby: Yes.

Paul Summers: Construction cost of a jail versus a community center. We've recently built a jail for \$145 per square foot. I know that's not a bed cost, that's a square footage cost.

President Mosby: Okay.

Paul Summers: The high end of the national average is right around \$200 to \$205 per square foot. That is for jail facilities. When we are talking about Community Corrections, bare bones dormitory style housing, we think we can save 50 to 2/3 of

the cost over what a jail would cost. Part of the savings is not only in the wall type constructions, but a lot of it is shared utilities, site development, a lot of shared services when you build in conjunction with the jail and juvenile. That includes the kitchen, medical, booking, administration—

Commissioner Mourdock: Excuse me for interrupting for a second, Paul, I want to make sure I understand the context of what you are saying now. A moment ago when you said that Community Corrections, sorry, a moment ago when you said the Community Corrections cost could be 50 to 2/3, you meant 50% to 2/3 of the cost of that range of \$145 to \$225 for a jail, correct?

Paul Summers: A savings of 50—

President Mosby: A savings of half.

Commissioner Mourdock: Okay, but that savings are you then going on to say you would realize if the two were joined? Or are you saying there's still two independent units, and these are the cost breakdowns?

Paul Summers: I'm saying if it's one unit in conjunction with the shared utility costs.

Commissioner Mourdock: Okay, well, go ahead and finish that then, and then I have the obvious other question which is what if the two are separate? Go ahead.

Paul Summers: That was the end of the comment.

Commissioner Mourdock: Okay. Sorry to interrupt.

President Mosby: So, I guess, what you are saying is that if we build them on the same ground, the same location, we could realize a savings of half?

Paul Summers: Of half.

President Mosby: Okay, but if we separate them and build them two different places we are probably going to realize that expense. We are sharing kitchens, laundry rooms—

Paul Summers: The wall types I can probably guarantee 20% savings if they are on separate sites. Jail versus Community Corrections, but it's the shared services that is most important.

President Mosby: Okay. Any other questions?

Commissioner Mourdock: Yeah, I'm sorry, say what you just said again. The savings of what, 20%, did you say on separate?

Paul Summers: A savings of 20% of construction costs for jail versus Community Corrections.

Commissioner Mourdock: So, again, going from your first numbers, if your base price on a square foot for a jail is \$145 per square foot, what you are saying is a free standing Community Corrections facility would be about \$115?

Paul Summers: Correct. Now that \$145 was bid two years ago. I would like to include a little bit for inflation to bump that up.

Commissioner Mourdock: Okay.

President Mosby: Any other questions? Anybody else in the audience that wants to speak? There being nobody else wanting to...oh, I'm sorry.

Craig Burgess: Craig Burgess also with United Consulting Engineers and Architects. I just wanted to make sure that Paul's first statement is clearly understood. We are talking about a construction cost for the Community Corrections of 50% to 60%, 65% the cost of the jail construction. Not necessarily a savings of 65%. Like I said, it would be a savings of 35.

Commissioner Mourdock: Yeah, the Community Corrections component would cost—

President Mosby: Okay.

Commissioner Mourdock: –65%, yeah.

President Mosby: So you are talking about a savings of 35% to 50%. I thought, okay. Any other questions, comments? Seeing none.

Commissioner Mourdock: I would just make one other comment that it seems to me that location is still the critical issue here. Because if, in fact, we include Community Corrections with the Jail, we are by very implication saying, regardless of how many beds there would be there. We all know there will be Day Reporting going back and through there. That number could be greater or less than it is now, but there is still going to be a lot of traffic going through that facility regardless of where it's built. It seems to me, that is something that we need to consider in addition to what the cost savings here would be. If we were to, and I know this has not been decided, if we were to build the Jail anywhere close to the current Civic Center to keep it close to the Courts, which I think in my mind logic certainly says that ought to happen, then it means we are also going to be pulling a lot more traffic through this general area for Community Corrections. I don't know how we put a dollar on that, but I think that is something we definitely need to consider. The other part of this is, and perhaps even the greatest part is, the cost to the Community Corrections. It seems to me at this point, pursuant to the discussion that several of the Judges took place or had with us last week or two weeks ago and the Sheriff made, what is the state going to fund remains the critical question? Until we know that answer, I think we are a little premature in dealing with the Community Corrections situation as a whole in how it fits in with this process.

Commissioner Fanello: Do you mean state funding as far as construction?

Commissioner Mourdock: Yes.

Commissioner Fanello: Bricks and mortar?

Commissioner Mourdock: Yeah, if in fact that's an option. I don't think any of us really know for sure at this point whether it is a solid option.

Commissioner Fanello: I don't think we can put this project on hold hoping that the state is going to fund bricks and mortar, because there is nothing in the state statute that requires the state to fund bricks and mortar.

Commissioner Mourdock: I understand and agree there is nothing there that requires it, but I know we all talked about jumping in the magical bus and doing the bus tour to go up there and see if we could win some funding. We've said several times we

want this to be a project with at least a 25 or 30 year life, and with that being the case, if we are within ten months or even 12 months of knowing on Community Correction, it seems to me it is worthy to pull that out of this project and keep Community Corrections more of a free standing operation.

Commissioner Fanello: Well, see, I think, you lose the efficiency of the shared services if we are going to build all three facilities, I don't know why we wouldn't go ahead and pursue what this County needs. If funding becomes available for bricks and mortar from the state then that is gravy to the County, but we can't put this project on hold hoping that the state will fund bricks and mortar. I'm not for doing separate projects when the whole purpose of doing the three facilities is for the efficiency of the shared services. So, I mean, I'm more inclined to move forward with the total project at this time.

Commissioner Mourdock: I would simply add that full project, and I know both of you have great concerns that you have expressed here at the microphone before, can this project come in for \$35 million? That seems to me, and I noticed Chief Deputy Williams just gave us something here today on the Porter County Jail and they noted they put in a new \$37 million jail with 450 beds. Now, maybe it's coincidence that \$37 million is close to \$35 million, but 450 beds is less than what we've spoken of as a jail, and that has nothing to do with Community Corrections, has nothing to do with a Juvenile Facility. So, I'm not sure that our budget is going to allow us to include it in the near term anyway. You'll recall the circle I drew up on that blackboard a few weeks ago that's been, obviously, erased, but I think we are going to go through several iterations with this trying to find out what is in the project and what isn't. It seems to me, rather than putting them all together and then say well, instead of a , I'll make up numbers here, instead of an 800 bed jail, we'll bring it back to 700. Instead of 115 bed Community Corrections, we'll cut it to 65. It seems to me you are better to deal with each of those entities one on one, rather than try to wrap them up and then cut them out in some percentage wise. You know, I mean, that's just human nature. That's what we'll end up doing.

Commissioner Fanello: Uh-huh. Well, that's what you do with any project, but my concern is we started out doing a single project and the whole purpose of doing three facilities was to, you know, gain an efficiency in shared services. So, I mean, I can't really think that we ought to break it apart. I think what we need to do is move forward and let United bring us what this County needs. What they have learned through the programming meetings and through the workshops. Then at that point in time, I think, it's our responsibility to go to Council and say now what do you want to do? Because they are the fiscal body.

Commissioner Mourdock: I don't know that we have ever written in stone that this project includes all three of these things. Meaning in one building. I've certainly never gone at it with that thought in mind. Clearly, I've thought all three parts of this system need to be visited as far as what we can do to improve them, but I don't think anywhere it's ever been implied that absolutely, positively, they will be in one place.

President Mosby: I don't think it's etched in stone that we do that, but I'm just going to give you my opinion here. I don't want to see us go after three separate projects. I think what we have got to do is we've got to give the design team a direction to head. They need to design this. If we can put all three projects into one, and they can come back with a reasonable cost where we can share, you know, all the support to each facility, then fine and dandy. If it gets too expensive, and we have to cut something out of it, then we have to start looking to see what we want to cut. I don't want to go out and build a Jail, and then turn around and build a Community Corrections, and then turn around and build a Juvenile Detention when I've got to

build three kitchens, three laundry rooms and the whole nine yards. I think it is smarter to take the taxpayer dollar and look at building one facility. We're never going to get a cost estimate if we don't give them a direction. Without a direction to head they cannot come back to us with any type of a cost estimate and say here is what you are looking at. So, at some time we've got to give them a direction, and I think right now is what, this is the reason this is on here.

Commissioner Mourdock: Sure. I understand. We are here to give them direction. I'll make two points. Number one, let's play what if for a second. What if they come back and say that based on the number of beds for Community Corrections that they leave here with tonight as their direction, and with some number of Jail beds that we've yet to determine, what if they come back and say well that's \$55 million? What do we do then?

Commissioner Fanello: I'd think we'd go to the County Council and say what do you want to do? I mean this is part of there project.

President Mosby: We have to decide if we want to cut the project or fund it. It's that simple.

Commissioner Mourdock: Point number two is, where is the location? Because, again, I think the location is very important as far as that Community Corrections component. Do we want Day Reporting people, Community Corrections and do we have the parking facilities? Do we have all the other infrastructure that may not just show up here in the cost? Or even in the cost savings of putting the two together? Do we know that yet?

President Mosby: No, and I believe as soon as we give the design team a direction to head then we need to find a site. I mean, that's got to be our next order of business is to come up with a site. Either the site is here or we are going to go off premise and we're going to have to look at cost for a site.

Commissioner Mourdock: Okay, well, I would suggest you think about changing the order a little bit there, because as soon as we give them direction, I don't know that we can find a site until they come back to us with their proposal. Because, again, until we know what they've got dollar wise, we really don't know, and as Catherine said a minute ago, until we know what Council comes back with—

President Mosby: You're gonna...you're gonna reverse the direction, but I'm not, I'm not going to let the site drive the project. I'm not going to take a site that's not big enough and let it drive a project, and I'm going to cut my project and cut my costs because of the site. When they come back with a design, I'll find a site big enough to build it. If we're going to spend money on a site, we might, we might not. We might be able to use this, we might not. It just is...but I'm not going to let the site drive the project.

Commissioner Mourdock: But, and I'm trying to present—

President Mosby: What you're saying...you're saying we don't have enough parking.

Commissioner Mourdock: —yeah, inversely, if we put all these things together so that they don't fit on this site, and we take it somewhere else, the cost savings that you've otherwise gained by putting the two things together like you're talking about here tonight, will quickly be lost in the transportation of people back and forth to the judicial center. I mean, all those things are important components of the cost.

Commissioner Fanello: Do you have anything to say about transportation costs?

Brad Ellsworth: Good afternoon, Sheriff Brad Ellsworth. Of course, I think, my feelings are clear that, obviously, if I am going to continue to manage all three, that having those on the same site and that could be...I'll refer back to the Owensboro trip, and I don't know if any of the Council people are...Daviness County, Kentucky has the three facilities on one campus. They are separated by sidewalks, you know, all within 50' to 100' of each other, and they have the shared services. I'm certainly a proponent of it being on the same campus for supervisory issues, for those, you know, core decision making and the core services. I agree with Commissioner Mosby that I think what we need to do is basically decide what we, at least, a pie in the sky, what we need or what we feel we need, have that come back and let that drive our site. What I fear is that we say we are going to put it say in the Judges parking lot and then we build a tower and I'll need immediately 100 new deputies to staff that. I don't...Commissioner Mourdock and I have talked enough to know that's not his wishes either. Transportation for us, certainly ideal, and right now with a walkway over to the Courts is the ideal situation. A tunnel would, you know, be ideal, but if we have to transport whether it's one minute or ten minutes, that will make no difference to us. We still have to put them on a bus. It will take the same amount of people to guard if we transport them ten minutes as it does 30 seconds to a minute, I believe. Whether it's, you know, down that way two blocks or it's out that way five miles. I think we'll have the same issues regardless if we are not connected to the building. I think that is where we have to look at...everybody we've talked to says don't leave out expansion. Don't leave out your room for expansion. If we stay here, we may cut out that parking expansion and all the services. So, I don't know if that helps at all, but if you have any questions of me I would be glad to try and answer them.

President Mosby: I guess, the one thing I would probably ask you, would it not be easier to transport prisoners as to try to secure three sites?

Brad Ellsworth: Absolutely. Absolutely.

President Mosby: That's what I'm looking at. If I've got three buildings out here that I've got to staff and secure as opposed to everything being in one complex, I believe, I could probably live with transporting.

Brad Ellsworth: It happens in most of the counties that I've visited, the jail is not connected to the...and some are smaller, some are larger. You know, Lexington, Kentucky, the jail is not connected to the courts at all. Charlotte, North Carolina, you name it, Boonville, you know, they load it in two squad cars in the mornings for their court detail. We'd probably require a bus or two.

Commissioner Mourdock: Is there a site where you want this located, Brad?

Brad Ellsworth: No. There is really not. I think we need an ample site.

Commissioner Mourdock: I've heard you use the word campus a number of times, and I'm just wondering how many acres you think that is going...I mean, when I think of campus, I think of sprawling.

Brad Ellsworth: Just in our talks in our office...just...we've talked about 20. Just as a round number, of 20 acres. That may be large. When you talk about, if we do go on a campus, when you talk about parking for 2/3's or 1/3 of the employees at a time, maybe a little more than that, plus some parking for the work release inmates that will drive their vehicles there. Plus the fleet of vehicles. I think you start at 20

and take, shave points off, you know how we are on point systems down there, and start shaving points off for anything under 20 acres. And that, again, that may come back when the design team comes back and say, even with future use we only need ten or 15. I can't remember what PMSI's first study, we talked about maybe the building needing five acres, the building itself. It seems like that was the number that stuck—

Commissioner Mourdock: I don't recall them referring to acres, but you may be right.

Brad Ellsworth: That just sticks out in my mind.

Commissioner Mourdock: You and I have had several discussions previously about, and again, I don't want the words used too literally, but the glorified pole barn. Have you totally changed your mind on that.?

Brad Ellsworth: Not at all. Not at all. I was glad to hear these numbers because I was also curious well how much less expensive is Community Corrections beds than Jails. We've kicked around so many things. When we first talked about it, I know, that the one design team proposed to us that make the Work Release section just like the Jail and then if you needed that for future Jail space, you'd already have it built. I guess, my fear with that is, that the natural thing is if the predictions are true that we will fill it, you'd start cutting back Community Corrections as the Jail beds were needed. So, if we build this as a Community Corrections Center, the Community Corrections building, or the annex, or the hallway to Community Corrections, then we are going to leave it as Community Corrections. Whatever amount, whether that is 60 beds, or 300 beds, it's going to be Community Corrections beds and not Jail beds down the way.

Commissioner Mourdock: Would you agree that for the Day Reporting people coming in and out of Community Corrections that it's still...that it makes the most sense to keep that fairly close to the downtown area? I mean, just from their transportation needs?

Brad Ellsworth: I would say, I would say if you get way out in the County, then it becomes a problem with public transportation for those people to get to their jobs. Certainly, you know, we looked around here in the downtown area or just in the outskirts and that, but...and I hate to name locations because then we'll read that we are going to St. Joe and Diamond and then I'll get my head chopped off for that. That wouldn't be bad, but when you start talking about, you know, I-164 at 64, then you've certainly got, you know, a bigger problem of bringing those people into town to work. Because most of the jobs there are, we use public transportation a lot to transport the people to their jobs. I would say probably, probably 2/3's of the residents out there, at least, use public transportation to get to their employment.

President Mosby: Any other questions or comments? Thank you, Brad. Seeing none. I will take recommendations from either Commissioner.

Commissioner Mourdock: Well, I know this will die for lack of a second, so I won't even make it, but it is just my feeling that we need to keep these as two separate facilities. I think, the budget limitation means that we would otherwise be working out of the present structure for awhile, but I would still hope that we could find out from the state that we would have the bricks and mortar funding to help do something on better grounds. I don't mean that as physical property, but on a better basis. I think, to get the design team moving right now, I think, we would enhance our own opportunity by having them go forward with what we've decided already, which is a Jail and with the Juvenile component, without Community Corrections.

I'd make that as a motion, but as I say, I know it will die for lack of a second.

President Mosby: I'm, I'm not gonna...I mean, I'll give it a reason, I mean, I'm not going to second that motion strictly because as I said, I think, all three of these need to be looked at put into one complex. It makes it easier on the Sheriff. Security wise we don't have to hire as many people. We could share, you know, manpower and whatever, so, I mean, that would be my reason for not seconding it. I think, we've got to give the design team that is here tonight a direction to head.

Commissioner Mourdock: On that, I agree. We need to do that.

President Mosby: Because, I mean, we've had Juvenile meetings, we've had Community Corrections, we've had Jail meetings, I mean, and I think we've met about as much as we can meet. I'm open to a motion.

Commissioner Fanello: I guess you want a motion on a number of Community Correction beds?

President Mosby: Both.

Commissioner Fanello: Okay, and Jail beds?

President Mosby: Uh-huh.

Commissioner Fanello: I'll go ahead and preface this that the Community Correction meeting was very enlightening. Especially having the Judges here to answer questions and help explain. I am concerned that if we lower the number of Community Correction beds that we have in essence shot ourselves in the foot, because immediately when we open that door of the new Jail, those beds are going to be filled. I think the Work Release Program brings a great alternative to using Jail beds. So, I'm going to say that I am not in favor of lowering the Jail beds. I would probably like to see between 250 and 300 Community Correction beds. I'm sorry, I said lowering Jail beds, I meant lowering Community Correction beds. I would like to see approximately 250 to 300 Community Correction beds depending on what pod size the design team comes back with. I think we ought to get on that magical bus and champion the state for all the funding that we can get, but I'm not going to sit here and see our Jail cost driven up because we don't have enough Work Release beds. So, that's my comment on that. So, I'll make that in the form of a motion, but I want to go ahead and talk about the Jail beds. I think the recommendation of the PMSI study was for 525 beds, I think, or something like that. I don't think that is nearly enough. We've been up as high as 425 beds at some point in time, and if we're going to give ourselves some wiggle room there, I think a 650 bed facility to start off with is only adequate. I think it ought to be expandable to between 850 and 1,000. So, we're looking to make sure that we don't have to make this decision again in the next ten, 15 years. Hopefully, this decision will last for the next 30, 35 years. So, we've got to consider at this point in time what is going to save the taxpayers the most money in the long term. That is what I'm looking at.

Commissioner Mourdock: Okay, so let me put that in a few words. Your motion was to direct the design team to build a, to design a Jail with a capacity from 850 to 1,000 beds and as part of that facility to include Community Corrections of from 200 to 300 beds?

President Mosby: Now hold it, I didn't have it that way. I've got 250 on Community Corrections—

Commissioner Fanello: Uh-huh.

President Mosby: –and 650 on the Jail expandable to 1,000. Did I not–

Commissioner Fanello: Yes. Expandable, depending on what the price is we may have to... I would like to see us start off with 650, expandable up to 1,000.

President Mosby: Okay.

Commissioner Fanello: And those numbers–

President Mosby: I would, I would second. I will second the motion, but I would like to instruct the design team to look solid at 300 beds in Community Corrections, not 250. I would rather see 300 beds in Community Corrections and 650 is fine in the Jail, and after listening to the Judges dialogue and conversation two weeks ago I'm afraid that if we don't have enough Community Corrections, I know there is a six week waiting list now. They talked about all of the people that are on House Arrest with the ankle bands or bracelets, and I can see us not utilizing Community Corrections enough and all of a sudden start sending these people to Jail, and the next thing I know our Jail is going to be overcrowded. I like the fact that in Community Corrections, correct me if I'm wrong, they pay \$70 a week, so they are more or less at least paying part of their own freight. If we can get the state to, you know, come in with us on the Community Corrections for bricks and mortar, it makes a lot of sense, but I wouldn't want to put somebody in the Jail and we pay the freight, if we could put them in Community Corrections and they pay the freight. So, I would like to see 300 beds in the Community Corrections and 650 in the Jail.

Commissioner Fanello: I'll amend my motion to start off with 300 and if we have to come back and lower it we can, but that's fine.

Commissioner Mourdock: Okay, again, just to clarify, the amended motion then is for 300 beds in Community Correction as part of the same facility with a Jail that is 650 beds at the beginning, expanding to 800 to 1,000?

President Mosby: Uh-huh.

Commissioner Fanello: Yes.

Commissioner Mourdock: Is that accurate?

Commissioner Fanello: With a 24 bed, or 20 to 24 bed Juvenile.

President Mosby: 20 to 24 in Juvenile.

Commissioner Mourdock: With 20 to 24 bed Juvenile.

President Mosby: So, yes that would be the motion. 650 on Jail, 300 on Community Correction, 650 expandable to 1,000 in the Jail, and 20 to 24 in Juvenile Detention.

Commissioner Mourdock: Well, hearing that as a motion, I will pass because I think that we are putting our design team into a wheel spinning operation from the get go that will be constricted by our budget. Because I do also, Catherine, want this project to move forward as quickly as we can, I think, we are kind of taking a counter step by making this cycle a little bit longer than we need to. So, I'll pass on the motion.

President Mosby: Okay. I have a motion and a second. So ordered. Next order of business, Phil Hayes, final reading of ordinance amending Title 17 of the Zoning Code.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Sure. Go ahead.

(TAPE CHANGE)

President Mosby: We are back on the record and we will move forward on final reading of ordinance amending Title 17.

<p>Phil Hayes: Final Reading Of Ordinance Amending Title 17 - Zoning Code</p>
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Phil Hayes: This ordinance amends the Zoning Code in its Title 17 and would allow for a Use Group Nine to be added to by an off track betting facility. The previous record reflects that this ordinance was submitted and it was for the purposes of allowing in the county, outside of the city limits, such a Use Group. It is by definition, by it's name defined, it would be an off track betting facility. This is the second and third reading for this and it has been duly advertised. It was requested, as I understand it, in order to allow for site selection, either within or outside the city limits. I do not believe there's been any site identified in either the city or the county at this time.

President Mosby: Any discussion? Chair will entertain a motion.

Commissioner Fanello: Motion to approve final reading of ordinance amending Title 17 of the Zoning Code.

President Mosby: Okay, I have a motion. I will second for discussion.

Commissioner Mourdock: And we need a roll call.

President Mosby: Is there anybody who would like to speak to final reading on the ordinance amending Title 17 of the Zoning Code? Seeing none. We have a motion and a second. Roll call vote has been requested.

Commissioner Mourdock: Roll call is required for an ordinance.

President Mosby: Roll call is required, right. Commissioner Mourdock?

Commissioner Mourdock: Being the consistent anti-gambling person that I am, I vote no.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Yes. There being two ayes and one nay, motion passes. Ordinance becomes effective.

Permission To Advertise Vacation Of Easement

President Mosby: Auditors Office, permission to advertise vacation of easement.

Commissioner Mourdock: It is a fairly routine thing, you are just going to go ahead and advertise. I think the suggested date was September 10th, so I would go, sure-

Phil Hayes: If we could, I have spoken to the Auditor in regard to this. The suggested date, I would ask that it be moved up so that legal can have an opportunity to review this-

Suzanne Crouch: Moved back.

Phil Hayes: Excuse me, moved back, yes, up the year. So, if it could be moved back on the calendar to be considered again on the agenda for, I guess, that would be September the 10th, would it not? We are not going to have a meeting on Labor Day? I would like to have until at least that time to review this and make a report to you.

Suzanne Crouch: So, we'll see..we'll present it?

Phil Hayes: Present it again on the agenda for the September 10 meeting. If we may?

Suzanne Crouch: Sure.

Madelyn Grayson: Fine.

Phil Hayes: If that is alright with the Commission?

President Mosby: That's fine.

Commissioner Mourdock: Yeah, so, yeah, the hearing date is for September 10th.

President Mosby: So, we are not changing anything? Okay. I have a motion.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Bill Jeffers: Redistricting

President Mosby: Bill Jeffers, redistricting. Oh, go on, I'm sorry. I thought that you were waiting on me.

Commissioner Fanello: Did you want us to open up both of these? Do you want us to open those?

Bill Jeffers: If you would. I will give you some smaller copies. The two large maps are, this is Bill Jeffers, Vanderburgh County Surveyor, with regard to reprecincting Vanderburgh County voting precincts. The two large maps are identical copies of the precincts as they lay on a map, mainly the ones that we intend to make changes in. The northern part of the county has been omitted because we don't propose any

changes in Armstrong or Scott Townships, so to make the map less cumbersome we omitted that area. On Monday, July 16, 2001, Indiana Legislative Services sent the Vanderburgh County Surveyor a compact disc containing shape files, showing our existing voting precincts laid over the background of census block boundaries. These were the first accurate maps available to us in enabling the completion of our assignment to redraw the precincts boundaries for Vanderburgh County. The County Surveyor's office has spent the last month drawing proposed new precincts, voting precincts, using these shape files along with data from the Vanderburgh County Office of Voters Registration. Our objective was to combine sparsely populated precincts and to split over populated precincts and not causing undue voter confusion or inconvenience. Tonight we offer the Board of County Commissioners a proposed array of 142 voting precincts. Our proposed layout represents a reduction of 25 precincts from the current total of 167. You have the map, the large map, along with a packet of individual wards on your desk for your review. If you find the proposal acceptable, we will return next Monday with individual precinct maps and boundary descriptions along with other data required as a part of your reprecincting orders to be sent to the State Election Committee, Commission. At this time I would like to hand, hand you some additional information. Allow me at this time to draw your attention to the precincts summary sheet, Form IEC-8. On the copies provided to you, I have highlighted in yellow the information that the County Surveyor's office is able to provide you. Examples of this information include maps of each precinct to be established by your proposed orders. On the third page of the handout is a draft example of a map of Ward 5 Precinct 6. A description of the boundaries for each precinct to be established. The next page shows you an example, a draft example, of the census blocks contained in proposed Precinct, Ward 5, Precinct 6 along with a boundary description of that precinct. And then other information known to our office is shown highlighted in yellow on the copy provided you tonight. Highlighted in pink is the copy you will have to obtain from other offices. Precincts summary sheet, such as this, is required for each new, proposed precinct and you may wish to examine this summary sheet to determine which office or offices should assist you in completing the form. Again, the items highlighted in pink, that information is not available to our office and we would ask you to find the appropriate office to provide you with that information. On the page following the sample precinct summary sheet you will find suggested wording regarding the confirmation of your notification to both political party chairpersons of the proposed new precinct. Excuse me, the next sheet actually is the order that you will have to fill out for the overall project. This will be filled out by the Board and sent to the Election Commission for their request that the County Commissioners filled out this order, basically, it is an ordinance establishing the new precincts. Then on the following page is the wording provided to us from the Election Commission regarding your notification of both political chairpersons of the proposed new precincts. That goes along with the order. Also, provided tonight is a copy of a memorandum from Michelle Brzycki, representing the State Election Commission. It includes a check list or question to be completed and sent back to the Election Commission. I have completed the sample questionnaire as far as possible with the information available to our office at this time. The Board may wish to look at the blanks I have left and complete the questionnaire where applicable. With, this questionnaire apparently should go back prior to your submittal of the proposed reprecincting so that the State Election Commission can determine whether we need additional interviews from Ms. Brzycki or other representatives of the Election Commission. With regard to redistricting of County Council and County Commissioner districts, the County Surveyor has not prepared any proposed Council or Commissioner districts. It would be premature to propose such new districts before the preparation of population data for each of the new precincts and prior to

the approval of the proposed precincts by this Board and by the Election Commission. Each County Council district should be composed of contiguous voting precincts with the total population of between 42,800 and 43,100 persons per precinct. When your Board has approved the proposed new precincts and has sent the information to the Election Commission and has obtained the accurate census 2000 population, which we will provide you with those precincts, you could begin your preliminary determination of the new County Council and County Commissioner district boundaries. If your Board wishes, our office, rather than an outside consultant to draw additional maps after you have determined County Council and County Commissioner district boundaries, we will be available to you to do that. However, the determination of those boundaries is your statutory duty and we will await your decision in that regard. In closing, I would like to thank my Administrative Chief Deputy, Ms. Linda Freeman for the work that she has done with the software that was provided by Legislative Services. She had to interpret it and had to work long hours to prepare the maps from it. I would like to thank the board for giving us the opportunity to participate in a project that serves Vanderburgh County by lowering the cost to the taxpayer and increasing the efficiency of the voting process.

President Mosby: So, what I am hearing you say is that you need us to okay the precinct maps so that you can continue on?

Bill Jeffers: I would suggest that you look at those precinct maps and if you find them suitable to collect the rest of the data that is required by the Election Commission and compile it into a reprecincting order and forward it to them. In the meantime, we will continue to provide you with population data and if you and the Election Commission both approve our proposed re-precincts then we would await your decision on the redistricting, and if you wish us to prepare those maps after you have established the boundaries, we will be available to do so.

President Mosby: Okay, you said that Scott and Armstrong didn't change. German is not on there either. Does German stay the same?

Bill Jeffers: The only thing we did with German was use Highway 66, no we didn't change anything in German either.

President Mosby: Okay, I just noticed that German wasn't on the map.

Bill Jeffers: That's right, you're right. We didn't, that map does not show anything that we did not change. In German, we did not change anything.

President Mosby: Well, I heard you say Scott and Armstrong and then I got to looking-

Bill Jeffers: Yes, sir. I omitted German.

President Mosby: That's fine. Is there any questions or comments about?

Suzanne Crouch: I have a question. Do the Commissioners know the time frame for redrawing the Commission and Council Districts? The reason that I asked is that I filed my papers of organization to run for the Commission District 2 seat that Richard Mourdock currently occupies last week and rumor has it that I am going to be drawn out of that district so that I can't run. I guess the reason that I am wanting to know-

Commissioner Fanello: I think the rumor is everybody is going to be drawn out this year.

Suzanne Crouch: I guess the reason that I wanted to know is that if I am not going to be running next year, I will be running against one of the two of you, and I just need to know how much time to plan for it. My campaign.

President Mosby: Well, please don't tell me where you live, because I don't know now, and don't want to know. No, I am just kidding. I just...I mean, I don't know because this is the first time that I have seen these maps. I mean, so, I don't know where you live and I couldn't tell you, I mean I don't know what the Commissioner lines are gonna be and I just heard Bill say as far as-

Commissioner Fanello: Really-

President Mosby: As far as Council districts, I mean, there is a number here that we have to have, 43,000, in each district. So, we will have to get, I guess, the number of voters in the precincts-

Unidentified: Population.

President Mosby: -the population. That's right, it's the population, so we are going to have to get the population before we can draw anything. So, I mean, to look at these maps, but you don't know.

Bill Jeffers: It is my understanding due to the Supreme Court's, one man one vote ruling, in 1986 or 8 or whenever it was, that the Councilmatic districts must be balanced at approximately 43,000 each. The four Council districts.

President Mosby: Right.

Bill Jeffers: However, I don't think it's mandatory to redraw the Commissioner districts unless you wish to balance them as well. Because, in the case of the Commissioner districts, everyone in the County who is registered to vote has the opportunity to vote for all Commissioners.

President Mosby: I mean, I can understand your problem. I guess in my case I really care less what my district looks like.

Suzanne Crouch: Well, it just determines on whether I run next year or whether I run in a couple of years.

President Mosby: So, what you are saying, is, are we going to put a burden on you next year or three years from now? That's what you are saying.

Suzanne Crouch: I'm just trying to plan my campaign.

Bill Jeffers: More importantly, I would suggest that you look very closely at the Commissioner districts before you alter them because that would influence the School Board. The School Board districts are determined by Commissioner districts and I would think that that would be very important to make sure that the School Board balance was not upset. Or not balance, I don't know what it is but-

Suzanne Crouch: Representation?

Bill Jeffers: Representation, right.

Commissioner Mourdock: I have a couple of questions.

President Mosby: I think what we really need, do we want to hold this for a week?

Commissioner Mourdock: Yeah, that was my first question. These are only given to us tonight to be taken under advisement, I presume and you are looking for us to come back-

Bill Jeffers: Yes, sir, absolutely. Take them under advisement and see if they are suitable and then also in that, in some period of time, decide when you would like to present them to the two party chairman for their review.

Commissioner Mourdock: Right. That was going to be my second point.

Bill Jeffers: That is a courtesy review.

Commissioner Mourdock: Well, at least reading that letter from the part of the exhibit that you gave us where it said something about they've been reviewed by or presented to, that's something that needs to be done.

Bill Jeffers: Correct.

Commissioner Mourdock: And then, you have in your last paragraph, Bill, this intriguing statement, if your Board wishes our office, rather than an outside consultant to draw additional maps after you determine Council and Commissioner districts. I want to revisit that real briefly. Last week, we spoke of that in the fact that Representative Weinzapfel has -

Commissioner Fanello: No, no, no, no-

Phil Hayes: No, we didn't.

President Mosby: Hold, hold. Order.

Commissioner Mourdock: We did. We discussed Representative Weinzapfel and his involvement in reviewing the maps. That is a correct statement.

Commissioner Fanello: Precincts.

Commissioner Mourdock: Okay, the maps, the precincts.

Phil Hayes: No.

Commissioner Mourdock: My question-

President Mosby: (Inaudible. Gavel pounding.) for a minute.

Commissioner Mourdock: My question is simply this. Traditionally, and with all of the attorneys that we have had hired, the Assistant County Attorneys, they have been hired under those situations when we have outstanding litigation, where our County Attorney otherwise would have a conflict of interest, and certainly that is the right thing to do. But, it seems to me, in this case, we have hired Jonathan to do

something that is other than litigation and I just want to make the point that I think that goes beyond what we set out to do when we hired county attorneys.

President Mosby: I guess my comment to that, is that Jonathan was not hired to do any work. Jonathan was only asked to give legal advice if the Surveyor asked for it or the people that were in from Indianapolis. It has been misquoted in the newspaper that he has drawn boundary lines and that is not true.

Commissioner Mourdock: : Is he being paid for it? Is the key question, I guess and you just said that he isn't being paid for it?

President Mosby: No, I didn't say that he wasn't being paid.

Commissioner Mourdock: Oh.

President Mosby: I said he was asked if there was legal advice that needed to be answered then he was going to answer those questions, and I think it was wrote up due to the fact that he was a State Representative and he's been close to the issue-

Commissioner Mourdock: Sure.

President Mosby: And everybody felt that he wouldn't have to do near the research.

Commissioner Mourdock: Okay, and my point isn't Republican, Democrat, here either because we did some checking. St. Joe County, Marion County, Allen County, Johnson County, all of these other counties that are either of the same size or larger than we are, did not go to a consultant to do this. I want to make sure that we spend our county attorney money the way that we said we were going to spend it. So, that is my point.

Commissioner Fanello: As far as I am concerned, these three Commissioners sitting right here are responsible for drawing the lines. I mean, I have already been down to Bill Jeffers office, I am already doing my part in doing research and you know getting information together. It is our responsibility to do them and so-

Commissioner Mourdock: I agree.

Commissioner Fanello: We are not looking to hire a consultant, but it is our responsibility to draw the lines and if we want the Surveyor's office to prepare the maps then we need to ask them to do that. That is all that Bill is asking.

Commissioner Mourdock: I agree and all of that seems to preclude what Mr. Weinzapfel was doing. So, I mean, I agree.

President Mosby: Have we had to use Jonathon for anything as far as legal services?

Commissioner Mourdock: Is he going to send us a bill?

Bill Jeffers: Mr. Weinzapfel was very helpful in putting us together with Legislative Services without whose aid, Legislative Services aid, I could not have completed this project period. They were the only ones who were able to provide me with accurate maps. They also provided us with software which they came down and explained and demonstrated and they also provided us with hard copy of some particular

points on mapping where there were conflicts between their maps and Census Bureau maps and we worked out a resolution of about 20 different mapping points that Mr. Weinzapfel was instrumental in helping us get contact and access to that data through Legislative Services. No lines shown on anything that I have submitted tonight was drawn or reviewed by Mr. Weinzapfel and the only legal advice that he gave us was when I had a question on specific state statutes regarding Census block lines or legislative lines, etc. and that was very minimal.

Commissioner Mourdock: Okay, thanks for clarifying that. Coming back to this. We are taking this under advisement to revisit?

Commissioner Fanello: That is what I was going to try and answer.

Bill Jeffers: My comment on a consultant was simply whether you would like the County Surveyors office or the County Engineers office, for that matter, we both have plotters and we both have mapping expertise. Whether you wanted us to complete the maps after you decide on the local legislative boundaries, or whether you wanted to go to an outside engineering consultant and pay for that. I am saying that I would love to continue to save the county money by doing it for you after you decide on the boundaries. I wasn't using the word consultant to point to any other individual.

Commissioner Mourdock: Okay, that's fine. It just reminded me of the point that I wanted to make. So, that's fine. Your text clearly says after those things are done.

Bill Jeffers: Yes, sir.

Commissioner Mourdock: Now, do we want to revisit this next week or two weeks.

Commissioner Fanello: I was just going to say, after we, we need to get with the County Chairmans, we need to get this information filled out and we need to sign an order in here and we need to send it to the State for their approval, is that correct?

Bill Jeffers: Yes, ma'am.

Commissioner Fanello: Is there any indication as to how long it takes the state to give their approval? Because, I was trying to get at a date for Suzanne.

Commissioner Mourdock: Let me see if I understand this. Do we have to look at these precincts and okay them first before we can send anything to the state?

Commissioner Mourdock: Yes.

Linda Freeman: That would be nice because we have to finalize the drawings in the computer and go on with it from them. But, then when I was talking with one of the ladies with it, she mentioned that she only had, I think it was Michelle Brzycki, that they only have Commission meetings once a month. So, I don't remember. She told me a date, like which particular, if it's the third Tuesday, Wednesday or whatever.

Commissioner Mourdock: Meaning that they can only officially act to accept what we have done once a month?

Linda Freeman: She just mentioned that to me as part of the package deal when we

were talking about filling out these different forms and things that they meet once a month. But, Bill, gave you a copy of each one of their cards, so I mean if you guys want to you know, confirm some things with them.

Commissioner Fanello: We need to find out when their meeting is and kind of, hopefully, have that information up there by that week.

Linda Freeman: Right, if you are fine with what we have drawn, I can finalize what I need to finalize in the software because right now I am probably going to be talking some stuff that maybe you understand and maybe you don't. Right now, that is basically line work. It's just lines drawn on those maps. They are not polygons and for me to do the queries on the Census blocks and to get those listings and the population numbers and things, I need to clean those up and make those into polygons.

Commissioner Mourdock: So, by definition, some of the lines you have, even if you didn't correct them, when you went back to look at them by Census polygons may have to be changed a little bit anyway?

Linda Freeman: Yeah, well. So, you know, there is a little neatening up but I have to follow the Census block lines, which are the black lines on those maps. There are two sets of identical maps. So you guys know, but if you are fine with them, I would like to go ahead and get my ball rolling.

President Mosby: Well, I think.

Bill Jeffers: And then I have to type a legal description for each new or each precinct that has changed in any way and I estimate that is going to be about a 80 to 90 legal descriptions and that is at least a week's work.

President Mosby: Okay.

Commissioner Mourdock: Sounds like it needs to be next week.

President Mosby: Yeah, I would entertain a motion that we bring this back next week and in the meantime have Tammy get a copy of these maps to each one of the County Chairmen to see if they have any comment that they want to make before next Monday's meeting before we do finalize this.

Bill Jeffers: And those copies will be available from us, Tammy.

President Mosby: Okay, that's what I was gonna ask you next, can you make two copies, one to be passed to each Chairman-

Bill Jeffers: Absolutely.

President Mosby: Okay.

Bill Jeffers: We can make copies of everything that we have provided you, we can also contact the Election Commission and answer some of the questions you had individually or together.

President Mosby: Okay.

Bill Jeffers: And provide each of three of you and your legal counsel with copies of their answers.

President Mosby: Okay, I will entertain a motion.

Commissioner Mourdock: I'll move that we bring this back next week then to formally act on it , with, in the meantime, getting it to both party chairs.

Commissioner Fanello: Second.

President Mosby: I have motion and second. So ordered. Bill, thank you for all your work. I appreciate you taking this project on.

Bill Jeffers: Thanks for the opportunity.

President Mosby: I know that there is a lot of work there.

Linda Freeman: If you need anything, just give me a call and we can print you up or I can show you what it looks like on the computer. It's that GIS stuff you guys—

President Mosby: I would just ask that you print a copy for both County Chairmen so that we can keep these two in the office for anybody that wants to see them.

Linda Freeman: Yeah, there is two sets there plus the little set, so.

President Mosby: Thank you.

Commissioner Mourdock: I thought that you were going to say that if we have any calls and they have any questions, just call Bill and let him take care of them.

O'Day Discovery Lodge

President Mosby: Commissioners, O'Day Discovery Center.

Commissioner Fanello: The only thing on that, I just wanted to report back since budget hearings were last week that \$1 million was set aside in the CCD budget. So, the full project was not funded, but I believe that there is enough money, Council willing, in the CCD budget to go back and ask for it. So, I guess that is at our discretion.

President Mosby: Okay.

Commissioner Fanello: But, that will, that will pretty much drain the CCD Fund, so.

President Mosby: So, what are we talking about?

Commissioner Fanello: Well, I mean, just depending, it wasn't funded during budget time, so I am assuming that if we want to go back and ask for the remaining part, we need to file a-

Commissioner Mourdock: At this point, I don't know that we need to do anything.

Commissioner Fanello: Yeah. It's just for your information.

President Mosby: I was going to say, I would wait and see what the Council does when they finalize their budget, we will know.

Commissioner Fanello: Okay.

President Mosby: So, motion to hold, I guess?

Commissioner Fanello: Yeah. I mean, it's just information.

Commissioner Mourdock: Second.

Unidentified: (Inaudible. Not at mike.)

Commissioner Mourdock: You need to come to the microphone, Jim.

James Raben: James Raben, County Council. Just so that everyone in the audience understands there was only a request submitted in the budget for \$1 million.

President Mosby: Right, we put a million in and we were just waiting to see what you do. Okay.

Madelyn Grayson: We need to make a tape change, please.

President Mosby: No problem.

(TAPE CHANGED)

Maria Del Rio: Health Department

President Mosby: Are we ready? Dr. Del Rio, the facility for the Health Department.

Maria Del Rio: Thank you for allowing me to be here before you today. It seems there's been a lot of confusion about our plans and moving to a new facility for the Health Department and I appreciate the chance to come and clarify some points and perhaps answer some questions that you may have. The Health Department is a very vital agency of this community. It staffs about 70 different employees. It is not just office oriented, but service oriented. It has the board made up of seven volunteers, they're full-time professionals, five physicians, one veterinarian and one attorney. Two of the other positions on the board, Dr. John Pulcini and Dr. Ray Nicholson are present here tonight. We have an executive director, Sam Elder, who is also present and our health officer, Dr. John Heidingsfelder is also present here. We do a great deal of services to the community so therefore we have a lot of our community coming in and out of our offices and in our building. And many of them have different needs that we have to meet and they're varied. We have communicable diseases, environmental, rodent and mosquito control, health education, lab where we do lead testing not only for our county, but for other counties, the nursing division and vital records, which have to be kept in a special place. We provide sexually transmitted diseases treatment, AIDS counseling and testing free to anyone in this community, and tuberculosis treatment and testing as well as an X-ray machine. Because of this, we have very specific needs and we saw that in 1994 we were outgrowing our space here. And at that time we didn't presume to know where we should go or how we should go about this, so we just

requested a consultant to study our building needs, our needs of our staff, and the needs of the community which we serve, and make some recommendations as to where we should go and what kind of space we would need. That study was presented to us in 1995, where they recommended that in the future we would probably need about 30,000 to 33,000 square feet depending on where the Health Department was going. Ed Hafer and Associates provided us with that study and they looked at the needs of the staff, the needs of our clients, the need for waiting rooms. Currently, we have pregnant women and children waiting in the hallways sometimes because we don't have an adequate waiting room. Our parking is inadequate. When the weather is bad we have women with babies coming all the way from the bottom of this parking lot to the clinics. We need confidentiality and privacy for some of our clients and we need to respect their needs. We have labs and vital records, so it's not an easy process and it's quite complicated and it's not as easy to put a lot of offices in one space. It's also the issue of our needs for laboratory and clinics. We evaluated some buildings since 1995, but nothing really came through, so a year ago today we went before the County Council to make sure that they were still committed in allowing us to increase our budget to pay for a new facility. They told us that they were still interested in helping us move to a new facility and allowing some increases in our budget, but at that time we did not have a specific building or a budget that specified how much money we were going to need and how we were going to use it. So they gave us the directive to go back and find a building and provide them with an adequate budget. In the past year, a committee of three board members, Dr. Pulcini headed that committee, Mr. Staman, our attorney on the board was a member of that committee, and myself, along with Dr. John Heidingsfelder, Sam Elder, and a representative from Ed Hafer and Associates, started to look at different buildings, different sites. It was a long and thorough process. It was very painful and time consuming. We looked at many buildings. We looked at many sites. We had to have the architect re-look at sites because space is not the only issue, but how this space would fit our needs. We went from nine to five to three, and finally to one recommendation that we made to our board during the month of June. This recommendation was presented to the board for approval. It was approved then, and then we put together a budget that would meet all the requirements of our move. This was presented again to the board, it was approved by the board in June, and we presented that budget to the County Council recently. We are now in the process of putting a contract together to bring before you as well as our county attorney, and Mr. Staman will be helping us with trying to put some sort of contract together so that we can present it to you within the next few weeks. The board has reaffirmed our decision several times. It has been a lengthy and complicated process, and a process that should we start looking at new buildings again would take about as long because we actually turned down some proposals that were presented to us at the last minute because we were too far into that process to review. So there were some proposals that were turned down a few months ago because they were presented to us too late. If we were to look at a new facility, we would have to start all over again and also open it up to all the proposals that we have turned down that were deemed to be too late. We are now here before you, the County Council has approved our budget to move with the building that we recommended and we're in the process of getting a contract together for you and hopefully will bring this to you within the next few weeks. If you have any questions about our decision, Dr. Pulcini is here, and I don't know whether Dr. Nicholson has anything else to say.

President Mosby: I guess, I've got a couple of questions. I don't remember half of what you said. I guess, and I know I'm the one that has mentioned looking at other

facilities. I guess, my number one question is, why you can't look at another facility? Number two, I'm not asking you to reopen the process. Number three, I'm looking at buildings that probably already have money throughout, I'll just say taxpayer money. Number four, I'm still looking at the Civic Center. I mean, there's a whole array of questions I have. We can't discuss this tonight because we don't have enough time.

Maria Del Rio: We are not – we don't have closed meetings. Several weeks ago, Dr. Pulcini came before you and you asked for some copies of our proposals which were sent to you and to the other Commissioners. We would have been happy to talk to you and discuss any of this with you at any time, yet we have never heard from you until you made a statement at the last Commissioner –

President Mosby: I have never heard from you the first eight months I was elected, so I mean, –

Maria Del Rio: We didn't have anything to present.

President Mosby: I don't like this when I read in the paper I'm a Johnny come lately. You're the Johnny come lately. I did not –

Maria Del Rio: I'm sorry, sir, but –

President Mosby: – hear from you and this is the only comparison I got right there. This is what I was sent after two months of asking for information and you can't tell me that this is all the information you've got or from every proposal you have.

Maria Del Rio: Mr. Elder sent you the proposals and that was sent to you last week, which was why Dr. Pulcini presented to the board last week. The proposals were sent to you after –

President Mosby: What proposals?

Maria Del Rio: The proposals that we received from the different people that had buildings for us. Let me clarify that by Indiana Code, the board is supposed to provide the facility and that we have been at this process for eight years. So we have been in touch with the Commissioners prior to you and with the County Council. We went before the County Council last year, we had nothing to present until now because we didn't have a building. It is my understanding it is our duty to provide with a building. I had nothing to present to you until we had a building found and a building approved by the board. If you want us to look at another building, that means you'll refuse our contract. If you do so, I will take it back to the board and it will be the will of the board whether we reopen it to everyone, because in all fairness I can't deny anyone who asks for us to look at their proposals, and we've told them it was late, to not look at it if we re-open it.

President Mosby: I never said to re-open it and there was two things discussed in this meeting a couple weeks ago. And one of them was to look at the Emporia project and the other one is, and I'm keeping a very open mind because it's probably becoming more, I would say a good possibility, is that if we do take and move what we're looking at maybe the County Commissioners, the County Auditor, the County Treasurer, if we move them all to the Court Building, there will be plenty of room here for you. So we won't even have to worry about moving and that was

a comment that Commissioner Mourdock had made the other day and I am keeping a very open mind to that.

Maria Del Rio: I understand that, sir, but the problem is that we have been at this process for several years and this is the time when we came to the culmination of this process, where we have a building, we have a budget. If the County Council had not approved the budget, we wouldn't have any need to be here. So we were following the directive of our government.

President Mosby: And I have one duty that I owe to this taxpayer that elected me and it's to sit here and make sure they're getting the best deal. And from what I see that you've put on paper here, that ain't a very good deal. So, I mean, I would have a lot of questions about the figures, something that I'm not willing to go through tonight, you know, because it's going to take a lot of time. But I can sit here and look at this and there's 10,000 square feet that you don't need that we're going to pay approximately \$9,000 a month for. I can tell you right now, I don't want you to bring your proposal that is going to put me into the leasing business. I have a Courthouse that's 3/4 empty. And I'm trying to lease space over there for less than what you're leasing space here for. I do not want to be a landlord. You know, I look at a proposal where you're going to pay for parking because you don't have adequate parking, that's another \$1,000 expense to the taxpayer. I'm not going to put this burden on the taxpayer.

Maria Del Rio: We are paying in this new building, less money per square foot than we are currently paying at the Civic Center.

President Mosby: I understand that.

Maria Del Rio: That's number one. The parking issue is that we felt that that building best suited our needs because if you look at the total amount of money that it would cost to renovate the building versus renovate a brand new empty building that doesn't have most of what we have, the difference is \$2 million versus \$1 million. We did not want the community to pay an extra \$1 million for us to renovate a building that we were going to lease. It is 34,000 square feet. We, by no means, expect the county to go into the leasing business. It could be used for county offices if someone needs an extra office, it may be used by us because according to the proposal from the architect, we were supposed to need approximately 33,000 square feet. We feel we can currently fit with 24,000, but according to the recommendations from the architect, it's 33,000 square feet that we would eventually need as we look towards the future. So in no way was that proposal meant to be a reason for us to be leasing. Since we do have to rent, it is a cheaper rent and a lower cost of renovation than the other building. We have tried to be fiscally responsible.

Commissioner Fanello: I want to make a couple of comments before you – I appreciate all the hard work that you've done over the, and the time that you've taken to look at this, but you have to remember, the appointments on your board do serve at the pleasure of the mayor and, I don't know if there's any Council appointments, and the Commissioners, and communication is a two way street. So I don't know what communication you had with the prior Commissioners but in the past week or so, you know, I've been asking for information for quite a long time and in the past few weeks, I mean, we've received this in the past couple weeks, but that doesn't give us enough of an opportunity. I mean, I completely agree with

what Commissioner Mosby said, we have a duty to the taxpayers and I've got several questions about this proposal. And, I mean, I calculated your square foot and I came up with \$12.44 for your square footage price. And I could be wrong, but looking at this, I don't – there's a lot of questions that I have and I don't think we're at the point that we can move forward on this. And I am going to just publically say that I am very much in favor of Commissioner Mourdock's statement last week.

Maria Del Rio: I wanted to clarify that. I have never heard from any of you in writing or by phone and neither have any of the other board – our board meetings are open to the public, our minutes are mailed to the president or the chairperson for the Commissioners and the Council. Every time we have a board meeting it's announced and a summary of our board meeting is put in the paper after the board meeting the next day. We have open board meetings. No one from here has ever approached us, asked us, I didn't even know you were requesting that. I've never received a letter from your –

Commissioner Fanello: I just saw Councilman Hoy in the hall, I don't know when it was, maybe two months ago, six weeks ago, and told him that whenever you got ready, we would like to see the proposals.

Maria Del Rio: We are ready now. Whenever we got ready, this is where we are right now.

Commissioner Fanello: If this is the extent of the investigation that you did, it's pretty poor.

Commissioner Mourdock: There was another document, though, that was sent through to us as a result of the meeting when Councilman Hoy and Mr. Elder were here in addition to the one you're holding. I thought it was circulated.

Maria Del Rio: There were some proposals before and I'm sorry that you think it's pretty poor. I am a volunteer and a full-time physician. I'm doing this because I feel very strongly that my responsibility to my community is to provide them with the best Health Department. I do this on a completely volunteer basis. The meetings that we have had, the site visits that we have done, the time we have spent, have been on our precious little free time.

Commissioner Fanello: I understand that you've put a lot of hard work into it, but understand it from our viewpoint –

Maria Del Rio: All you have there is a summary of the last two buildings that we saw and how we compared them in detail and what we thought was one versus another. If you wanted a description and a discussion, we would have been happy to discuss it. Again, no one has ever come to us. Mr. Hoy is our liaison with the County Council, but he's not a board member. And the board has never been --

President Mosby: Did you send out an RFP?

Maria Del Rio: When we did it, we sent it to the paper. I don't know.

President Mosby: Did you send an RFP out to each individual? I mean, I'd like to see a copy of the RFP.

Phil Hoy: This was duly advertised and the board did receive, I think we looked at nine proposals and Dr. Pulcini can talk about those. I went with the committee to every site. I watched this board make a very thorough investigation. We could give you a stack of papers this high, but we went through nine of these. We went to St. Mary's Hospital, since you've got a vacant hospital, virtually vacant hospital sitting over on Fourth and Sixth Street, and they wanted to put us on the sixth floor. That is not the right location for this. We asked for first floor space. And then we went to St. Mary's Hospital and frankly they weren't – I'll just be honest with you – they weren't sure they could house us because we run a sexually transmitted disease clinic. And we happen to order a certain item by the boxful. Now if you want me to be more explicit, I can be.

Commissioner Fanello: Please don't.

Phil Hoy: I think everybody knows what those are. And it's against their policy. We then went to St. Mary's and offered to buy land from them on Martin Luther King Boulevard. They would not talk to us about that. This committee has worked extremely hard, you do have a summary there of – you all did know about this location because you came to me, Mr. Mosby, –

President Mosby: About six weeks ago.

Phil Hoy: Yes, you did, privately, and you said, "Second and Main will never go." That's exactly what you said to me.

President Mosby: I said my opinion. I didn't speak for anybody else, so don't act like I did. You're standing there acting like I made a comment that I didn't make.

Phil Hoy: You said to me, you were aware of all these proposals –

President Mosby: I said I am aware of your proposal. I am aware of the downtown master plan and in my mind, this is not a good deal.

Phil Hoy: You said you wanted the financials and I didn't know we were going to be appearing here a couple weeks ago or we would have had those to you. That is a summary of the financials, we have gone over this very thoroughly. I just talked to Councilman Raben, I've talked to the Council, we have looked at this for a long time as a Council, and feel that this is the best deal. What you're talking about with the Old Courthouse is, as you well know, millions, the architect says, I mean, it's so imprecise. \$5 to \$10 million, could be \$20 million. Could be years before that building can house – and certainly can't house the Health Department.

President Mosby: I didn't say that. I just said I'm in the leasing business over there.

Phil Hoy: It certainly can't house that, but this committee has worked very hard. I've worked very hard with them, we've been in and out of these buildings. This is not a snap decision. You've got a very responsible board. I'd like to – Doctor, if you'd like to speak to it or Dr. Nicholson, either one. They're physicians and certainly command a great deal of respect in this community.

John Pulcini: Well, as volunteers, we do feel charged, even though we weren't elected like you all were, and that's quite an honor to be elected. We think it's an honor to be appointed and we do serve at the pleasure. And when the pleasure

ceases, we'll leave. But at this point, you were enforced with the trust when you were voted and we were enforced with the trust when we were appointed, and we do take it seriously. I have never been in a process such as this. I'm just John Q. Public. But I can tell you, if I had to make a decision based on all the site visits that we made and how we distill them, and what you have there is the distillate. When you send your tax record in, you don't send all the substantiating evidence, you summarize and that's basically what that summarization is. And I think you received the distillate of the two final proposals that we acted upon and you have every right to inquire about them. But you also have a right to trust or mistrust just like we have a right to trust or mistrust when we think that the issue is getting a little cloudy. My point is, we have given a clarified distillate of what we think is appropriate. Now the responsibility is thrust upon you all to decide whether you believe us or not. I believe what we gave you is a reasonable, fair and appropriate thing for this county. I live here. I vote here. I pay here. And I treat it with utmost respect. No one came here with the idea to have to argue about this. We came with an olive leaf and we'd like to bring out a two by four so we can build a new board of health building, but if it's not meant to be, we'll stay where we are and you won't be bothered with us anymore.

Commissioner Fanello: It's not that I don't think that we don't trust you, we're just trying to look at the numbers that were given to us and I've got to justify to the taxpayer that the additional space we're renting isn't just going to be sitting there and we're paying for it. And I don't know, you know, without sitting down with you and talking about it, I don't know all the information.

John Pulcini: Commissioner, that was an extra, a given for that facility. That building is solid rock. It's a solid building. It's a good building to lease. It has a huge vault in the basement. We need to store vital records in a safe facility. If there's extra space, there may be other governmental records that could be stored there. I don't know the ins and outs of departmental issues. But it's a bank vault. It's a huge vault. It serves many purposes. The fringe of the extra 1,500 square feet, you're paying \$2.56 a square foot for that extra space, basically. And we didn't mean to put you into the business of leasing more space. We thought if you couldn't use it, use it for storage or use it as swing space for whatever, you're going to be jockeying people around for the Old Courthouse. It just made good sense. And when you compare the dollar cost, we still believe that it's barely over \$9.00 a square foot versus \$13.89. We're getting an incentive of \$450,000 to remodel it. And that brings our construction costs down to a little over \$500,000 to the county. The other site was over \$1,667,000 by our estimates. If you then make a relationship to the Sunshine facility, that basically compares to the second option. The square footage, it's a little more, it's basically a grocery store with a solid concrete floor, which is basically the stand-alone site that we had as the second option that we felt was not appropriate, and you'd have to build all the walls. And, you're talking another \$2,000,000 of expense. I don't know of any contribution towards that construction cost. Besides, that site, I thought was intended to be a retail site, not a governmental agency site. And that's the reading I got from the neighborhood.

President Mosby: I'm not even sure it's a viable site tonight.

John Pulcini: Well, it may not be, sad to say. But I don't think that looking at it from our purview and we ask you to hear, we don't think it's a site for the Board of Health, either.

Ray Nicholson: Ray Nicholson. The only thing I'd like to say is that I was the only one on the board that cast the dissenting vote on the original one and that's because I had some concerns about our liability. There was an old boiler that I was worried about whether we would have to pay for it if it went bad. There's a lot of other things on the construction costs that I wasn't sure that were going to be carried by the developer. But all those issues have been solved and we have virtually no liability for things that go bad -- well, there's probably some if there's an absolute disaster. But basically all of my objections have been met, so at our last meeting I told them that I was back with them 100% on this (inaudible). In fact, I almost regret having voted against it the first time because the (inaudible) presented that verbally at the time of the meeting and I was looking at some different things and when I saw it in the written form, I'm 100% behind it. So I think that I can speak for the board, say that we're all 100% behind it.

President Mosby: Any other comments or questions?

Commissioner Mourdock: Okay, let me just put on the striped shirt and maybe a whistle here for a second. I think we would all agree, all agree, that we have a group of volunteers here who have worked hard to do what they thought was in the best interest of not only the Board of Health, but Vanderburgh County. Certainly we have on this side of the table three people who are very concerned about how the tax dollars are spent and meeting our obligations to make sure that the health services provided by the Board of Health are done in the best possible fashion. Given those two ends of the spectrum, it seems to me the least we can do, the three of us, is to schedule some date by which we will get back to this board and let them know what our feelings are, either towards what they have presented to us with modifications if necessary, or with some other plan as to what we would like to direct them to do.

Commissioner Fanello: I was just going to add, I'd be more than happy to sit down with somebody and go over all the numbers so that I understand what's going on here because -- so that I understand what was put into it.

Maria Del Rio: It is my understanding that we're supposed to present you with a tentative contract that your attorney and you all will look at. Do you want us -- I need to know so I can tell my board, if we are in the process of putting something together to present to you, is it my understanding that you want us to put that on hold until you look at our numbers?

Commissioner Fanello: I mean, I would need to sit down with you or Dr. Pulcini or somebody so that's my personal feeling. I need to sit down with somebody and go over what you gave us.

Commissioner Mourdock: But the numbers without the contract, to me, is kind of meaningless, too. I think we need --

Commissioner Fanello: Well, I'm just talking about what --

Commissioner Mourdock: Yeah, and just to clarify something Dr. Pulcini said, he made the comment about sending in a summary with the two things. I think there were actually three because there was another document that preceded the one David referenced that we did receive with, I think, three different sites on it that you had narrowed down to your final three.

Maria Del Rio: Yes, you did. And the reason that we didn't include that last one is because it was a space that they were going to build for us and that space is not available. That land is not available any more. So what we gave you is a comparison of the last two. And yes, we did send the three proposals that were sent to us by the people that wanted us to rent from them. That was sent to you about two weeks ago. Do you want us to proceed with putting a contract together with an explanation of the numbers and then meet with you or do you want to meet before we?...

President Mosby: I'm more interested in the proposals and the numbers than I am the contract.

Maria Del Rio: Excuse me?

President Mosby: I said I'm more interested in the proposals and the numbers than I am the contract. I'm not interested in the contract right now.

Commissioner Mourdock: Well, how about humoring me? Send them the proposals, send Phil and I a copy – at least to Phil.

Commissioner Fanello: But I'm just going to say, Commissioner Mourdock, I think you had one of the better ideas last week when you spoke that, you know, if we're going to move the offices over to the Old Courthouse, you know, the Health Department can stay in the Civic Center and –

Commissioner Mourdock: And that's fine. And as I said then and as David said then, let's both keep an open mind here. Let's put what I said in full context, though. I also said that if we were going to do that, it needed to be part of a full, long-term plan for that Old Courthouse.

Maria Del Rio: I'd like to remind you that of the people that we serve, the longer we stay where we are, we're doing a disservice to the people that we serve by having to come to the Civic Center because of the difficulties in parking and weather. When people have to come for vital records to get a birth or a death certificate, they can hardly find parking and they have to park way over there. As a pediatrician, I worry about women who are pregnant and their babies walking in the rain or the snow from far away in the parking lot to get to the Civic Center to come to the WIC clinics. And I'm worried about the confidentiality and the dignity that we owe our patients and our clients that we can't offer in this location. And I would urge you that it's not as simple as, we have been at this for seven years. It is not as simple as, it will fit anywhere. It is a very complicated process because our services are very complicated. And I think that's what Dr Pulcini was trying to tell you and that's where Dr. Nicholson was trying to talk to you, you can't put a round peg in a square hole. It is not as easy as numbers and dollars or cents. It is more complicated than that.

Commissioner Fanello: I understand that. So you're saying that, and I understand that, but we have to look at all aspects here. So you're saying that the Civic Center is no longer an adequate facility for you. You want out of the Civic Center –

Maria Del Rio: We've been saying that the Civic Center is no longer adequate since 1995 and one of the main reasons is the lack of parking and accessibility to our customers and our patients. If we stay in the Civic Center, providing us with more

space so they don't have to sit in the hallway and they can have a little more – and we could give them the courtesy of a little more confidentiality. That may solve that problem but it won't solve the issue of where these women and babies are going to come during the bad weather to get their WIC, to come to their WIC clinic. And some of these children that come are sick and there's no way for them to get here unless they park far away. So there are more issues that were looked at in the study. We never presumed to know everything and that's when we had a study done, and not only did we have the architect come on board, but we also had our employees and our customers give their input. That was done a long time ago. This isn't something new, this is something that we have been discussing for a long, long time. And the budget was presented to the County Council two weeks ago for their perusal also.

Commissioner Fanello: I understand. Just understand our position that we're charged with signing the contract and we all want to feel comfortable when we do that.

Maria Del Rio: I understand that. I guess I have a hard time understanding your questions when you haven't even seen the contract.

Commissioner Fanello: Well, I'm looking at your numbers right here.

President Mosby: You know, you're right. We haven't even seen the proposals. We really haven't seen much of anything.

Maria Del Rio: We sent you the proposals. If you didn't see them, you didn't want to see them. We sent you the three proposals three weeks ago.

President Mosby: And I cannot find the three proposals that you're talking about.

Maria Del Rio: Sam Elder sent them to the three of you. Those were the proposals that we were given. If you didn't get them, all you needed to do was call us. I've not gotten a letter or a notice from any of you that you had any questions or you didn't receive them. They were sent by Sam just like that last summary of the two were sent to you. We, up to now, when we're here standing before you, have never heard from any of you in any way.

Commissioner Fanello: Well, like I say, communication is a two-way street.

President Mosby: I understand that. Communication goes both ways so...

Commissioner Mourdock: Shall we try for three weeks from now to revisit this?

President Mosby: Yeah, let's put that wheel in motion, we've got to move. We don't have time.

Commissioner Fanello: Motion to hold for three weeks.

Commissioner Mourdock: Okay, we'll revisit this, hopefully with the idea that we'll give direction to the Health Department then three weeks from tonight, whatever date that would be in September.

President Mosby: Three weeks, September 10th?

Commissioner Mourdock: Why don't we make it the 17th?

President Mosby: That's a rezoning meeting.

Commissioner Mourdock: That's okay. I would suggest then September 17th we revisit.

Commissioner Fanello: Second, if that's a motion.

President Mosby: Okay. I have a motion and a second for September 17th, revisit this issue. So ordered.

Contract For Health Service with St. Mary's Medical Center

President Mosby: Diane Simpson.

Commissioner Mourdock: I think that's just –

Sam Elder: Diane is not here.

President Mosby: Okay, are you presenting for...okay.

Sam Elder: My name is Sam Elder. I'm the director of the County Health Department and Ms. Simpson mailed this contract to Mr. Hayes for him to look over. It's a contract we've had for a number of years with St. Mary's and there are a couple of changes that we wanted to make in it. We can make them now or we can bring it back.

President Mosby: Do we want to discuss this on the floor?

Phil Hayes: Mr. Elder, the changes –

Sam Elder: (Inaudible)

Phil Hayes: Right, and the contract is between the department and St. Mary's Medical Center. This body is not a signatory, it's simply, you brought it under the statute in order to approve it and I've read the contract. There are highlighted changes, if you can confirm, on page 12 which was with regard to fees. It used to be that the county got it all and you want to propose that the county gets 60, and that is to say St. Mary's will receive 60 and the county 40. Is that right?

Sam Elder: That's correct.

Phil Hayes: Okay, so that's a change that's different from this long-term contract and then the other matter, I believe, had to do with staffing and that is on what page? I'm sorry.

Sam Elder: Two.

Commissioner Mourdock: The first one, Phil, you referenced was on page 12. I've only give five pages.

Phil Hayes: Uh no, on page two, paragraph F had to do with fees.

Commissioner Mourdock: Okay, it's page two instead of twelve. Okay.

Phil Hayes: And that's new, is that right?

Sam Elder: Yeah, that's, but actually, the amount of money is minute because practically all the clients in that clinic are no pay.

Phil Hayes: Exactly. Right.

Commissioner Fanello: We've had this contract before, right? It's pretty standard? Alright, motion to approve.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second, so ordered. Thank you, Sam.

Sam Elder: Thank you.

<p>Marsha Abell: Local Ordinance From State Legislation Allowing \$25.00 Late Fee on Traffic Tickets</p>

President Mosby: Marsha Abell.

Marsha Abell: You'll be happy and I won't take two seconds. The ordinance that I wanted to talk to you about, I was told by state court administration that I would have to have an ordinance from the Commissioners to charge a \$25.00 late fee for people that don't pay their fines and costs in court. However, when they sent me a copy of the draft, it is an ordinance of the County Council, so you don't have to act on it, the County Council does. But we'll be bringing money into the county and I will, since I've already made you a copy of it, you might as well see it, so I did that. And also, I have a copy of a letter my Chief Deputy wrote to Sue Ann Gilroy regarding some questions that actually we later got a note from Miss Gilroy on, and she answered some of the questions about the funding for the election equipment. So I've got both of those letters for you.

President Mosby: Thank you.

Marsha Abell: And that's it.

President Mosby: Thank you very much. Appreciate it.

Madelyn Grayson: May we change the tape please?

President Mosby: Sure.

(TAPE CHANGED)

Madelyn Grayson: Thank you.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Okay, any other group or individual wishing to address the board on—

Phil Hoy: I have two items tonight. It is our time to come in and give you a monthly report on the Soil and Water Conservation District. They usually ask me to do it during this section, or I can wait.

President Mosby: It don't matter.

Phil Hoy: The last time I didn't come to the mike, I was too late later, so. I just...we have three copies, I'm going to ask you all (Inaudible. Walked away from mike.) If a couple of you can share that while I refer to this. As you will readily see, we have obtained a digital camera. In the first section of this report you will see the section on Burdette Park, and our staff went out, the risers are too high and the relationship you can see to the culvert in the road. Tile was not installed out to the lake. Water diverted into the lake without proper stabilization. An opening was left exposed and some other things were wrong. Our staff has gone out there, if you will go see that lake now, you will see a completed, beautiful lake. Second section, I'm not going to dwell on these unless you have questions, so that is a subdivision called Crowne Pointe, and you see, excuse me, you can see the photos that we encountered there. These are the sort of drainage, actually it's not drainage, it's a sediment problem that ties right in with drainage. It's hard to separate those two things, as you all probably know. We have worked on correcting that. The third one I am very familiar with because I went out with Mr. Wathen, spent about three and a half hours going from site to site, and these pictures make it look a whole lot better than it looks, I can tell you that. There are a number of things to correct there, and I know that you all and the drainage, the Surveyor's Office is working on the drainage there, because it's very difficult to take drainage from a pipe this big and put it into a pipe this big. We're dealing with some old problems. We thought you might kind of like to take a look at the sort of thing we're dealing with. I'm going to hand this over, take a couple...that's you all's copy. The...you can look at the list of things that have been done by the district. I'll get my paperwork here in a minute. Starting with Mesker Zoo, we have been working with them diligently on some severe drainage problems there. Mentioned those before and you can see the list of places. I'm not going to enumerate those, but the department is keeping you very busy. Then we have a piece of good news, you'll be happy to hear. We formed an interviewing committee, Mr. Mourdock assisted, you appointed him to assist us on that. I chaired this board, the Soil and Water Conservation District Board, and we had four of us interviewing, and we had made a selection and you all approved this selection last week. We thank you for that. She is working. We are delighted to have Norma Granderson on board. Next month when we make our report, we will bring her in with her first report, but she has only been there about three days, so we didn't think it was quite fair to ask her for a three day report. The other item, do you have any questions about the Soil and Water Conservation District?

Commissioner Mourdock: Just on the reports, I think it would be good, Phil, and I know you've done them routinely, but if we could get the regular staff members in

here from time to time too. That would be helpful.

Phil Hoy: We had talked about... yeah.

Commissioner Mourdock: Like Nancy.

Phil Hoy: I'm glad you requested that--

Commissioner Mourdock: Or Norma.

Phil Hoy: --because frankly--

Commissioner Mourdock: Now, you've got to tell them.

Phil Hoy: --if you got too technical, I'd have to pass the issue on. I'm not the technician as Mr. Mourdock knows very well. He's worked with us on this. The County Council has requested me to just present an idea to you. This is not ready for a vote or anything else, but we did ask the County Auditor to give us some figures. As you know we have excess money in the Cumulative Bridge Fund. The County Engineer is going to give you an estimate on how much he thinks that is, you know, and how much next year we will have. It looks like a very tidy sum. According to the ordinance here that I've been provided, and I can leave that with you if you would like, state ordinance, you all, as a body, can set up out of this Cum Bridge Fund another fund, Cumulative Courthouse Fund. We think it's a good idea. If you, and these are the Auditor's figures, we thank her for these. If you did a five cent levy, you would generate \$740,000 a year for that building. As you know, you are in this for the long run. A seven cent levy would generate \$1 million, and a ten cent levy would generate \$1.4 million. I'm aware of the fact that you all would like to get a grant writer on, and I applaud that. I know that you are trying to work with a non-profit group, I also applaud that. The comment about grants is this, that dealing with the Federal cycle, you are not going to make it this year into the Federal cycle. Their fiscal year starts, as you know, this Fall. So, that's not a cycle of granting funding you can hit. That's why we feel that we would like to see, the Council, and I am speaking for the Council, we would like to see you go ahead and make use of this so that you can fix the envelope of the building, so it doesn't leak anymore. Then we can proceed with the inside. The other suggestion I made to a group of preservationists, and they liked the idea. I said, you know, we want the private sector involved in this. I also made a pledge, but I want to know how much it's going to cost before I write the pledge down, and that is why don't we go to the public and have people who love old buildings, as I do, and many other people do, pledge a window. Let them have a part in this. This process. It's a great building, and I know that you all don't want to lose it. We don't want to lose it. We think this is a fairly good mechanism for, you know, assisting, and now you are dealing with it, assisted with dealing with this. I'll leave this paper with you. You may want to look at it, Mr. Hayes.

President Mosby: Phil, let me understand one thing here, and you are talking about the Cumulative Bridge Fund? I believe it's, what, 15 cents? Is that what it is?

Phil Hoy: Yes, it is.

President Mosby: You are talking about possibly five cents of it or ten cents? Are you talking about adding that to the 15? Or are you talking about taking away from

the 15 to supplement?

Phil Hoy: What you need to...you need to talk with Mr. Stoll when he gets his figures together, because he...presently he's looking. Is he—

President Mosby: I've talked with John a couple of different times.

Phil Hoy: Yeah, and he said he would provide some more adequate figures for you—

President Mosby: Uh-huh.

Phil Hoy: —as to what's available right now. It could be a sizable sum, you know, where you could take that sum and it would be enough to do the roof and the cupolas. Which would ensure the integrity of the envelope of the building. Which is the first step that you want to take.

President Mosby: So, you are just talking about going into the cash balance of the Cumulative Bridge Fund?

Phil Hoy: Apparently, yeah. He, he told us, and I don't know what he told you, is that if we did the five cent levy, that would not hurt the Cum Bridge Fund. That he has enough money. Our bridges, contrary to, you know, a lot of other counties, are in excellent shape. We have kept it in excellent shape. We have, as you know, a good engineer. Which we are going to keep, thanks to all of us who wanted to keep him.

Commissioner Mourdock: But, the point, coming back to David's question for just a second, Phil. The idea that we might add to Cumulative Bridge with some higher rate, I don't think that is what's being suggested.

Phil Hoy: No. That's not what's being suggested.

Commissioner Mourdock: Right.

Phil Hoy: Not (Inaudible. Talking over each other.)

President Mosby: So, you are just talking about raping the Bridge Fund, or starting to take money out of the Bridge Fund to supplement the Old Courthouse?

Phil Hoy: Not raping the Fund.

President Mosby: Well, then, okay.

Phil Hoy: I would say—

Commissioner Mourdock: Redesignating, how's that term?

President Mosby: I mean, I don't like it when you start robbing Peter to pay Paul. I know we've got 147 bridges in this County, or whatever, and I know we're due—

Phil Hoy: 155.

President Mosby: —155 and we've got to have a bridge assessment here in the

next year or two. You know, just because we got ahead of the game, it doesn't hurt to stay ahead of the game. I hate to see us start dipping into the Bridge Fund and paying for the Old Courthouse and anything else that comes across that we might want to add two or three cents to. I have a problem with that. I really do.

Phil Hoy: Well, what I mean—

President Mosby: I love the Old Courthouse and I want to see something done. If it means, and I'll make the statement that if it means putting a nickel onto the Cumulative Bridge Fund and designating that toward the Old Courthouse, I do not have a problem with that.

Phil Hoy: Well, we simply feel that fiscally this can be done. We could use a large sum now. Then if perhaps a five cent levy—

President Mosby: And five years when we need the money to do bridges what do we do? The Courthouse is not going to be done at \$700,000 a year so—

Phil Hoy: No, it's going to be incrementally done.

President Mosby: So, I mean, in five years what do you want to do?

Phil Hoy: I...from what we heard from Mr. Stoll was that the Bridge Fund would still be in good shape.

President Mosby: Five years from now?

John Stoll: I'm not finished with looking at it.

President Mosby: Yeah, I would have to see them figures.

Phil Hoy: That's what I said when I introduced this topic. I'm sorry that we—

President Mosby: I know.

Phil Hoy: I feel like the hostility is carrying over from something else to where we had a disagreement, Mr. Mosby—

President Mosby: No, it's not hostility. I just don't like it every time we want to start redesignating money when we know that down the road we still have to maintain that.

Phil Hoy: Well—

President Mosby: It's like you said, we have 155 not 147.

Phil Hoy: I was just saying that when I introduced my remarks, I said we needed, you needed to talk to Mr. Stoll, he would be able to fill you in. But, presently, we could secure the envelope of the building and, I think, that it is a fortuitous situation to be in this financial shape because of everything else we are facing. You know, that's been put on your table and our table. I feel that Council, and representing the Council, we're simply trying to be of help here. We certainly don't want to reduce the fund so we can't fix our bridges. I think there's a happy medium there that we

could strike. My presence here tonight is just a suggestion to you, because this is your call, not mine. But, we are looking at the finances and, as you know, we had a, we met with Crowe Chizek, you all met with Crowe Chizek, and the County is in better shape, financial, than most counties. I think that is due to the hard work of a lot of people and we are happy to be able to say that. I think most everybody else is too.

President Mosby: Okay.

John Stoll: I was just going to add to that, that I spoke to Suzanne on Friday about the revenues in the Bridge Fund and like Phil said, it's around \$2.2 million based on the 15 cent assessment. Then if we cut a nickel, then that's going to take about \$700,000. I haven't finished looking at where things stand as of yet on what the long term outlook is in the Fund. I was going to go through year by year and try and get some estimates on what we had to have and then take it from there.

Commissioner Mourdock: And what we've done the last few years.

John Stoll: Right.

President Mosby: That's what I think we need to do, because you told me what, there is one bridge that's not funded? \$1 million on Greenriver Road or something? And that's one bridge.

John Stoll: Right. That project—

President Mosby: So, I mean, \$2.2 million is a lot of money, but when you take a million out at a time, you're not going to get very far.

John Stoll: Yeah, that's the biggest unfunded project there is.

President Mosby: If he wants to take \$750,000 out for the Courthouse and we take a million out for the Greenriver Road, we're down to half a million dollars. I mean—

John Stoll: As soon as I get something final—

President Mosby: But, yeah, get us something—

Unidentified: (Inaudible. Not at the mike.)

Suzanne Crouch: It's \$4.2 million is the unappropriated balance.

President Mosby: Right now?

Suzanne Crouch: In Cum Bridge right now. Right.

President Mosby: Okay, so we've got \$4.2, but I want to see what kind of projects we've got on the board outside of just one bridge that costs a million bucks. So, any other group or individual wishing to address the board?

John Stoll: County Engineer

President Mosby: Department Head Reports, County Engineer. I'm going to ask that the Department Heads keep their comments as short as possible, because these people have been waiting an hour, and we're an hour behind.

John Stoll: Okay, I've got two items. First, I would like to recommend that the Boyle Lane Bridge Project be awarded to CCC of Evansville for the amount of \$130,983.94. They were the low bidder on the project.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Last I've got a Notice to Bidders for the repair and repaving of Eissler Road. This is the last paving contract we will get out this year, and this will pretty well finish up what contractual paving money we've got for this year. It's recommended that the Notice to Bidders be signed.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

Madelyn Grayson: We need permission to advertise that also.

President Mosby: So ordered.

Commissioner Fanello: Motion for advertisement.

Commissioner Mourdock: Second.

John Stoll: That's all I've got unless you've got any questions.

President Mosby: I have a motion and a second. So ordered to advertise.

Commissioner Mourdock: John, I had to meet with a landowner today with a question, I guess Bill Jeffers has left, along a drainage easement at the far end of Plaza Park Drive where there is one of the borrow pits out there and that sandy area. Were you involved with that one? I will give you a call tomorrow. Clearly, along within our drainage easement. Their plat shows we have a 50' drainage easement, which surprises me in that residential area, but there is some severe erosion problems that we are going to need to deal with. So, you need to go out and take a look at that site.

John Stoll: Which subdivision is it? Is it Eastland Estates or Audubon Estates?

Commissioner Mourdock: Audubon, yeah.

John Stoll: Okay.

Commissioner Mourdock: It must be on the very south end of Audubon Estates.

John Stoll: Yeah, just let me know who I need to talk to and—

Commissioner Mourdock: It's a unique site. I wouldn't have believed what I saw had I not seen it.

John Stoll: Okay.

Commissioner Mourdock: I'll leave that tantalizing bit right there.

President Mosby: Any other questions or comments?

Tammy McKinney: I have a comment. I guess a flier went out over the weekend because I got a lot of angry residents today from Village Acre Subdivision about a brick wall that was torn down, or knocked down during some construction. Could you just give me a little bit, and I told all the people that I would ask you tonight what this is all about. Because it was new to me.

John Stoll: Back when the pipe was put in at Peerless and Huckleberry, the contractor knocked down a sign in the right-of-way that said Village Acres. It was the standard subdivision name sign that developers typically put in the right-of-way with no permission. That's the problem that we found here was there was no homeowners association to take responsibility for any liability or maintenance of the sign. After we did some research and found that there was no homeowner association, I contacted Phil and Phil basically said what I thought, that unless there was a homeowners association, we really have no obligation to put a sign back up even though it was out there. Because, basically, we had no one to be held accountable for any maintenance or liability if somebody hit it. Bill Higgins in my office passed that on to one of the residents and he has heard nothing further from the resident he talked to. Now Tammy has gotten people calling her today, so. As it stands now, we weren't going to replace it unless they had a homeowners association to take responsibility for it. Just like we would if a new developer came in with a new subdivision today. So, it must be wanting to do something different. That's the path we are going right now.

President Mosby: Do you have a number of somebody? Who contacted you?

Tammy McKinney: Most of the people won't leave their name. I got one number off my caller ID.

President Mosby: Tell them unless they leave their name and phone number for John to contact them, we can explain the problem.

Tammy McKinney: I have one lady that she is going to give me till Wednesday. She is going to call back Wednesday.

President Mosby: Okay, well we need to get her name and phone number.

John Stoll: One of the people that Tammy has talked to, I've talked to her in the past before and she wouldn't leave her name or number either, and I told her that these signs are traffic hazards and encroachments in the right-of-way and we would just as soon not see them there. But, she didn't like that answer and she wouldn't leave her name or number for me to call her back after we did some research, but initially when she first called that's what we passed on to her.

Tammy McKinney: We know it was the same person because she has been on

vacation for three weeks.

John Stoll: Three weeks.

Commissioner Mourdock: I might just suggest—

President Mosby: Okay.

Commissioner Mourdock: —with this one that what we might do is have the County Attorney draft a letter that says effectively what John said that this was a sign that was basically constructed illegally and while we regret that it was knocked down, we have no obligation to replace it or something along those lines. If that is accurate, I believe it is.

President Mosby: That's unless they have a homeowners association to maintain it?

John Stoll: Right.

President Mosby: Okay.

Commissioner Mourdock: And even if they did, we would have to give them a special easement or a special—

John Stoll: We've had encroachment agreements—

Commissioner Mourdock: Right.

John Stoll: —in the past.

Tammy McKinney: I think what they are most upset about is there was a brick wall on either side and one is for, you know, knocked down and it doesn't look symmetric.

Commissioner Mourdock: So, they are still on our easement illegally on the other side?

John Stoll: There's one, yes. It's on the right side of the road.

President Mosby: Okay. Any other business? Seeing none.

Ralph Kissinger: County Highway
--

President Mosby: County Highway.

Ralph Kissinger: Good evening. I'm sure you have my reports. The only thing that I have to add is the work that we declared an emergency on Red Bank Road will be finished this week. There is some seed and straw work to be done out there. Tammy, Ms. Anonymous called me first, before she called you. She's called all of us.

Tammy McKinney: There's three numbers on the flier. So, it must be mine, yours

and John. It also has a message to keep calling us until something gets done.

Ralph Kissinger: Okay, but other than that, I have nothing to add.

President Mosby: Okay. Any questions or comments?

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: One piece of a report, Mr. President, and this board. There was never any implication, inference or other than a strict assignment of a lawyer to advise a county official in a very complex area. Period. Number two, when I took this job I talked to the County Attorney for the year 2000 and back four years and asked him what the \$4,000 retainer fee paid monthly in advance to the law firm represented? I was told that that was necessary to use for matters which may very well exceed the capacity of a single individual to take care of, considering all of the other work to be done. In the month of February or early March it was reported to me by Commissioner Fanello, Mr. President, that Mr. Raben on the Council took exception to some expenditures. Commissioner Fanello and Mr. Raben conferred and she sought information from me about the particular billings that were being done. I explained those to her, and I was later told that the response to that was well, we'll try to get you an assistant, and come around at budget time and there was no more said about it at all. I continued to practice and, in fact, went back and sought more advice and was told that I didn't have a problem in terms of hiring people. Now, that having been said, I don't have any problem, I want to clarify all of that. But, I also want to report to you that what you are looking at is political intimidation when you have people who say I heard that I'm going to be redistricted out. The next, the salient question is, where did you hear that? I'm here to venture that you didn't hear it anywhere. That it is concocted out of thin air, because there has been no discussions concerning that, at least in the legal area, whatsoever. So, if it's political, that's another matter. I'm not elected to deal with that. Finally, lawyers are guided by certain ethical standards. In fact, we carry licenses around. Now, I've got a young lawyer who has taken a brand new job with a law firm, he hasn't been around very long with it and I think that he just passed the bar not long ago. He also happens to be a politician and that's Weinzapfel. Now, Weinzapfel along with that is a mature, young man who also developed expertise in the state legislature concerning a very complex area that I've got in a folder that I brought along in case there was an intelligent conversation about redistricting and about it's law that what I've finally been able to put together from what he's told me and from what work the County Surveyor did. I think that the inference or implication that A there is budget abuse or fiscal abuse on the part of my office as a lawyer, in terms of going around what is intended, when I know very well what was intended with this budget, because I've been told at least three times from good sources what was intended with it, and that is that it's required...if you're going to get good legal service, you are going to have to pay...at some juncture over and beyond. There is no one having the dream that one lawyer on one little salary is handling it. We just don't happen to have a law firm, and we just don't happen to sign the statements for every single lawyer that goes. It's a little different concept. But as far as this young lawyer is concerned and what he is told to do, you know, he received an assignment to be available and to try and put something together. You know what, you got a pretty nice looking package tonight from your Surveyor, and

it wasn't very long ago that the Surveyor, because he is a Surveyor, and he is not a lawyer, was having a little bit of trouble matching the law to the end of his pencil. I think he got it matched pretty well. I wanted to caution you, don't be intimidated by what I think is supercilious and disingenuous yack about whether or not someone is giving legal advice or is a consultant. I think that to drag the reputation of a young lawyer coming in and for that matter I don't particularly enjoy having mine pulled into shape that I'm somehow or other going to skew either the financial foundation of this job that I have or that I am going to somehow or other skew what I know to be the duty and job of everybody else around here. We know that the lawyer is there to try to take care of working in things like we heard about the other night, I don't think anybody quite thought about the problem that the blind are going to have where you have purely visual voting situations, for example. But we want to keep it on the square, and if the advice, if you want to attack it on that basis, or if one wishes to attack it, that's fine. But, I'm going to continue to correct this record, and to make certain that what's reflected here isn't somebody else's political agenda, and a summarization of that. I want to deal with it straight on, so that's the end of my report.

President Mosby: Thank you.

Commissioner Mourdock: Well, with one quick response or maybe two or three words, is that you heard me say, Phil, this wasn't about Republican, this wasn't about Democrat. It's the idea that we were hiring a counsel to do this and all these other counties that I referenced aren't. Each one of the three Commissioners tonight—

Philip Hayes: Excuse me, once again (Inaudible. Gavel pounding.)

President Mosby: Hold it, Phil.

Philip Hayes: We didn't hire a lawyer to redistrict anything. Where did you say that? Where do you see that?

President Mosby: Let him comment.

Commissioner Mourdock: I understood, it was said tonight, I thought it was said last week that Jonathan Weinzapfel, as part of the work he was doing on that retainer was doing some consulting work for the county in reviewing that with Bill Jeffers. Is that not true? Is he not getting paid?

Philip Hayes: You couldn't have heard that, because that wasn't said.

Commissioner Mourdock: So, is it official for the record, he's not being paid? Because that's what the question asked (Inaudible. Talking over each other.)

Philip Hayes: He's paid to give legal advice, yes.

Commissioner Mourdock: Okay, fine. If he's paid—

Philip Hayes: And we know that.

Commissioner Mourdock: —to give legal—

Philip Hayes: So, what, wait are you twisting something back on what I just got through saying?

Commissioner Mourdock: No, I'm trying to clarify it.

Philip Hayes: He's an attorney. The...he works for Bowers Harrison. I asked them if they would allow me to assign him, can he do that? We are going to be billed on their bill—

Commissioner Mourdock: And my point there—

Philip Hayes: —period. For giving legal advice where necessary in the context of trying to draw those precincts.

Commissioner Mourdock: And my point there—

Philip Hayes: What is the point?

Commissioner Mourdock: Two fold. Number one, that it has been my practice, or the practice of this board with my recollection, and if I'm wrong, please point it out, that when we do have Assistant County Attorneys, they have been specifically assigned to litigation.

Philip Hayes: These are contract people. They are not assignments at all, and besides that, that's not the case—

Commissioner Mourdock: But that's (Inaudible. Talking over each other.)

Philip Hayes: —well, then I am just advising you of that (Inaudible. Gavel pounding.)

President Mosby: (Gavel pounding.) Hold it, Phil.

Commissioner Mourdock: Yeah. Point number two is, and you said it a moment ago, that with Representative Weinzapfel's experience at the state legislature in working on these issues he was bringing expertise. I would expect, and I have respect for Jonathan, if he's doing what he's doing here based on that expertise, it seems to me he would be serving us simply as, in that capacity, as a State Representative—

Philip Hayes: Aww.

Commissioner Mourdock: —and not billable hours.

Philip Hayes: Aw, come on.

Commissioner Mourdock: That's my story.

Philip Hayes: That's your story? Okay.

President Mosby: Let's move one.

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I just have a couple of things. First thing, I wanted to thank Jean and Ashley for covering my office while I was gone last week. Too bad you couldn't have been there today to answer my phone too. The second thing is I had a late travel request brought in to me just because they changed the date of the meeting.

Commissioner Mourdock: Okay.

Tammy McKinney: So.

President Mosby: Okay. So, we need a motion to accept—

Commissioner Fanello: Motion to accept the late travel request.

Commissioner Mourdock: And I'll second. Also thank you to the two of you. We do appreciate what you did.

Tammy McKinney: They keep my desk neater than I do. It scared me this morning.

President Mosby: I have a motion and a second to accept a late travel request, and thank the two girls for taking care of the office last week.

Commissioner Fanello: I don't think one of them doesn't get paid, so. She deserves a lot of thanks.

President Mosby: So ordered.

Gary Hohman: Burdette Park

President Mosby: Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. I don't know whether the saying of saving the best for last will hold true here or not. I didn't get a chance to see Mr. Hoy's report regarding the Soil and Water Conservation Office, but on behalf of Burdette I would like to commend Mike Wathen for the job that he has done in the project concerning the lake. The fallacies that existed, I think, was a big problem of miscommunication between what Mike's recommendations were and the project engineer at that particular time. All of the discrepancies have been corrected. I think Mike has agreed that they are, should all work fine and should have a tremendous asset out there. With that, the only other thing I have is our work report, and you have a copy of that there for you tonight.

President Mosby: Any comments or questions?

Commissioner Mourdock: I'll move approval of the Department Head Reports as submitted.

Commissioner Fanello: Second.

President Mosby: Thank you, Gary. Sorry you had to stay so long. I have a motion

and a second to accept Department Head Reports. So ordered.

Consent Items

President Mosby: Consent Items.

Commissioner Mourdock: I'll move approval of the Consent Items as filed with that one late addition.

Commissioner Fanello: Second.

President Mosby: Motion to approve as amended. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings. I don't know of any right off hand.

Old Business

President Mosby: Old Business. Seeing none.

New Business

Commissioner Fanello: I was going to talk about the Jail financing, but we're running so short on time, we need to move on to other things.

President Mosby: Thank you. Motion to—

Commissioner Mourdock: Thank Commissioner Fanello for not bringing that up. No, I'll move to adjourn.

President Mosby: We'll adjourn this and start the Rezoning in five minutes.

Meeting was adjourned at 8:10 p.m.

CONSENT ITEMS:

Employment Changes:

Burdette Park	County Assessor	Board of Appeals
Prosecutor	Recorder	Pigeon Assessor
County Clerk	Sheriff Department	County Council
German Assessor	Auditor	Perry Assessor
Center Assessor	Knight Assessor	Health Department

Travel Requests:

County Engineer	Health Department
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¹Consent items listed on Page 46.

Requests for Service:

None.

Auditor:

Declaration of Surplus Equipment.

Workforce Investment Board:

One Stop Workforce Development System.

Sheriff:

Weekly Jail Information Report.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Roger Madden	Paul Summers
Craig Burgess	Brad Ellsworth	Bill Jeffers
Maria Del Rio	Phil Hoy	John Pulcini
Ray Nicholason	Sam Elder	Marsha Abell
John Stoll	Ralph Kissinger	Gary Hohman
Linda Freeman	James Raben	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson, BJ Farrell and Teri Lukeman.

**Vanderburgh County
Board of Commissioners
August 27, 2001**

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. this 27th day of August, 2001, in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: The sooner we start, the sooner we get done. I would like to call to order the Board of Commissioners meeting of Vanderburgh County for August 27, 2001.

Introductions and Pledge of Allegiance

President Mosby: Tonight we have with us Superintendent of Buildings, Tammy McKinney; Counselor, Jay Ziemer, tonight; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If you would please, stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: Motion to approve the minutes of the August 20th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Advertise Vacation of Easement

President Mosby: I guess it would be Counselor Ziemer? Permission to advertise a public utility easement vacation petition?

Jay Ziemer: Yeah, I believe Mr. Norton is here—

Unidentified: Yes.

Jay Ziemer: —on behalf of that, and he wished to address the Council.

Tom Norton: Briefly. I don't need to get into the merits of it all—

Commissioner Mourdock: Right.

Tom Norton: —this is just to seek a vacation of two public utility easements out between St. Joe Industrial Park and Glenview Industrial Park. Our client owns lots on either side of that. All the Council would be doing tonight, or the Commissioners would be doing tonight would be approving advertisement so that we could come back and have a hearing on the merits—

Commissioner Mourdock: Yeah.

President Mosby: Okay.

Commissioner Mourdock: One question, is this different than the one we did last week? It's the same petitioner. We approved one last week.

Suzanne Crouch: No, we deferred it last week.

Commissioner Mourdock: We did defer it?

Suzanne Crouch: You deferred it to this week.

Commissioner Mourdock: Okay.

Commissioner Fanello: I thought we did it.

Commissioner Mourdock: Yeah, I thought we did it too, because, well—

Commissioner Fanello: Why did we defer it?

Commissioner Mourdock: —yeah, I don't recall. Well, with the suggested hearing date of September 10, 2001, I would move on first, or move the advertising of the vacation of the easement for the petitioner, EDC Investments, as presented in our packets tonight.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to advertise for September 2nd. So ordered. No problem.

Tom Norton: Actually, I think, it will be advertised, probably, this Friday, I think, in order to make, am I correct? Yeah.

Commissioner Mourdock: Yeah, but the hearing is September 10th.

Tom Norton: Correct.

Commissioner Mourdock: Yeah.

Tom Norton: Thank you.

President Mosby: Thank you.

<p>Permission to Open Bids for VC01-08-03 Vanderburgh Industrial Park Railroad Spur</p>
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President Mosby: County Engineer, open bids for VC01-08-03, Vanderburgh Industrial Park Railroad Spur. Do we have the bids?

Commissioner Fanello: Uh-huh.

President Mosby: I'll take a motion we'll let the counselor open them as we go on.

Commissioner Fanello: Motion to direct Counselor Ziemer to open up the bids for the Vanderburgh Industrial Park Railroad Spur.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to open the bids. So ordered.

<p>Auditor: Recommendation as a Result of the RFP's for City/ County Payroll- Human Resource Application</p>

President Mosby: Auditor, recommendation as a result of RFP's for City/County Payroll-Human Resource application.

Suzanne Crouch: Yes. In evaluating the three vendors that submitted RFP's, we evaluated those along with the City and Purchasing and ACS, and it is our recommendation that the Commissioners sign a contract with Ultimate. They were the vendor of choice. The City signed a contract this morning at their Board of Public Works meeting. I know that Phil Lawrence is here and ACS is here.

Phil Lawrence: This morning the Board of Public Works, they rescinded their emergency order to rebid this project. They also voted to modify the motion to limit the bidding to the three original bidders, then voted to award the contract to Ultimate Software, and also signed the contract.

Commissioner Fanello: I think Counselor Hayes has looked at everything.

Phil Lawrence: Counselor Hayes has looked at all the information as well. Approved it.

Commissioner Fanello: I also make a motion to grant recommendation.

Commissioner Mourdock: Second.

President Mosby: Motion and a second to grant recommendation. So ordered.

Suzanne Crouch: Thank you.

President Mosby: Thank you.

<p>Bill Jeffers: Redistricting</p>

President Mosby: Bill Jeffers. I don't see Bill here.

Commissioner Fanello: Was he going to be here?

Commissioner Mourdock: Yeah.

Commissioner Fanello: I think, basically, I thought he was going to be here, but we need to know if—

Unidentified: He was in the hall just few minutes ago.

Commissioner Fanello: —oh, okay. See if there are any changes that anybody has

to the precincts.

Commissioner Mourdock: The only, oh, well, I'll wait until David gets back.

Commissioner Fanello: He did say there was one error in a Ward line or something on a map.

Commissioner Mourdock: Okay.

Commissioner Fanello: That's what I heard. He's not back there?

Commissioner Mourdock: I was just going to say I did speak with the Republican Chairman this morning, Bettye Lou Jerrel, regarding this issue. For whatever reason, the maps were mailed to her, so she did not get them until Saturday. She looked them over this morning, complimented Bill for the job he's done. There were a couple of fairly insignificant issues that she wanted to talk about. She doesn't think it will result in any changes, but I know she was trying to get a hold of Bill this morning. I don't know that she was successful in talking to him this afternoon. So—

Commissioner Fanello: I don't know either.

Commissioner Mourdock: —if we can hold it till next week, short of having Bill come in and tell us something else has happened, that would be my recommendation.

Commissioner Fanello: Next week or the 10th?

Suzanne Crouch: The 10th.

Commissioner Mourdock: The 10th, yeah.

Commissioner Fanello: He was going to try and check on when the state meeting was going to be, because we wanted to try and get our papers up there by the time of that state meeting. I don't know when that is going to be either. So, I guess, we can just make a motion to defer it until September 10th.

Commissioner Mourdock: So moved. You need to second, Catherine.

Commissioner Fanello: Oh, I'm sorry. Second.

President Mosby: Okay, deferred until September 2nd. I have a motion and a second. So ordered.

Tammy McKinney: Was that September the 10th?

President Mosby: Yeah.

Tammy McKinney: Okay.

President Mosby: We are going to get a lot on September 10th.

Commissioner Mourdock: Yeah.

Catherine Fanello: Update of Jail Financing
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President Mosby: Catherine Fanello, update of jail financing.

Commissioner Fanello: I just wanted to report on, we did have a meeting with Councilman Raben, Councilman Sutton, Councilman Winnecke, Auditor, Suzanne Crouch and our financial advisors from Crowe Chizek and Mike Claytor was the representative who came down. Really, we went over what was presented to the Council earlier this year, that Suzanne had presented as far as the theory that we have about not, we can do this bond issue without raising taxes. Kind of the comments Mr. Claytor had, he had both positive and negative comments as we would suspect. Basically, positive comment, I mean, we are below, we are within our levy and it is very doable. Negative to that, the budget is going to be very tight. It limits our operating costs in the future and we are eating into our cash balances. Those were his exact words. Obviously, I mean, this may seem elementary but, you know, as long as we keep the tax rate constant, obviously, we receive less property taxes, that was one of his points. COIT is not going to be growing by very much according to some of his projections. We went over our funding mechanisms, and a couple of funding mechanisms, obviously, we could do a general obligation bond, which is 2% of the County's assessed valuation. Which, I believe, Suzanne said was about \$20 million at this point. Is that correct? Or we could do a lease debt arrangement. A lease debt arrangement doesn't count towards that 2% rule, and that is usually done, well, it has to be done through a building corporation or a building authority. You can also do it through a redevelopment commission, he said.

Commissioner Mourdock: Would that also be the basis if, if we were to try to do something as a Ken English model to do something separately? I mean, through a private?

Commissioner Fanello: I don't know. You know, I didn't ask him that. It seems to me like that would have to be through some building authority. I guess, that would count if they set up a building authority of some type. By state statute you can't lease the building until it is occupied. He was very factual with his points. You know, we wouldn't...a general obligation bond, if we funded it out of a general obligation bond, obviously, we would using up our total capacity, if we are looking at a \$35 million facility. So, I don't think, in my opinion, we don't necessarily want to restrict ourselves that way, because we don't, we have other projects coming down the line. Especially, maybe with whatever we are going to do with the Old Courthouse, or we may have some emergency come up, you never know. So, I don't think it's, generally, not advisable to use up your total general obligation debt. I just want to say, and, I think, Councilman Sutton said it very well in the meeting when it was brought up by Councilman Raben that we'd had the meeting. I mean, you can look at it two ways, you can look at it from the positive viewpoint and from the negative viewpoint. Councilman Sutton said it very, very good when he said, you know, just be cautious. I think that that is the thing that we all have to remember is that we are in a very, we might be in a very sound condition right now, but that's going to put a lot of constraint on our budget. We have to keep that in mind. So, I just caution everybody not to misunderstand, even though he had some positive points, we also need to look at the negative points. You know, we have to look that operating costs are going to increase over time. We don't know what the operating costs will be for a new jail, so we don't know what kind of constraint that is going to put on the budget. So, those are the kind of things that we have to keep in mind. I think that's, unless anybody has any questions.

Commissioner Mourdock: Just one question. It sounds like the whole heart of the

discussion was staying targeted at the \$35 million?

Commissioner Fanello: Well, he, we really didn't...yeah, I mean, that was the spreadsheet that we looked at was what Suzanne had given us, estimated setting aside the \$2.7 million every year. He seemed to think that for a \$35 million issue that that was enough of a debt service payment—

Commissioner Mourdock: So—

Commissioner Fanello: —right now, I mean, he can't be positive, because we don't know what kind of interest rates we are going to get or anything. You will get a higher interest rate whenever you do a lease debt arrangement because there is more risk.

Commissioner Mourdock: Greater risk like that. Yeah. Okay. So, hearing all that, it sounds like still the Council's plan of doing this project on a \$35 million cap, they are saying that's sound, in the Council's objective, which is to do this project without raising taxes.

Commissioner Fanello: Without raising taxes—

Commissioner Mourdock: And that—

Commissioner Fanello: —and remembering that the budget is going to be very tight. If we know what we went through this year, I mean, there was a lot of cuts made and we just have to keep in mind that the COIT money is not going to grow as fast as it has been growing, and, you know, we have to remember that there is more of a world out there than just within the Civic Center and we have to, you know, take into consideration state wide economy and the national economy. So, there is a lot of things to look at there. So—

Commissioner Mourdock: I totally agree on the general obligation side. I mean, we don't want this project to take away our ability to do everything else, so.

Commissioner Fanello: So, that's just kind of food for thought.

Commissioner Mourdock: Okay.

Reopen Discussion on Redistricting

President Mosby: Okay, do we want to go back to redistricting?

Commissioner Mourdock: Not unless you need to.

President Mosby: I mean, I don't know why it was on here. We had—

Commissioner Mourdock: I don't either.

President Mosby: I guess, we can find out if he had a conversation with Bettye Lou at all.

Commissioner Mourdock: Okay.

President Mosby: I did that.

Bill Jeffers: Bill Jeffers, Vanderburgh County Surveyor. To be more precise and to avoid confusion this project should appear on the Board's Agenda as the reprecincting phase of the redistricting process. Until approval of the proposed new voting precincts by the Election Commission, our effort only addresses the redrawing of precinct boundaries at this time. The County Surveyor's office, upon the board's approval of the proposed precincts, is prepared to produce the individual precinct maps and the boundary descriptions necessary as a part of your reprecincting orders. The State Election Commission is recertifying the entire County this year. So an individual map and a description of each precinct is required for each of the 142 precincts shown on your maps. We would rather hear your approval of the proposed precinct boundaries before we produce that volume of documents. Finally, please note an amendment to the maps we presented last week, which is why I handed out a whole new set today. Due to an inadvertent drafting error, Ward one, Precinct 11 was shown incorrectly on last week's maps. Please insert the corrected map that is attached to this memo showing 1-11 with its boundaries depicted unchanged from its current configuration as an amendment. Attached to the memo is the map of 1-11, plus two more documents showing notification of the individual political party chairman for this County that was sent out Friday. We received the green card from Mr. Melcher acknowledging receipt of his maps which are exactly as the ones placed on your desk tonight. I received a phone call this afternoon from Ms. Jerrel acknowledging receipt Saturday, or Monday of her map. Set of maps. So, I guess, what I'm saying is when you all approve our lay out we will proceed with 142 legal descriptions and individual maps required by the State Election Commission.

Commissioner Fanello: Did you find out when the state's meeting is going to be?

Bill Jeffers: At 5:00 this afternoon, Mrs. Michelle Brzycki, co-director, oh, excuse me, called us and said she and the co-director, Spencer Valentine, will be in Vanderburgh County, Surveyor's Office, at 1:30 p.m. September 11th, which is a Tuesday, to review and go over our submittals to you. Hopefully, we will be ready to go to the Election Commission at their scheduled meeting September 27th with the total package. That will be in Indianapolis. We'll either UPS or mail those up. Every precinct will require an IEC-8 Census Information, and a field STFID entire census block numbers etcetera, because they are redistricti...they are recertifying our entire County. Every precinct.

Commissioner Mourdock: We were talking before you came in, Bill, about going ahead and, hopefully, finally, doing final approval on these on September 10th. So, if we do that the 10th, it sounds like it works out perfectly if they are coming down the 11th.

Bill Jeffers: That does sound good.

Commissioner Mourdock: Okay.

Bill Jeffers: I'm sorry I mispronounced her name. It's Brzycki. B-r-z-y-c-k-i.

Commissioner Mourdock: We would have never known.

President Mosby: (Inaudible. Mike not on.) Try to finalize it and then we'll have it back here.

Bill Jeffers: Thank you.

President Mosby: Thanks, Bill. Appreciate what you did.

**Opening of Bids for VC01-08-03
Vanderburgh Industrial Park Railroad Spur**

President Mosby: Back to opening of the bids for the railroad spur.

Jay Ziemer: Yes, I've opened up, we received three bids. One of which was from Koester Contracting Company. Do you want me to read the amounts, or just read—

President Mosby: Yes.

Jay Ziemer: —in the amount of \$960,326.36. One from Blanken Brothers Inc. in the amount of \$955,200. Then a bid from Koberstein, K-o-b-e-r-s-t-e-i-n, Trucking , Inc. for the amount of \$949,900.

Commissioner Mourdock: I'll move that we take those under advisement. Just for the record, I think, the Blanken Brothers you referred to is probably Blankenberger Brothers. Just for the record.

Jay Ziemer: Yes, it is. I'm sorry. Thanks.

Commissioner Fanello: Second.

President Mosby: I have a motion to take under advisement. Motion and a second, so ordered.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Dave Gumbiner: Commissioners, Dave Gumbiner, from Computer Services. Just real quick, I wanted to introduce Alan Teeple. As you know, I've been here since March of this year as the Interim Account Executive for ACS. Alan is taking on the permanent role here and will be starting full time on September 4th. So, I wanted to take a minute to introduce him. He comes to us from the ACS Government Services Group where he's spent the last three years installing, as Project Manager, installing software, court software, around the country. Previously, he spent five years at the Marion County Justice Agency as the Data Processing Director up there. He has also been a Data Processing Director in the private sector. I just wanted to take this time to put a face with a name and have you know who he is. He and I will be doing a transition over the next several weeks and getting him installed here.

President Mosby: Okay. Welcome. Any comments? Go ahead.

Phil Lawrence: No, I wouldn't comment on that. I saw your name. I wondered who you were. I'm glad you're here. You know, give Dave a rest and a break. So we can get down to business and get this payroll thing going. Quickly, I'm here to ask you guys to vote to recommend awarding the Uniform and related items. I think you've got that in your packets.

Commissioner Fanello: Did this include the Sheriff's department?

Phil Lawrence: Yes.

Commissioner Fanello: Okay. Were they comfortable with everything?

Phil Lawrence: Yes.

Commissioner Fanello: Because I know at first they had a question.

Phil Lawrence: Siegel's was the low bidder on all of their stuff.

Commissioner Fanello: I'll make a motion to approve.

President Mosby: I was going to say.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. That was easy.

Phil Lawrence: That was easy. Thank you so much.

President Mosby: Any other group or individual wishing to address the board?
Seeing none. Department Heads.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First two items I've got are change orders on our paving contracts for this year. The first one was on contract number VC01-04-01. This was for the paving of Oak Hill Road, Browning Road and the Rode Road/ Memory Lane intersection. This change order is for a net decrease of \$5,525.50. We had some under runs on patching and shoulder stone, primarily.

Commissioner Mourdock: I'll move we accept the decrease in the change order.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: Now to offset that--

Commissioner Mourdock: Uh-huh, you always give us those first, don't you?

John Stoll: The second change order is for VC01-06-02. This is for West Franklin Road, and for the paving across the Broadway Avenue Bridge. This is for a net increase of \$6,600.10, \$6,610.41.

Commissioner Fanello: We went in the hole. So moved.

Commissioner Mourdock: Second.

President Mosby: We just lost \$1,100 in about 30 seconds.

Commissioner Mourdock: Really.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The third item I've got is in regard to the request that Commissioner Mourdock received several months ago in regard to the Heckel Road speed limit. I had EUTS do some speed studies out there and get some accident data on that stretch of road. This is Heckel between Oak Hill and Greenriver. Their speed study showed that the traffic is exceeding the speed limit, but there was no accident problem associated with the speeds, so it is recommended that the speed limit remain at 45 miles an hour. I did talk to Eric Williams in the Sheriff department and he was going to try and increase patrols out there periodically to help monitor the speeds to make sure that people who are exceeding the speed limit get a ticket or a warning. The west bound speed shows that 85% of the traffic was doing 50.9 or less. East bound it was 53.22 or less. So, they are exceeding it, it's just a matter of there were no accident problems associated with it, and there are really no sight distance obstructions or anything else that makes a 45 mile an hour speed limit unsafe. So, it's recommended that that speed limit remain. The last item I've got is a draft spread sheet looking at the Cum Bridge Fund. I tried to go back...I've got the budgeted amounts and the amounts spent for '96 through 2000. Then I've tried to project what the funding requirements would be for 2002 through 2006. It turns out that over the...from '96 to 2000 we averaged spending \$1.9 million. Projecting out the next five years, it looks like the average amount will be \$1.8 million. In some of the numbers...I haven't had a chance to get...to talk with Ralph Kissinger about these in great detail as far as what line items like Gas & Oil, Materials and things like that that are under his jurisdiction would require. I just tried to look at historical spending and what next year's spending levels are and tried to make an estimate as to what would be needed. Typically, what I've got is the amounts are less than next year's, but they are higher than the historical spending. Just trying to get some sort of average on some of those line items. You can see the one's that are highlighted I put in 3% or 5% increases, but overall the average came out to \$1.8 million. So, if the Bridge Fund was going to be reduced from 15 cents, it probably shouldn't be cut from 15 back to 10, but maybe knock a couple of cents off of it relative to that figure.

President Mosby: Questions?

Commissioner Fanello: No, I mean, I just...we've got, I think we've got an unappropriated balance in Cumulative Bridge right now of about \$4,311,000. That's really, basically, two years worth of, a little over two years worth of expenditures here, so I really wouldn't advocate lowering that Bridge Tax. I think we need to keep it where it is. Especially, state funding being cut. I know we moved some expenses around this year in order to save the Highway Fund, because, basically, the Highway Fund was going to be insolvent with the cutting of the state money, so.

Commissioner Mourdock: Let me be sure I understand. I think this is right, John. The money that is established in that line item for Cum Bridge can only be spent under a fairly narrow definition. Because when we've spent that in the past on road (Inaudible. Someone coughing.) for instance, we've used culverts at times and then you have so much, basically, there is a formula you can use—

John Stoll: Yes.

Commissioner Mourdock: –to determine so much footer or–

John Stoll: It's a 500' foot approach–

Commissioner Mourdock: Approach, yeah.

John Stoll: They give you 1,000' for each bridge or culvert is the limit on what you can do with the Bridge Fund.

Commissioner Fanello: I'm just talking about bridges. Because I know we have a bridge project that John and I talked about that's basically unfunded right now, and how much was that project?

John Stoll: The Greenriver?

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: That will be a biggie.

John Stoll: That–

Commissioner Fanello: Approximate estimate.

John Stoll: –the previous estimate was around \$5 million. Some of that is Road, between the south approach and Hirsch Road as well as the north approach and Heckel Road. So, some of it would be Road Funds–

Commissioner Fanello: Uh-huh.

John Stoll: –but the overall estimate was \$5 million.

Commissioner Fanello: Then, obviously, not knowing if we have any emergencies or not...I just, I personally, in my opinion, I'm not going to lobby to cut that tax, because I just don't think...to me it doesn't settle well, and I want to make sure we have enough left there for projects and for emergencies, so.

Suzanne Crouch: John, the \$5 million, that's not all Vanderburgh County's share, is that correct?

John Stoll: It depends. Right now there is no Federal money that is obligated towards that project. If we got the Federal money, \$1 million of the project cost would be Vanderburgh County's. Likewise, if things stay the way they are there is no Federal funding on the horizon to obligate to that project. So, in that case it would be all County dollars. Which would mean it would likely be phased.

Suzanne Crouch: Also we will be bringing in \$2.2, \$2.3, \$2.4 million a year as the assessed valuation grows, and if the budget is at \$1.8 million averaged over the next four years, and we have a \$4.2 unappropriated right now, we are just going to keep adding to that–

Commissioner Fanello: Well, I mean, if we have that much unappropriated, I suggest we get out there and start spending some of it on projects if we need to. If we've got unfunded projects sitting there, then we need to start looking, and, I believe, John, you gave us a five year plan on the bridges, and I don't have that in front of me and

I don't know what it looks like but—

John Stoll: That's what some of these projects are here on...the bridge program is pretty well set by the bridge inventory, and we will get another bridge inspection next year. It's the culverts that are not set on a specific schedule, and there is always culvert work that can go do.

Commissioner Fanello: Exactly. That is my personal opinion. I don't know how the other two Commissioners feel. I'm just not going to personally lobby to cut that tax.

Commissioner Mourdock: By it's definition, that culvert work, culverts being culverts, bridges being bridges, they're always going to be a lot smaller in dollars than what the bridges are going to be.

John Stoll: Typically, yes. It's...some of the culverts are large, like the one Ralph is putting in down on Seminary right now. It's a large box culvert. We just did some repairs to one out on Roesner Road which, there again, it's, it's just a few feet too short to be classified as a bridge. So, most of the time, I mean, if you are talking 36" pipes, yeah, the culverts are going to be substantially less, but we do have some good sized one's out there that will have—

Commissioner Mourdock: Uh-huh.

John Stoll: —higher dollar figures associated with their replacement or repair.

Commissioner Mourdock: I'll use David's phrase of a couple of weeks ago about keeping an open mind here. Because, certainly, I don't want money just sitting around that isn't being fully utilized, but, again, with what we have coming up at the Old Courthouse and how we can use that to, I think, help a lot of the other space programs we otherwise have, if the reallocation of some of this funding through dropping the levy could be done under that Old Courthouse line item fund that the state has set up, I think, that is something we need to look at.

President Mosby: Suzanne, what did you say the average...what did we get last year?

Suzanne Crouch: It's right around \$2.2 million.

President Mosby: That's what we received as revenue last year?

Suzanne Crouch: I would have to check the exact amount, but it's right in the neighborhood this year of \$2.2 million.

Commissioner Mourdock: I think in one of our meetings we had asked Phil to kind of check into that Old Courthouse Restoration Fund. I don't know if he's done that or not, but we might bring that back to him and see if we've got a report on that and just get a better feel as to how that might work and see if it might tie in with this in some way.

President Mosby: I mean, I am just looking at John's average spending here right at \$2 million. She's saying we get \$2.2. That's not going to leave us much leeway. If we eat the whole cost of this \$5 million bridge, you ain't going to have zero. I mean, that would be my biggest concern. Is that we would start doing something like that. I know what John is referring to because this year we moved line items in the

County Garage budget over to the Bridge Fund just to make up for a short fall.

Commissioner Fanello: Didn't we move some Concrete, Concrete line items?

John Stoll: Yeah, that's one of them that is in this list.

President Mosby: Yeah, I was going to say we were having a hard time with cutting the Highway Funds to make it balance, so—

Commissioner Mourdock: Uh-huh.

President Mosby: —we started moving stuff to the Bridge Fund. Which I don't really agree with either, but. I mean, your robbing Peter to pay Paul. Sooner or later Paul is going to want to be paid to, and, I mean, if we've got a problem, and I see too much of that happening. That is what concerns me with this. I'm glad you did this. I definitely would not do anything until the bridge inspection comes in next year to tell us what we are immediately facing. It could be more than your budgeted \$1.9.

John Stoll: We should get that, I believe, about this time next year, if I remember right. I thought it was late Summer or early Fall when we got it last year.

Commissioner Mourdock: Uh-huh. I believe that is right.

President Mosby: Okay. Is there any other questions or comments on this?

Commissioner Mourdock: Not on this, but is this your last item, John?

John Stoll: Yeah.

Commissioner Mourdock: If you would, give me a call. I know we played phone tag last week late, but at the end of Plaza Park Drive, just before you get to I-164, there is that famous lake out there that drains out the bottom, in that sand pit. What's the subdivision, Bill.

Bill Jeffers: Audubon Estates.

Commissioner Mourdock: Audubon Estates. Where the County's drainage easement flows into that pond. We have a 50' easement. It has eroded at the point where we need to either go in and put some...we need to lay the shoulders back on that, lay the berm back—

John Stoll: Is that Kolb Ditch?

Commissioner Mourdock: Yes, yeah. We either need to lay it back and revegetate it or possibly lay it back and do some rip rap out there. I've got the name of the person who lives right on that property, and I don't, yes, I do—

John Stoll: That's what I was trying to find out whenever I tried calling you was who the person was so I could get in touch with them.

Commissioner Mourdock: Yeah. Juanita Feightner. It's F-e-i-g-h-t-n-e-r. Phone number is 476-0578. They are at 1950 South Plaza Drive. Her husband's name is Roger. So, if you'd give a call and go out and inspect it, I would appreciate it.

John Stoll: Okay.

President Mosby: Any other questions or comments?

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Changed)

Madelyn Grayson: Thank you.

County Highway: Ralph Kissinger
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President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. You've got my report. John mentioned that we are doing some box culvert work out on Seminary Road, the road is closed right now. Anticipate, we ran into a day longer getting the old bridge abutments out. There was an arch support in there, and, I believe, there's an old WPA project, and they poured concrete, I think, just to pass the time, because it was really thick. We got the old one out, and I'm planning on setting culverts on Thursday, and starting to compact the fill back in for a road bed. Hopefully, within two weeks we'll have that back opened up.

President Mosby: Okay. Any questions of Ralph? Thank you, Ralph.

Ralph Kissinger: My wife is going to think I've been lying to her all this time if I get home this early.

Tammy McKinney: Hey, Ralph, I've got a question. I have a quick question. I had a lady call me at home the other night about some weeds on Red Bank. Just right there before the apartments. Can you just...I don't even know if that is us or not.

Ralph Kissinger: Yes, it's us. You are talking about between Hogue Road and Lloyd Expressway? The apartments there?

Tammy McKinney: Uh-huh.

Ralph Kissinger: Okay. I'll take a look at it.

Tammy McKinney: Okay.

Ralph Kissinger: As you know, the weeds are growing so fast we can't keep up with them.

Tammy McKinney: Right.

Ralph Kissinger: We're trying to hit everything in a circle, so. I'll take a look at it.

Tammy McKinney: Maybe you could get to that since they are calling me at home. I would appreciate it.

Ralph Kissinger: Okay. They are calling you at home?

Tammy McKinney: Yeah.

Ralph Kissinger: Okay.

Tammy McKinney: Thanks.

President Mosby: Okay.

County Attorney

President Mosby: County Attorney. Nothing?

Jay Ziemer: I have nothing.

President Mosby: Okay.

Tammy McKinney: Superintendent of Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: Okay, I really don't have anything. The only issue I want to bring up, I had a non-profit call me, or I met with them at the Courthouse last week about renting the Wedgewood Room for a dinner in October. I didn't know what the policy was that we wanted to go by for charging non-profits. I talked with Robert Woosley and they didn't charge non-profits. So, I just wanted to see what you all wanted to do about it.

Commissioner Mourdock: I expressed my opinion to Tammy on this. She sent me an e-mail and I've sent her several back. It seems to me in taking the building over, I just have a hard time in making it available free of charge. I think we need to establish, perhaps, some minimal time rental. For instance, maybe three hours, with some rate and then a per hour fee after that. Because it, and correct me if I'm wrong, Tammy, I got to thinking about this after our last e-mail, but if someone is going in there with a dinner, how is all of that handled as far as catering coming in and all that?

Tammy McKinney: They bring their own caterers.

Commissioner Mourdock: I would think our clean up gets more extensive after something like that as opposed to—

Tammy McKinney: It's just me and Larry. I mean.

Commissioner Mourdock: Okay. But it takes more time to do that and we've got more refuse to handle and, you know—

Commissioner Mourdock: Really the clean up is not, I mean, it's not that extensive. I mean, we just had a wedding not too long ago and—

President Mosby: Do they do a lot of their own cleaning?

Tammy McKinney: Uh-huh.

President Mosby: Okay. I was going to say, because it looked awful clean that next morning after the wedding.

Tammy McKinney: Yeah.

Commissioner Mourdock: I would guess that will vary from group to group too.

President Mosby: Right. Not all of them will be that neat.

Commissioner Mourdock: Some will be less desirable.

Tammy McKinney: That was John's wedding. Thanks for being so neat and clean.

President Mosby: I really would have to think about it. I mean, I don't have an opinion.

Tammy McKinney: The only thing they asked me if we could get back with them just as soon as possible because they had a...they need to send their invitations to their, you know, their board and all. I know they had a picture of the Courthouse that they were going to put on the invitation. So, I just need to tell them what direction they need to move in.

President Mosby: I guess, can I ask who it is?

Tammy McKinney: Big Brothers, Big Sisters.

President Mosby: Big Brothers and Big Sisters. I mean, I know they are all not-for-profits.

Commissioner Mourdock: The other side of it is, once you do it for one not-for-profit, you are going to get them all.

President Mosby: I realize that. I guess, the side that I am looking at is that I would like to get more people in and through the building. Maybe people would take an interest in the building. When we start trying to raise funds—

Tammy McKinney: Also, I know that you feel like once we get one non-profit, we are going to get them all, but we have such a limited space too, I think, when a lot of non-profits are going to have like a fund raising, they are going to have to go some place like the Coliseum or the Centre, where they can get more people in there. I mean, the Wedgewood only holds like, I mean, it's very limited 120.

President Mosby: Maybe if we let them use it they will adopt one of Phil's windows. They will adopt one of Phil's windows. Phil Hoy is going to start an adopt a window program. I like his idea.

Tammy McKinney: I like the Big Brothers, Big Sisters because we are getting the youth into an historic building and try and get them more interested.

Commissioner Mourdock: It's my observation having sat here for seven years, the public in this community is more than interested in that building. I don't know that you are going to stir up more interest by having a few go through it, not-for-profit.

I mean, the night that I suggested here that we ought to consider doing something with the building, either a long term lease or selling it, I mean, we had 100 people, probably the most people we've ever had in this room during one of the meetings came in here just because they were so interested. So, folks are interested.

President Mosby: I agree, I've had people tell me they are interested, they've just never been in it. They say, well, I've really never been in it, but don't tear it down or, you know, whatever, so. Do we want to take this under advisement?

Commissioner Fanello: (Inaudible. Mike not on.)

Tammy McKinney: They didn't give me a date, but I know the invitations are supposed to go out by like the second week in September.

President Mosby: Our next meeting is not till—

Tammy McKinney: The 10th.

Commissioner Fanello: Can we give it to them at a reduced rate maybe?

Commissioner Mourdock: Right now we have no rate established—

Commissioner Fanello: So any rate would be reduced, huh?

Commissioner Mourdock: —that means we pay them if we reduce it from what it is now.

President Mosby: What are we charging over there?

Tammy McKinney: For like a wedding it's \$500, like on Saturday. They have it, basically, all Saturday from like 10:00 a.m. till like midnight. So, I was thinking something like this, I think, they want it from like 6:00 to 9:00. Like \$50 an hour.

Commissioner Fanello: I think we need to collect a little something.

President Mosby: Well, we've got to cover costs, I mean.

Commissioner Fanello: Uh-huh.

President Mosby: There's no doubt.

Commissioner Fanello: I think that, I don't know, that sounds reasonable to me.

Commissioner Mourdock: Well, how about this, I'll go back to what I said at the outset of this, we establish a three hour minimum and do it at \$150 an hour, and then, Tammy, get back to us and let us know if there are going to be other groups using it longer than that, and if so, then we could establish some hourly rate for hours over three hours?

Commissioner Fanello: \$150 an hour?

Commissioner Mourdock: No, no. \$150 minimum for three hours.

Commissioner Fanello: Oh, okay.

Commissioner Mourdock: In other words, if they take it for an hour, they've got it for three hours.

Commissioner Fanello: I was going to say, what? That's fine.

Tammy McKinney: Let's say \$150 for up to three hours and then \$75 an hour after that?

Commissioner Mourdock: That's fine with me. I'll make that as a motion.

Tammy McKinney: Okay.

Commissioner Fanello: I'll second that motion.

President Mosby: I have a motion and a second. So ordered.

Steve Craig: Burdette Park

President Mosby: Steve, Burdette Park.

Commissioner Mourdock: Oh, Steve, while you are coming up, Tammy, one thing under the Superintendent of County Buildings, would you let Steve Utley know it looks like we have leaks in here.

Tammy McKinney: Okay. Oh, speaking of leaks, David, did, is that leak in your office, has it stopped dripping on the chair?

President Mosby: I guess, I don't know. I switched chairs the other day.

Tammy McKinney: There was a puddle literally in the chair.

President Mosby: There was a leak coming right through the ceiling, just flooding the chair. Somebody was coming in to sit down and we happened to notice it and we switched the chairs real quick.

Tammy McKinney: It was someone from a TV station.

President Mosby: Yeah.

Tammy McKinney: Whoops. I thought I had leaks at the Courthouse.

Steve Craig: One comment I'd like to make, I'm in the predicament that Tammy is in, probably, 15 times a month. Where people, non-profit making organizations, want reduced rates. Our Advisory Board does not do it very often. It is very rare. When they do, like Dave said about covering costs, they've reduced the rate slightly before and told them that the building must be in the same shape that it was when they got there. Therefore, they do all of the clean up and everything. That's just the way our board handled it, because we get a stack of them every month of people requesting free buildings. That aside, Catherine, I did revise the RFP and I turned it over to Phil Lawrence and he's going to get it redone and submitted to the Commissioners. I would like to have better weekends. The crowds at the aquatic center have been quite low because of the weather. The park had a lot of people, it's been full and everything else has been used. Other than that, just getting ready

to wind down for Labor Day and that. I have my work sheets that I turned in earlier.

President Mosby: Is this your last weekend for the pool?

Steve Craig: Yes, except for the Bristol Myers picnic, and that's not open to the public.

President Mosby: Okay.

Steve Craig: They pay us to keep it open an extra week and then use it on Saturday of the following—

President Mosby: That's fine. Any questions or comments? Thank you, Steve. Appreciate it.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

Commissioner Mourdock: I'll move approval of the Soil and Water Conservation District and the Ozone Officers Report that have been submitted.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: On the Consent Items, Betty Knight Smith brought up the leases that we talked about at the beginning of the year, where she had people renting space in her office. She also brought some checks along with it, so we have collected a little bit of additional extra rent this year. Then as far as the Travel Requests, the three that are coming out of the Commission budget, we don't have any money in our Travel budget, as of yet, but we have asked for an additional appropriation. So, I would ask that we hold those until our additional appropriation is approved.

Commissioner Mourdock: Does that conflict with the dates of the planned travel?

Commissioner Fanello: Only one of them. The others are in December. Let's see, I saw one of them was September 7th, I think.

Commissioner Mourdock: September 7th?

Commissioner Fanello: Yes.

Commissioner Mourdock: So we won't—

Commissioner Fanello: I don't think, I mean, the Council will hear it next, or this Wednesday, but—

Commissioner Mourdock: Oh, okay.

Commissioner Fanello: –they don't vote on it. It's September 7th in Indianapolis, and it looks like it's just mileage and parking and per diem, so.

Tammy McKinney: Is that the one for Nursing?

Commissioner Fanello: Oh, wait that is the one–

Tammy McKinney: That's Health Department.

Commissioner Fanello: –that's out of their budget. What's the one for Soil and Water? Sorry. That's the one that is coming out of our budget.

Tammy McKinney: August 30th.

Commissioner Fanello: Oh, okay. I don't....oh, there it is. What are they wanting? Because I don't see anything marked. Are they wanting mileage or?

Commissioner Mourdock: They usually use their own vehicle.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: I mean, they've got their own vehicle, so.

Commissioner Fanello: I don't see anything marked, unless maybe they are just wanting approval to go?

Commissioner Mourdock: I think that's it.

Commissioner Fanello: Okay.

Commissioner Mourdock: Because, again, it's only up to Switz City and they've got their own vehicle.

Commissioner Fanello: Okay, well, then I'll just won't go ahead and hold that one, but the Election Office and the Voters Registration we probably need to hold on to.

Commissioner Mourdock: Okay.

President Mosby: So, are we pulling them?

Commissioner Fanello: Yes.

President Mosby: Okay.

Commissioner Mourdock: So, with those removed from the Consent Items, I would otherwise move approval of the Consent Items as filed.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to on Consent Items as amended. So ordered.

Commissioner Fanello: Oh, I'm sorry. We need a motion–

Suzanne Crouch: Are you just making (Inaudible. Mike not on.)

Commissioner Fanello: Yeah, they need our signatures. The leases do, so.

Commissioner Mourdock: Okay, I would–

Commissioner Fanello: Motion to add to the Consent Items.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Fanello: I don't know of any.

President Mosby: I don't know of any right off hand.

Old Business

President Mosby: Old Business?

Commissioner Mourdock: Just one issue. Steve Utley had stopped me in the hallway on our space allocation. He's got some new things drawn up pursuant to our request, so we need to schedule maybe a half an hour prior to one of our regular meetings. I would suggest September 24th? If that would work, maybe at 4:30?

Commissioner Fanello: That's–

Commissioner Mourdock: That is a Monday, right?

President Mosby: Yes, it is.

Commissioner Fanello: That's fine. 5:30?

President Mosby: September 24th , 5:30.

Madelyn Grayson: We'll need permission to advertise that also.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered. Space allocation.

Madelyn Grayson: That was at 4:30?

¹Consent items listed on Page 24.

Commissioner Mourdock: Right.

President Mosby: 4:30 or 5:30?

Commissioner Mourdock: Oh, yes, thank you. 5:30.

President Mosby: I started to say, I wrote down 5:30. Okay. Any other Old Business?

New Business

President Mosby: Any New Business?

Commissioner Fanello: I've got a couple of just short comments. I just wanted to ask if the Auditor's Office could send us monthly revenue reports? Do you make those up at all? Do you have something—

Suzanne Crouch: We can get them from SCT or ACS.

Commissioner Fanello: Okay, I have people ask me all the time about numbers and everything and they don't really realize the difference between Council and Commission, so, I think, it's probably a good idea if we are informed of those revenue numbers. So, I'll just pass around the report to the other Commissioners. Then I just wanted to make a comment, last week I didn't get to make a comment on this, but Councilman Raben had come to the podium about the O'Day Discovery Lodge when I had said that I was just reporting that only \$1 million had been funded, and he said that's all we asked for and I asked for the amount that fit within the estimated revenue in the CCD Fund. So, I just wanted to clarify that. It's not that we didn't talk to the Council members and ask for the whole \$1.9 million, but I was only told that we were getting about \$1 million and a half into the CCD Fund. So, and the other \$500,000 went for another project. So, I just wanted to clarify that for the record.

President Mosby: Is that all we have in there, Suzanne?

Suzanne Crouch: You haven't enough revenues for next year for the \$1 million for the O'Day Discovery Lodge. Then I think you put in \$500,000, or so—

Commissioner Fanello: For St. George and Oak Hill.

Suzanne Crouch: —for St. George Road, but you had \$1.4 million unappropriated this year still.

President Mosby: This year?

Suzanne Crouch: That's correct.

Commissioner Fanello: Uh-huh.

Suzanne Crouch: It will carry over to next year if it's not appropriated.

President Mosby: Is that what we're—

Commissioner Fanello: Yeah, but–

President Mosby: –talking about the Old Courthouse, possibly.

Commissioner Fanello: –yeah, because Councilman Raben had said we might want to ask for the roof out of that, but if we do that, that's only going to leave us with...and, I think, there was even more than a million and a half asked for, for next year. I think they also budgeted the \$125,000 for the Sheriff's vehicles. So, really that would only leave us about \$329,000 unappropriated. \$330,000 unappropriated. If we, if we did the roof out of there, which I have mixed feelings about that, but.

President Mosby: The revenue coming into that account next year is a million and a half?

Suzanne Crouch: Approximately.

President Mosby: So if we fund the Discovery Lodge out of that, we're going to break that one too, basically.

Commissioner Fanello: It's going to be down to \$330,000 if we do the Discovery Lodge.

President Mosby: What about the Bridge Fund? Could we take a couple more pennies? Any other business? Old Business or New Business? Seeing none. Motion?

Commissioner Mourdock: To adjourn.

Commissioner Fanello: Second.

President Mosby: Second. I have a motion and a second. So ordered.

The meeting was adjourned at 6:50 p.m.

CONSENT ITEMS:

Employment Changes:

Knight Assessor	Circuit Court	County Highway
Public Defender	VCCC	Burdette Park
County Clerk		

Travel Requests:

SWCD	Health Department	Election Office*
Voters Registration*		
*Deferred until 9/10/01		

Requests for Service:

County Clerk	DADS
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Recorder:

Sub leases for departmental space.

Treasurer:

Submit monthly report.

Auditor:
WIC Grant Agreement Renewal.

Pigeon Assessor:
Declaration of Surplus Equipment.

Sheriff Department:
Declaration of Surplus Equipment.
Weekly Jail Information and Reports.

Those in Attendance:		
David W. Mosby	Catherine Fanello	Richard E. Mourdock
Jay Ziemer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	John Stoll	Bill Jeffers
Dave Gumbiner	Phil Lawrence	Tom Norton
Ralph Kissinger	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
September 10, 2001**

The Vanderburgh County Board of Commissioners met in session at 6:05 p.m. this 10th day of September, 2001 in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for September 10, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: First item approval of the minutes of the August 27th meeting.

Commissioner Mourdock: Motion to approve.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Bill Jeffers: Re-Precincting Phase

President Mosby: Bill Jeffers, Redistricting.

Bill Jeffers: Bill Jeffers, County Surveyor, on the Reprecincting project. We have some more maps for you today, basically the same thing, one correction, involving Center precinct 11 and Center precinct one, where I neglected to remove a dividing line. That's been corrected and this is the final version. It's been provided to both the Democratic and Republican representatives in the Voter Registration Office with the hope that they will transmit those to their party chairman. It was a very simple line correction. We have completed, as of today, and brought down to your office the precinct summary statements, so far as we are able to complete them. There is one for each precinct. We have 139 precincts with voters. Three precincts have no population and no registered voters, for a total of 142. We do have the shape files, which are the electronic data that will be transmitted to the Election Commission showing all 142 precincts for their approval. There's still some information on the precinct summary sheet form, IEC-8, that will have to be filled in by others, and you have employees and there are employees from other departments currently filling that in. Michelle Brzycki, the Democrat representative, from the Indiana Election Commission, and Spencer Valentine, who, I believe, is her supervisor, along with a Republican attorney from the Indiana Election Commission, as required, will be here tomorrow at 1:30 p.m. in our office to look over the

information we have. Each IEC-8 form is also accompanied by–

Linda Freeman: (Inaudible. Not at mike.)

Bill Jeffers: –it's an attachment that shows which census blocks compose the precincts and acts as the legal description for the precinct, and it shows the total number, the total population for each precinct. When totaled it matched the total population given by the U.S. Census for Vanderburgh County, so we hit our mark on that. The deadline for all your submittals of these maps and documents and accompanying data is September 19th. On September 27th, the Indiana Election Commission will have it's meeting at which we hope our proposal is approved. I believe it requires proposed order establishing precincts in Vanderburgh County, which I believe your counselor, Philip Hayes, has drafted. That would go with them tomorrow, if it's passed tonight. It will have to be passed by the 19th, so you have tonight or next Monday to do so. We will transmit that to them when it's ready. I also provided Mr. Hayes with copies of each of the two letters that went to the Vanderburgh County political chairpersons of each party. That goes with it to show acknowledgment that they received the maps as required by the Indiana Election Commission. I would like to say, again, that we were very happy that you asked us to participate in this, but I would like to point out that the person in our office who did the lion's share of the work in manipulating the data and creating these shape files was Linda Freeman, our Executive Chief Deputy. She could not have done that without the help also of Tony–

Linda Freeman: (Inaudible. Not at mike.)

Bill Jeffers: –Pardon me? Oh, excuse me, Matt Arvay, GIS Director, came down there on a daily basis, helped us create the shape files. Also this information could not have been compiled today for you without Tony Bushrod and Connie Carrier's help. They were very instrumental in getting these forms filled out in one week with all the Voter Registration, the new Voter Registration counts for each precinct. There were others that helped in this project, so your gratitude should go out to them as well.

Commissioner Mourdock: Bill. A couple of questions, Bill. First of all, you said that there were three precincts that did not have any registered voters in them?

Bill Jeffers: That's correct.

Commissioner Mourdock: I'm sure it's an obvious answer–

Bill Jeffers: There's a reason.

Commissioner Mourdock: Yeah, there is. What is it?

Bill Jeffers: Okay, one for example would be what we call Ward 6, Precinct 0–

President Mosby: I was just going to ask that.

Bill Jeffers: –it's called, it's always been a joke, kind of, but it's called 6-0. It's in Center Township rather than Pigeon Township, but it's outside, it's inside the corporate boundary, but–

Commissioner Mourdock: Why is it set up as a separate precinct?

Bill Jeffers: –because it's not part of Pigeon Township. It's in the City and everything around it is either County or Pigeon Township. So, it is one census block–

Commissioner Mourdock: Ah.

Bill Jeffers: –an unpopulated kind of a –

Commissioner Mourdock: Okay, that's all I wanted to know.

Bill Jeffers: –island sandwiched in between two creeks and a corporate boundary. Then, of course, Pigeon one and two, same type of situation. They are surrounded by other, townships other than Pigeon, they are surrounded by Perry and Center, but, so they can't become a part of those two townships, however, they are outside the City limits and can't be considered a City precinct.

Commissioner Mourdock: Okay.

Bill Jeffers: Then we have one precinct that has nine registered voters living around the marina in the new development on the outside of the levy. So, they are outside the corporate boundary. So that is a small precinct with nine voters. These are just precincts that result as a function of the rules that govern–

Commissioner Mourdock: Right.

Bill Jeffers: –political division.

Commissioner Mourdock: Okay. Second question then, when you started your discussion you said that these maps are, I don't know what your word was, substantially the same, or something. Excuse me. I had met with Bettye Lou today, she was okay with the precincts that she had seen. I just, have you spoken with her this afternoon about the relatively, what I presume are relatively insignificant?--

Bill Jeffers: The only change is what was shown previously as C-11 and C-1, should have all been C-1, or C-11, excuse me.

Commissioner Mourdock: Okay.

Bill Jeffers: There was an extension line that showed up in the digital data as something different than the rest of the precinct lines and it didn't–

Commissioner Mourdock: Okay.

Bill Jeffers: –we weren't, we didn't punch the right button to clear that line, because–

Commissioner Mourdock: Okay.

Bill Jeffers: –the census data map had it–

Commissioner Mourdock: Okay, last question–

Bill Jeffers: –on there as an extension line. It was the only extension line that we had in the entire County, and when we tried to get rid of it we used the wrong command.

Commissioner Mourdock: Last question then, given that you have the folks coming in tomorrow from the state, I came here this evening expecting that we would go ahead and act on these precincts. Do you, is it your thought that, or your suggestion that you want to meet with the folks from the state tomorrow and then we do this next Monday so that would still meet the 19th deadline? Or are you thinking we should do it prior to their reviewing?--

Bill Jeffers: I'm confident enough that if you're easy with it, we could go ahead and do it tonight. If they happen to reject it, we could come back with an amended request next Monday.

Commissioner Mourdock: Yeah.

Bill Jeffers: I would like to get as much of a jump on it ahead of the other...I mean, we're a big county. I would like to get us in before they are jammed up with proposed--

Commissioner Mourdock: Right.

Bill Jeffers: --precincting orders.

Commissioner Mourdock: Yeah, we are one of the first from the group, the timetable they put together, ours is in the first group going forward, so that may play to our advantage.

Bill Jeffers: I wouldn't mind being the first county approved.

Commissioner Mourdock: Yeah.

Bill Jeffers: So that our Clerk can get on with her business of preparing the ballots, and the precinct committeeman from both parties know where they live now and can file--

Commissioner Mourdock: Uh-huh.

Bill Jeffers: --for their election and, oh, the other thing I would like to touch on is there may be a need to make some minor adjustments to the Commissioners districts to make sure that if some of them happen to follow old precinct lines that we've crossed, that at least they would conform to the new precinct lines. I hadn't thought of that until after we met two weeks ago, that there may be a possibility that we crossed a Board of Commissioners line--

Commissioner Mourdock: With a precinct?

Bill Jeffers: --by combining a precinct or something.

Commissioner Fanello: I think--

Bill Jeffers: We may have to look at that for you as well as any other redistricting that you have in mind.

Linda Freeman: (Inaudible. Not at mike.)

Bill Jeffers: So the sooner we can get these approved, the quicker we can do the

following jobs you may have for us.

Commissioner Fanello: I'll go ahead and make the motion to approve the reprecinting as submitted by the Surveyor's office.

Commissioner Mourdock: I will second and pass along Mrs. Jerrel's compliments to the two of you and everyone else involved—

Bill Jeffers: And there were many other people involved.

Commissioner Mourdock: Yeah, her comment was that there were a couple of little ones that she might talk to you about, but it was nothing that she saw at all that was of any great concern with the precincts, so I will second the motion.

President Mosby: I have a motion and a second. So ordered.

Philip Hayes: Bill if I could ask, we have an order prepared then establishing the precincts and I'll just see to it that the Auditor collects the signatures today. I was going to do that in several copies originally so that their would be one available for, the election division attorneys would like to have one. The statement of notification also then can be signed by the President only. It has an exhibit which is the referred to correspondence that the Surveyor sent by certified mail to both chairs. If you have anything supplemental to that, you said that the supplemental tweaking of lines was simply sent down to the Election Office?

Bill Jeffers: Yes, sir.

Philip Hayes: Okay, so if there is a memo or anything else, that could be handled just by attaching it. The notifications are not by rule, not by statute, they are by custom established through the Election Commission. It's something they like to do, so they are not going to be, I'm told, terribly strict about that. One other question, on the precinct summary, if you just sign all copies of that, Mr. President, and then they can be taken by Bill tonight, if all of you have signed all the orders and the Auditor's attested that. On the precinct summary statement that you handed probably, Linda, there was this item, and I don't know if that requires—

Linda Freeman: (Inaudible. Not at mike.)

Philip Hayes: —any kind of action?

Linda Freeman: (Inaudible. Not at mike.)

Philip Hayes: School corporation does?

Bill Jeffers: Those would coincide with the Commissioner boundary lines.

Philip Hayes: Okay.

Bill Jeffers: That is why I left it blank, and that is why I mentioned that tonight—

Philip Hayes: Oh, I see.

Bill Jeffers: —because we did not examine to see if a precinct may have—

Philip Hayes: So you—

Bill Jeffers: —inadvertently crossed one of those lines.

Philip Hayes: So you will handle that issue at your meeting tomorrow then?

Bill Jeffers: Yes, sir.

Philip Hayes: Okay. Then on the back, Linda, all of the—

Linda Freeman: (Inaudible. Not at mike.)

Philip Hayes: —all of this is going to be taken care of tomorrow then? Or rather —

Bill Jeffers: Or some for completion.

Philip Hayes: —final action, okay, on the 19th.

Linda Freeman: That's when all of the paperwork has to be submitted. The 27th is the actual meeting date.

Philip Hayes: I see.

Bill Jeffers: Some of these were left blank because we didn't have the answers. We got one today from the Deputy County Clerk. The date of the first election cycle is the date of the May primary 2002. So, that came to us today and we'll be filling that in. There is some other blanks that we were waiting for information for, and we'll handle as many of them as we can tomorrow with the Indiana Election Commission representatives.

Philip Hayes: Okay, and so the precinct summary statement that has been furnished to the Commissioners tonight is just simply for our records?

Bill Jeffers: That is what, that is the nature of it's completeness as of today.

Philip Hayes: Alright. Very good. We'll hold on to that. I see Tony is here tonight, Bushrod, and Chairman Melchoir have any comments that were known to you?

Tony Bushrod: (Inaudible. Not at mike.)

Philip Hayes: Alright. Very good. Thanks, Bill.

Bill Jeffers: I would be happy to send a copy of the memo to both chairpersons, if you would like for me to as well.

Commissioner Mourdock: Sure.

Bill Jeffers: About the fact that that one inadvertent precinct—

Philip Hayes: I think that would be appropriate, because the notifications they've gotten show hard data, so I think any change should go ahead...as I mentioned, it's not a rule, it's not an administrative rule, it isn't anything other than a request, and it goes a long way, I think, toward avoiding any misunderstandings—

Bill Jeffers: Right.

Philip Hayes: –according to what I was informed by the legal office at the Election Division. So, that would be fine.

Bill Jeffers: Okay.

Commissioner Mourdock: One other bit of business I'll bring up at this point since it's election related. One of the things we set Bill and his staff up to do is to see if we could realistically reduce the number of precincts, which they did quite admirably, from 167 to 142. I was contacted this week by Christopher Lee who is the attorney for the Election Board, and we have a bit of a decision we need to make. I've prepared a letter and put it in the file tonight, but because the need for voting machines will be there in 2002, and because we still are not certain what the state is going to do with it's reimbursement program to help counties buy new machines or lease new machines, it was suggested, and I think it's a good suggestion, that we go ahead and lease for at least one year the voting equipment we've used in the past. The company we've leased with, and we don't own any equipment, all the equipment that we use in election years is leased, but I think we need to start that process. So I've included that document in the file and I think we need to give them some direction to get going, especially now that we know how many precincts we'll have.

Commissioner Fanello: Do you need a motion for that?

Commissioner Mourdock: I'll move that we sign the letter as drafted.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Thank you, Bill.

**County Engineer: Permission to Open Notice to Bidders on
VC01-09-01: Repair and Repaving of Eissler Road**

President Mosby: County Engineer, permission to open Notice to Bidders on repair and repaving of Eissler Road.

Commissioner Mourdock: Those packages were already submitted, so I'll move that we direct the County Attorney to go ahead and open those bids and review for his report.

Commissioner Fanello: Second.

President Mosby: Motion and second to open the bids.

**Tom Norton: First Reading & Public Hearing Regarding
Vacation of Easement Located at 2125 Glenview Drive**

President Mosby: Tom Norton, first reading and public hearing regarding vacation of an easement located at 2125 Glenview.

Tom Norton: Thank you, Mr. President.

President Mosby: Okay, go ahead.

Tom Norton: Good evening, I'm Tom Norton, I'm a local attorney and I'm representing EDC Investments LLC. The managing member of EDC is with me here tonight, Eric Dodd, immediately to my left. As the agenda says this is an attempt to, or seeking your permission to vacate an easement. More specifically, a couple of small public utility easements. To put you in the general area, where they are located is on outer St. Joe Avenue about a half mile south, or a mile, half mile south of the County Garage. The first portion of the easement which we seek a vacation for is in Glenview Industrial Park, and if I may, a picture is worth a thousand words, give you copies of Glenview Industrial Park. My client owns lot seven which is shaded in pink, and then you will notice the orange stripe at the top on the north side of Glenview on lot seven, that is one of the easements, that's a 10' public utility easement, which is generally for sewers, small sewers, small electric line transmission, those type of things. Second half of this occurs in a subdivision immediately north of Glenview which is St. Joe Industrial Park, and my drawings aren't good on that particular one, I'll hand them to you, the top of the page would be north on the way I'm handing them to you. Part of the land that my client owns is shaded in green and then the immediate south portion of that you'll see a yellow shaded segment which is, that's the 15' public utility easement on the south portion of that property. The two properties adjoin one another, so when you put them together in one drawing they appear like this with the two public utilities in between, one in yellow and one in orange. Then the pink property below it is the Glenview and then the green is St. Joe property. So, my client has purchased these properties and they are now together and as you can see on that drawing he seeks to install a building which will straddle the two property lines and hence cross over the two easements. In order to facilitate the building of the same we are now seeking to now get those easements vacated so we can proceed with the building project. Notice has been issued to all surrounding property owners and to anyone within 200' of the area sought to be vacated. I furnished to the Auditor's Office a statement that there has been no objections. We've had no replies back on that. All utilities have been notified. Water Department and Insight did not reply to the notifications. Ameritech did and said fine. I think we furnished a letter to that effect. Vectren and Sigecom have both, they had a small guy wire into one of the easements, and we agreed and have given a separate private easement for that in exchange for their agreement to not object to the vacation of this public utility easement. Quickly I've said why we need it is to put a building at that location. That will end up being basically a general mechanical building for the trucks that are out at that location. We're here tonight basically because state law requires us to get a public utility vacation through this body. Having said all that, I think we'll just open ourselves for any questions you all might have. If there is any technical issues, Eric could perhaps handle them better than I could.

Commissioner Mourdock: Only question I have, Phil, maybe you can give us some guidance on the several that did not respond. You say you provided notice but they did not respond?

Tom Norton: Yes, the utilities?

Commissioner Mourdock: Right.

Tom Norton: Yes, the Water Department and Insight. This being an industrial subdivision, I don't think Insight would really have a dog in this fight anyway. They are in cable television. Why the Water Department did not, my obligation is to notify

them, why they don't respond or choose not to is something I have no control over.

Commissioner Mourdock: Right. There is currently no water line in that easement though?

Tom Norton: No. In fact, that's true, there is no utilities presently in there other than the guy wire that comes over slightly.

Commissioner Mourdock: No utilities of any kind?

Tom Norton: No.

Philip Hayes: Yeah, it, I tracked that down and I did have a chance to talk to Tom on it. The reason for their non response would be that they have no interest in it. I think we can presume that they would have checked their maps, so it appears to be a routine vacation of an easement that was originally dedicated on the industrial plat and then, Tom, this piece of ground has been severed, is that right?

Tom Norton: Part of the lot five has been a sub plat and this little portion that is on our property has—

Philip Hayes: Right.

Tom Norton: —yeah, that's been separated out.

Philip Hayes: So, the subdivision, the subdivision of the subdivision has occasioned the eradication of this line, so that you can get your building space in it. So from that standpoint it seemed routine enough.

Commissioner Mourdock: Yeah, there's no question in your mind that the legal need for notification has been met?

Philip Hayes: Yes, oh, the notification standard has been met, yes.

Commissioner Mourdock: On first reading, I'll move approval of the vacation of the easement located at 2125 Glenview Drive.

Commissioner Fanello: Second.

Philip Hayes: That's the other thing about the notification, the advertising has yet to take effect, has yet to be done.

Tom Norton: No, I believe—

Philip Hayes: Are we at the end of the line here?

Tom Norton: Yeah, we're at the end of the line.

President Mosby: Is this second and third reading?

Commissioner Mourdock: Yeah, you're right, because we had this one last week and the week before.

Madelyn Grayson: That was just permission to advertise.

Philip Hayes: Yeah, we had permission to advertise before.

President Mosby: So, I guess my question is though is this final reading?

Madelyn Grayson: Next Monday will be final.

President Mosby: Next Monday will be final reading.

Philip Hayes: Next Monday will be.

President Mosby: I'm going to express an interest or a concern here. If you don't have something from these utilities, I'm going to be very hesitant to vote for this.

Tom Norton: Well, as I said, we've got it—

President Mosby: I can't help if they haven't responded. You need to call them. I would like to see something in writing that they have nothing there. No future plans or use for this ground. Really I would like to see that with all the utilities.

Tom Norton: As I said—

President Mosby: I mean, I'm used to having something in my hand that tells me they been out there and looked at the site.

Philip Hayes: Generally, that would be right in terms of the way it's done initially, but I'm satisfied, and not that that's not a good idea. It could have been neglected out there and probably out of due regard for them we ought to give their engineering department a call. You can call Herb Butler and I think that ought to be forthcoming. Since this is a, since this is in essence a replat, I think is what you would call it, or a minor subdivision procedure you went through?

Tom Norton: I can't address to that because I wasn't involved in that.

Philip Hayes: Okay, by whatever device, you were allowed a combination. You've been allowed to combine and these design changes from the original plat are often required. You see them with roads where cul-de-sacs or eyebrows sometimes are eliminated. That wouldn't be a bad idea as a matter of practice because it could be that the others have over looked it and they may have something to trade out so.

Tom Norton: I do have one other final—

President Mosby: John, have you seen this? Did you sign off?

John Stoll: (Inaudible. Not at mike.)

Philip Hayes: Here's the copy. Here's one, John. Do you want to see it? There you go. Yeah, that's good.

Tom Norton: I do have the letters, I think I've already given them to the Auditor's Office and that's already shown...Ameritech has indicated they have no objections.

President Mosby: Because that is what I would want to see. I want to see something from Vectren, Ameritech, Insight, the County Engineer.

Tom Norton: I can't speak to Insight, they have not replied, I don't believe, and the Water Department has not. Those are the only two, but the five we are directed to issue notice to and that would be Ameritech, Vectren and Sigecom, Insight and Water Department. Ameritech, Vectren and Sigecom have replied, and based on the private easement which we have given to Vectren...Sigecom and Vectren had no problem with this, nor does Ameritech.

President Mosby: So, the ordinance doesn't state that you have to notify the County Engineer?

Tom Norton: I gave John separate—

Philip Hayes: John's seen it.

John Stoll: I didn't respond in writing because it was a utility easement and typically we don't have any involvement in utility easements, but I can submit something in writing if you would like.

President Mosby: I would just prefer that. I mean, over in the City we always had the engineer sign off.

John Stoll: Okay.

President Mosby: I mean we always got letters from everybody. I mean, in the city we even had the City police and fire sign off. Where I don't think it would hurt to have the Sheriff and the volunteer fire department signing off here. That is something we will have to deal with, but—

Tom Norton: I just wanted the Commissioners to know we followed whatever directions were available to us from the package that goes with these type of vacation proceedings.

President Mosby: I just don't want somebody coming back saying, well, we didn't respond to that and we intend to run a water line right down through there and then we have to come back and try to buy property or whatever. So, I mean, that is going to be my concern that Water and Sewer has no future use out here.

Tom Norton: I would say east of there is probably nothing to extend to. I don't think there is even anything there that anybody would want to extend to. There is a rail line right next to this property.

Eric Dodd: There's a railroad easement—

Philip Hayes: Well, this is an on-site easement, not an off-site, so I don't think they would be coming across. They've got an administrative rule against crossing property lines with a force main, so they wouldn't be able to do that.

Tom Norton: I mean really the only property that these easements serve is my client—

Philip Hayes: Exactly.

Tom Norton: —more than anybody else, and he's willing to let them go so he can build his building.

Philip Hayes: Yeah. Why don't you go ahead, Tom, and comply. I think as a matter of practice it doesn't hurt to do that so that we've got some uniformity. I hate to, I don't want to put a rule on you after the fact. A couple of phone calls probably wouldn't hurt. If you need any assistance with that, feel free to call me or John.

Tom Norton: Just to Insight and the Water Department?

Philip Hayes: Well, yeah, uh-huh, that would be Herb Butler. Is there, well, that would be sewer, Water and Sewer.

Tom Norton: Then we'll be back here—

Philip Hayes: You're coming back, I think—

President Mosby: That would be Monday, I guess.

Philip Hayes: Yeah, your motion can be subject to the, subject to your satisfaction as to notification.

Commissioner Mourdock: For first reading I don't know that we even need to make it conditional. David's expressed his concern—

Philip Hayes: That's right.

Commissioner Mourdock: —and they have to deal with that prior to final.

President Mosby: It will just be when we vote next week.

Philip Hayes: If that will take care of it, yeah. Then we will be glad to assist you in the process, if you would like to get—

Eric Dodd: All we need is Insight, County Engineer, and Mc Cutchanville Volunteer?

Philip Hayes: That's your volunteer Fire Department?

President Mosby: It don't state that we have to have that. I'm not as concerned about fire and police right now as I am just making sure that we have—

Philip Hayes: Yeah.

President Mosby: —making the utilities and the County Engineer.

Eric Dodd: That would be Insight, the Water Department, and the County Engineer.

Commissioner Mourdock: Right.

President Mosby: And the County Engineer.

Philip Hayes: Yeah.

Tom Norton: Will our attendance be necessary at the next meeting? Is there a need for more discussion from us, or other than presentation of these items? Not that I'm having any hesitancy about being here, but I just want to make sure.

President Mosby: No. If we get the information, I won't have a problem.

Tom Norton: Thank you very much.

President Mosby: I have a motion and a second. So ordered.

<p>Opening of Notice to Bidders VC01-09-01 Repair and Repaving of Eissler Road</p>
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President Mosby: I guess go back to the opening of the bids.

Philip Hayes: There are two responses on project VC01-09-01, and first response is from JH Rudolph and Company Incorporated. I've lost my place. Total amount on JH Rudolph is \$55,187.20, itemized proposal. The second response on the same invitation is E&B Paving Incorporated. Their non-inclusion affidavit and appropriate bond information is here. Their total itemized proposal is \$53,332.78.

Commissioner Mourdock: I'll move...thank you...I'll move we take the bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Sure.

(Tape Changed)

<p>Rose Zigenfus: Lloyd Expressway Report</p>
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President Mosby: Any other group or individual wishing to address the board?

Commissioner Fanello: I think Rose, I think Richard asked Rose to give an update on the Greenriver Road and a couple of projects that were reported on last week.

Commissioner Mourdock: Yeah, it wasn't Greenriver as much as—

Commissioner Fanello: Or the Lloyd, yeah.

Commissioner Mourdock: —the Lloyd. Rose having seen the headline the other day about two year delays of working through the Lloyd, my concern is how much we know about that at this point, and is there anyway that we can short cut those times? I guess I'll start my comment with what I ought to end it with, which is recently up on the northwest side of Indianapolis they did something like \$50 or \$60 million worth of work on 65 where it comes into 465, and they did that on, I believe, a design build basis. It allowed the whole project to get done far, far, far ahead of what their projected deadline was. As we've spoken before with some state projects locally, I would like to know what we see them doing? Or what we can have them include in that bid to expedite this process? I'm wondering if they are looking at 24 hour a day operations or whatever? So, with that, I will turn it over to you.

Rose Zigenfus: Okay. I don't know where you want me to start or how much you

want me to repeat what was in the, in the news from the policy committee meeting, but in essence there are two projects; the elevation of the Lloyd at Boeke Road and the Greenriver Road interchange modification that is going to occur. All of that is going to happen at the same time. They are going to begin the interchange and the Boeke Road the first year. Then as they complete Boeke Road, they will continue with the interchange for the second year. They are going to narrow...during phase one and phase two, traffic is going to be maintained on the existing pavement, while the shoulder and the median are replaced in preparation for the shift in traffic. That's the first phase of getting it ready. During phase three then, traffic is going to be maintained on the east bound lanes with two lanes in each direction, while the west bound lanes are constructed. Both the west bound off ramp and the east bound on ramp at Boeke Road will be closed. Left turns will not be permitted at Vann during construction at all. Vann Avenue north of Lloyd and the east side of Vann, south of the Lloyd will be reconstructed. Traffic south of the Lloyd will be shifted to the west side of Vann with one lane in each direction provided. You can stop me anytime.

President Mosby: I'm just picturing all of this.

Rose Zigenfus: I know, and it takes a little bit to picture it. I have drawings, but I don't know if it's conducive to lay them out up there and show you this. Would you prefer that?

Commissioner Mourdock: My question is more about the process. I'm sorry. My question comes back more to the process of how this is going out more than the actual work. I mean, the phasing has to be done as it has to be done just from the nature of the construction business, but what are we doing to expedite? Why should I believe, and this isn't a question for you as much as it is to the state, why should I believe that this project should take two years as opposed to something less?

Rose Zigenfus: Well, the majority of the work is at the interchange, and the project includes elevation of the Lloyd Expressway by about 4' to 5', and it includes expansion of the bridge. So, they are building the bridge up and out to allow for the double left turns in all directions. I believe that INDOT is going to make every effort to either stay on schedule with the two years time frame that they are looking at or shorten it. They have not gotten to the point where they have written the contract. This project is scheduled for a November-December letting. At that point they will begin to write the contract, and at that point we hope to be involved so that we can tell them we want...I don't know if we are going to want around the clock construction because of the residential area that is very close. If you do around the clock construction, you know, you are causing a lot of noise for the neighbors in that area. So, I don't know what's going to be permitted, but we are going to look at those kinds of things to expedite the project. I mean, we have to. Now, I think INDOT is interested in doing those kinds of incentive or decentive efforts because they took a beating on the Lloyd Bridge. I mean, and they deserved it. They deserved that, but I think that, you know, they are wary of that and they want to make amends so to speak. I'll quit there.

Commissioner Mourdock: Again, the process question, I guess, it's not just the County Commission here, but something we will probably need to work with the Mayor's Office and the City Engineer's Office as well. Rose made the comment about we hope to be involved, you know, I would scratch that word hope and, quite frankly, say we demand to be involved—

Rose Zigenfus: Uh-huh.

Commissioner Mourdock: –because I think the history of what the state has done on the Lloyd as far as everything from going over Pigeon Creek out here a few years ago to flooding out on that side of town, I mean, I just don't have the greatest faith in the DOT, and I know they are going through a lot of changes up there as well right now. So, by the way, when you say they are going to raise it 5', was there any comment made about the flooding problems we've had in the past out there? Lake Lloyd?

Rose Zigenfus: Yes, and that's the reason for the elevation.

Commissioner Mourdock: Okay.

Rose Zigenfus: Because they want to correct, I mean, they know that that was a problem and they made a mistake in the engineering of that.

Commissioner Mourdock: I guess my point is, if the water is not going there...we hear this at the Drainage Board meetings every week, if the water's not going there, it's going someplace else, and this someplace else now, if it's not going there is it going to be in somebody else's yard and somebody else's basement. You know, those are the kind of things I think we have to be involved in, because we will be involved one way or the other if it's done wrong, believe me. So, John, do you have any thoughts on the contract specs here as far as 24 hour day operations or any other part of it you would like to comment on? Rose, you are free to say more if you'd like.

John Stoll: If we were in Marion County, sure, we'd be fine.

Commissioner Mourdock: Bad answer, John, bad answer.

President Mosby: Truthful, but bad.

Commissioner Mourdock: Correct.

John Stoll: I really haven't been that much involved with Rose on that simply because it's all within the City limits that they are doing right now. I know whenever the Fulton Bridge was originally put under contract we had requested that that be a flat counter day completion contract and they did make that change–

Commissioner Mourdock: After they told us it wouldn't work that way, and then they bid it and we actually got a cheaper price.

John Stoll: Yep. Too bad it turned out the way it did as far as the delays, but I mean as far as–

Commissioner Mourdock: It wasn't because of the contract.

John Stoll: –right, the original scope of the contract they were within six to seven weeks of having it done when the pier shifted. So, they at least were receptive to making that change. Now how they would have treated it on a contract that is all INDOT money as opposed to local money involved, I really don't know.

Commissioner Mourdock: Well, your comment if it were in Marion County we know how it would work. I mean, I think that's the attitude we have to have. This county is every bit as good as Marion County. Our tax dollars are worth just as much to us

as theirs are to them. We have to hold firm to make sure we get this project done in less time, not more time.

Rose Zigenfus: I will carry that message. I mean, I will relay your message. I think your right.

Commissioner Mourdock: How can we best relay that message.

Rose Zigenfus: Would the Commission like to do something official in writing? I mean, I think that that's appropriate if you want to do that.

Commissioner Fanello: I was also going to say that we got a letter the other day which I was going to pass along that this Thursday INDOT is having a meeting in Vincennes and they are inviting anyone to come and speak about projects or anything we want to talk about. So that is...they are having two sessions on Thursday, one from 2:30 to 4:30 and another one from 5:30 to 7:30.

Commissioner Mourdock: I won't be able to do that, but I will certainly have a letter ready representing at least this board members position. Tammy, if you don't mind I will e-mail that to you and then if you will make sure it gets up there, that's a start. I will certainly leave extra blanks on that letter if both of you would like to sign on, because I just have a bad feeling about this. I have to tell ya. Those who fail to learn the lessons of history are doomed to repeat them. We've all heard that one. I just want to make sure we get this thing done right.

Rose Zigenfus: We are going up to the meeting in Vincennes on Thursday.

Commissioner Fanello: John, are you planning on attending?

John Stoll: Yeah, I've got a travel request turned in.

Commissioner Fanello: Okay.

President Mosby: You're going to the one in Vincennes on Thursday? Okay.

Rose Zigenfus: That is also an opportunity...it's their annual call for projects. I brought the information because I didn't know if you had that. So, that if there are some projects that you would like to see initiated, this is the time to communicate that also. The one thing that we are going to be suggesting to them, and we feel rather strongly that it's a necessary project, currently the project along the Highway 41 corridor from Diamond Avenue to Boonville New-Harmony Road calls for added travel lanes and improvements at various intersections. We would like to see the six laning of 41 carried all the way through into Gibson County beyond Warrenton Road and then they can taper it down wherever they like. That interchange currently is quite heavily traveled given the trucks and the three truck stops that are right there. Currently we are also doing rural planning for Gibson County so we've seen the need extend into that area. We think, you know, if you make that request now of INDOT to six lane Highway 41 all the way into Gibson County, probably in the next seven to ten years we might see that occur. We are not going to see it less than that, because this is the time when they initiate new projects.

Commissioner Mourdock: Uh-huh. Have we gotten any feedback from them given current budget dilemmas? How any of that is going to come into play with these?

Rose Zigenfus: No.

Commissioner Mourdock: Because I can't imagine them being nearly as aggressive as you mentioned five or six years in the future. I think they are going to hold their breath in the next year to see what happens before they go five to six. Not to say we shouldn't still put plans forward.

Rose Zigenfus: Right. It will just mean it will be pushed out like we've seen the project on Lloyd and 62 and Diamond Avenue has just been, you know, pushed out year after year.

Commissioner Mourdock: Uh-huh. Have we ever tracked projects in Marion County and the surrounding counties and how far they are pushed out versus ours?

Rose Zigenfus: No, I've never looked at that. It's probably a good thought.

Commissioner Mourdock: Yes, that would be interesting to see, because I think we need to quit playing Mr. Nice Guy and get more aggressive on how we demand our funding up there. I know there's more votes up there and I know there's more people up there and all that, but—

Rose Zigenfus: Uh-huh.

Commissioner Mourdock: —what is it the Lloyd right now is the second most traveled section of highway in Indiana, is that right? On car counts. I heard something along those lines the other day. Is that accurate?

Rose Zigenfus: No. I don't know.

Commissioner Mourdock: Okay, I thought I heard that said, so.

Rose Zigenfus: I can't imagine that we've got more traffic than the Boorman or 465.

Commissioner Mourdock: That's why it stunned me when I heard it.

Rose Zigenfus: Yeah. I can't imagine that.

Commissioner Mourdock: Well—

Rose Zigenfus: I mean, we have our fair share down on the Lloyd between Boeke and Vann there's almost 70,000 cars a day.

Commissioner Mourdock: Right.

Rose Zigenfus: So, I mean, that's a substantial number.

Commissioner Mourdock: It's not obviously spread evenly around the clock either.

Rose Zigenfus: No. The project, like I said, is on a letting for November and December with construction, hopefully, in the Spring. The cost is somewhere in the neighborhood of \$7.5 for the Boeke-Vann improvements and \$8.8 for the interchange. The interchange is being built with national highway, NHS, funds which is National Highways of Significance money, designated only to the Lloyd and to the Interstate and to 41. It's not taking away from other regular road money.

Commissioner Mourdock: Uh-huh.

Rose Zigenfus: I think two important things to maybe remember is that, number one there will be no left turns on to and off of Vann Avenue during this time period—

Commissioner Mourdock: Yeah.

Rose Zigenfus: —and that the Boeke Road on ramp is going to be closed during the duration of the Boeke project.

Commissioner Mourdock: That, when you mentioned that previously, and you made a good point about the possibility of residents having less than a full desire to see 24 hour a day operations, but by the same token they are the same people who aren't going to be able to make those left turns, because that is how they come out of there to go to work. So, it seems to me we have to do whatever we can to speed this thing along. So, as I say, no more Mr. Nice Guy. If we have to do something different with INDOT.

Rose Zigenfus: There is only one ramp at the Greenriver Road interchange that will be closed and that is the west bound off ramp, and that will be for about 14 days. Going back to the Vann Avenue area, when there is a stadium event, the barrels that will be blocking that left turn lane, or that ability to make left turns will be removable so that when there are stadium events, the stadium people or police can remove those barrels and allow traffic to flow in and out of that area. I might say too that in preparation for all of this there was a meeting back August the 15th and various agencies were represented. We had the School Corporation, the Police Department, the Sheriff's Department, the Fire Department, EMA, the City Engineer, Transportation and Services for the City, Board of Public Safety was there, Roberts Stadium people were there, so that everyone is aware of what's going to be happening and we wanted input from everyone. What we are going to try and do is utilize the electronic message board signs more effectively. We need to get Central Dispatch involved in that as well as the contractor. Let's see, what else? It's been a concerted effort. There has been a lot of people involved. We don't want to make the same mistakes that we made before. We want to get it done as quickly as possible.

Commissioner Mourdock: I'll just conclude by saying, I'm encouraged that they are not at the contract letting stage yet, and that the contract hasn't been written. It's been my experience, and feel free to comment, but if they are telling us now that it's going to be on the November letting, it will probably slide a month or two past that anyway—

Rose Zigenfus: Yeah.

Commissioner Mourdock: —so we do have time to get our comments and concerns in there, and I will certainly say something more to the Mayor, and, David, you might want to pass something on to your ex-cohorts on the City Council to make sure we are well represented on this one.

President Mosby: Okay.

Commissioner Mourdock: Thank you.

President Mosby: No problem. Questions? Thank you, Rose.

Rose Zigenfus: Your welcome.

President Mosby: Appreciate it.

Rose Zigenfus: Alright.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?
Seeing none. Go ahead.

Commissioner Fanello: Did you already come to the Commission meeting? Okay.
Well, I knew I'd seen you at the Council meeting. Short memory.

John Stoll: County Engineer

President Mosby: Okay, Department Head Reports. Did you have something? Oh,
I thought you had something. County Engineer.

John Stoll: First of all I've got a request for street and storm sewer acceptance in
Phase One of Section Two of Stonecreek Subdivision. The streets that are
requested to be accepted are 329 linear feet of Cayes Drive and 142' of Granfield
Court. It's recommended these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Also in that same subdivision we've got a request for storm sewer
acceptance outside of streets rights-of-way. This for a total of 575' of storm sewers
at \$2.00 a foot. The fee was \$1,150, and we have received the check, so it's
recommended that this be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I would like to recommend that contract number VC01-08-03, the
Vanderburgh Industrial Park Railroad Spur be awarded to Koberstein Trucking for
the amount of \$949,900.

Commissioner Fanello: We'll need to discuss that for a second. The Commissioners
are going to have to front the whole project money because the Council has not put
their money in place as they had said they were going to do, and that has not been
done as of this date. So, we are going to have to write a money, write a purchase
order for every dollar we have right now available in Riverboat. The grants that
we've applied for from the state, one of the grants has been received by the state
and that is, we will be reimbursed as the project moves along. The other grant is in
the process and Mary Wildeman and Jane Reel in DMD are working on that along

with getting some details for that grant. So those are all taken care of and in the process, but in order to keep...go ahead.

John Stoll: I was going to say, and we did receive the \$176,000–

Commissioner Fanello: Yes.

John Stoll: –from the Industrial Foundation.

Commissioner Fanello: Yes. So in order to keep this on the time frame, the rail spur is supposed to be completed by, I believe, January 31st?

John Stoll: Correct.

Commissioner Fanello: 2002, so in order to keep this on schedule because there are penalties involved in that if it's not completed on time, penalties for lack of a better word, you can explain it a little bit better if you want, but it looks like we are going to have up front the whole thing. I did talk to Councilman Winnecke today and I am going to turn in an appropriation for the Council to appropriate the money to put back into our accounts, but we are going to have to up front everything until we get our reimbursement.

Commissioner Mourdock: So is that then, in defining the problem, just that we had not had the appropriation request in? That we had not filed the appropriation request?

Commissioner Fanello: Well, I don't know why we would have needed to put the appropriation request in, because the Council was the one who decided to give the money. I mean, if it was...I've been talking to several Council members for about three months now to get this done, and I was told I need to talk to so and so and so and so to get this done. So, the point being, we have to write every dollar out of our Riverboat. We're not going to have any money to spend out of Riverboat until we get reimbursed back from the Council.

Commissioner Mourdock: Right. Go ahead.

Suzanne Crouch: I think you just file an additional appropriation. Maybe that was kind of a communication gap that happened.

Commissioner Fanello: No, that's not the communication I had when I talked to the two Councilmen that I talked to. They were going to take care of it. I don't know that it was our responsibility to take care of it. If it was, that's fine, we would have done so, but I was told by those Councilmen that they would talk to their other Councilmen and get everything completed, so.

President Mosby: I was going to say I had conversation with–

Commissioner Fanello: Yeah.

President Mosby: –the Finance Chairman, and he assured me in a meeting with Lloyd Winnecke that this would be taken care of and that they would pay it, and I guess, evidently, they failed to appropriate the money. I don't know.

Commissioner Mourdock: Yeah, well, I'm not looking to make a big deal here, okay.

It sounds like if we had formally done a Council call, that we wouldn't have this present problem, is that right? I mean is it simply a procedural thing? Is that what—

President Mosby: Two months ago is about as much time as you can give somebody.

Commissioner Mourdock: I understand, but I'm just saying—

President Mosby: It's more than three months ago that I talked to them.

Commissioner Mourdock: —and again, I'm not trying to argue, I want to move past this quick. I'm simply saying if we need, as we often do, or I know we've done several times in this year, and certainly have done many times in past years, if we need to formally do the Council call to have that happen, then that's, I guess, the lesson learned.

Commissioner Fanello: Well, I agree with you on that, except for the fact that I was told not to do anything until this Councilman talked to his other Councilmen, so I was told not to do anything until that was done, and it was never done, so. Other than that, I will make a motion to award the bid and we'll get the purchase order—

President Mosby: Well, how much money are we talking about here?

Commissioner Fanello: We're talking about \$900—

John Stoll: \$49,900.

Commissioner Fanello: I don't even know if we have enough money—

President Mosby: I was going to say, do we even have that much money in Riverboat is my question to you?

Suzanne Crouch: I would have to check to see what you have available in Infrastructure and Economic Development. You do have \$600,000 that's unappropriated.

Commissioner Fanello: But we can't really write the—

President Mosby: Well, I mean, do we need to take a recess so you can check? I mean, we are going to have to. We can't okay this—

Suzanne Crouch: I would think that you probably could check off of your reports.

Commissioner Fanello: I could run back there and check real quick. Could you go ahead and explain the time since—

John Stoll: Yeah, I was going to say, I believe there was in excess of \$450,000 in each of those accounts. Combine that with the \$176,000 check we received, as far as I know there's enough money in there to cover it. What Catherine was talking about in regard to time frames, the contract has to be...the rail spur has to be available for Graham's use by January 31st or there is a \$650 a day liquidated damages clause for the contractor. If we waited until the next Council meeting before the money was appropriated, then we would be delaying the contractor another month and I think we would be hard pressed to ever get that liquidated

damages assessment if we delayed it for a month.

Commissioner Mourdock: It's based on that hard date of what did you say January?

John Stoll: January 31st.

Commissioner Mourdock: 31st.

John Stoll: The biggest problem we are going to run into this time of year is the weather—

Commissioner Mourdock: Sure. It's always at our option to impose liquidated damages. I mean, if he doesn't meet that date because of our error, we certainly have—

John Stoll: Right.

Commissioner Mourdock: —the possibility not to have that as a fighting issue.

John Stoll: That was—

Commissioner Mourdock: It makes sense that we not do that.

John Stoll: That was something that was set up by the Industrial Foundation on the basis of that was what it was going to cost Graham to bring in their materials by truck instead of by rail, and they came up with that figure before they passed this project on to the County. So, whether that is an accurate figure or not, I couldn't say for certain—

Commissioner Mourdock: But that does give it a different wrinkle.

John Stoll: —but that is what it's based on.

Commissioner Mourdock: That does give it a different wrinkle.

Philip Hayes: John, and the liquidated damages proportion of that agreement is split three ways. Is that your understanding?

Commissioner Mourdock: The County, the VIP, and—

Philip Hayes: and Graham, right.

John Stoll: No, the change orders.

Commissioner Fanello: That's change orders only.

President Mosby: The change orders are split three ways.

Philip Hayes: Well, three ways on the change order, but this is not, this is not considered part of it?

Commissioner Mourdock: Liquidated damages?

Philip Hayes: The liquidated damages portion is not part of the change?

Commissioner Fanello: I don't think so.

Philip Hayes: The clause?

John Stoll: I see what you are getting at, if liquidated damages were assessed then where would that money go? Would each party get a third of it? Or would it all go back to the County, since it's the County's contract.

Commissioner Mourdock: It sounds like it was set up based on Graham's excess costs. Somewhere there's a contract that says it goes back to them—

Philip Hayes: Right.

Commissioner Mourdock: —because they are the one incurring damages.

Philip Hayes: Right, but there are at least on that and on change orders there are back ups on those, correct?

Commissioner Fanello: Yes.

John Stoll: Back up from—

Philip Hayes: Yes, from resource—

Commissioner Fanello: We're each splitting a third.

Philip Hayes: —the resources that the Evansville Industrial Foundation put up.

John Stoll: Yeah.

Philip Hayes: For two thirds of that?

John Stoll: Right.

Philip Hayes: Okay.

Commissioner Fanello: So, to round it off we have approximately \$454,000 in Economic Development, and \$554,000 in Infrastructure. So, as long as you don't think anything immediately is coming out of Infrastructure and Drainage—

Commissioner Mourdock: Plus you said the other hundred and—

John Stoll: \$176,000—

Commissioner Fanello: \$176,000.

Philip Hayes: \$176,000, that's correct.

John Stoll: Right now I think the only pending projects we've got out of either account are the sanitary sewer on 57 and Boonville-New Harmony and there's a small amount remaining to be paid on the original Vanderburgh Industrial Park Project for the streets and sanitary sewers. I believe that was less than \$20,000, and I believe we've probably got less than \$10,000 left to pay on the one. So, we should have enough money to cover it.

Commissioner Fanello: So, I make a motion to award the bid.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is a letter to Environmental Management Corporation in regard to the 57 and Boonville-New Harmony Road sewer. This is a requirement of the Sewer Department for acceptance of sewers. Basically, they have the owner/developer of a project submit a letter saying that they would be responsible for repairs to any deficiencies found in the first year of the project. Also, that we would be responsible for adjusting any castings to grade for that same one year period. In order for them to accept the sewer we have to submit this letter, so I've prepared this letter for the Commissioners signatures that basically say that we would take care of those items for the first year, and that the value of the project was \$52,626.50.

Commissioner Fanello: So moved. Do we need a motion on that?

Commissioner Mourdock: It goes without saying, but I just want to have it on the record, John, everything here that's been done, has been done to our County Highway standards? We're not accepting anything that is not to our present standard?

John Stoll: It's in accordance with the plans for the sewer. Really the Highway standards don't come into play—

Commissioner Mourdock: They don't?

John Stoll: —because it's...it doesn't even cross the road for that matter—

Commissioner Mourdock: Okay.

John Stoll: —It was constructed in accordance with Three I Engineering's plans, and ultimately the Sewer Department has prepared a punch list, and one of the punch list items was a submittal of this letter, but they just had some minor repairs needed. So, it appears that it was constructed according to their standards. So, it's almost ready for acceptance.

Commissioner Mourdock: Okay, with the motion I will make a second.

President Mosby: So ordered.

John Stoll: Next I've got a change order for the Roesner Road Culvert Replacement. This is contract VC01-06-03. The change order is for an increase of \$600.65. There were under runs and over runs on numerous items, but the primary increases were due to rip rap, gabions, and adjustments to the beams. The under runs were due to under running asphalt, some of the stone, and the bituminous membrane that was placed before the paving was done. It's recommended this be approved.

Commissioner Fanello: So ordered. Or so moved.

Commissioner Mourdock: I didn't know what to say after so ordered. Second.

President Mosby: So ordered.

John Stoll: Next I've got a travel request for that meeting that Rose spoke about awhile ago. This is for this Thursday up at, for travel up to Vincennes. I was at a seminar last week, so that is why it wasn't on the Consent Agenda.

Commissioner Mourdock: I'll move approval of the Consent Item and request that you go with a lean and hungry look in your eye and express our concerns.

Commissioner Fanello: Second.

President Mosby: So ordered. Do we have any money?

Commissioner Fanello: Council (inaudible) approved.

President Mosby: I didn't know if we had any money for it or not.

John Stoll: I was going to say with that one there won't really be any costs. It will just be driving a County car—

President Mosby: Well I seen that \$0 cost on it. It's probably the cheapest I'll ever see.

John Stoll: The next item I've got is a request for street plan approval for Section E of Cross Pointe Subdivision. This would be the connection of Indiana Street between the backside of Kohl's Department store, which is here, and the current dead end with Indiana Street by Outback Steakhouse, which is here. They are going to come in and put the two 90 degree turns in it, connect up the back of this parking lot to the existing County accepted road. Because it has a 90 degree turn, we have requested they put in the large arrow, rectangular arrow, warning signs to let the traffic know that it is an abrupt change. Also we are going to have them stripe that as well. So, other than that we did get a copy of the agreement that allows the connection of this road to this private property that is owned by Gershman Brown where Kohl's sits. So, everything appears to be in order and it's recommended that the plans be approved.

Commissioner Mourdock: Is there a plan for Gershman Brown to do something up here? Is this the easement we're getting?

John Stoll: That's the access drive in their parking lot that's on the south side of Kohl's that runs out to their main access off the Lloyd Expressway. This, you may remember, Richard, is where the old rock road used to be that INDOT constructed that made a 90 degree turn and just went out into this field. When that easement was abandoned they set up this covenant that would allow these people access through this, and it in turn allows the street to be connected up to that point.

Commissioner Mourdock: Why is the jog in the street? Why aren't we just doing this?

John Stoll: The existing buildings are all along here—

Commissioner Mourdock: Ah.

John Stoll: —You've got Kohl's and Pet Smart and Circuit City, so that all prevents

the road from going straight through. So, that's really the only option available as far as getting the street to connect.

Commissioner Mourdock: That's the classic sign of a bad plan. (Inaudible) street like that coming through. Based on the Engineer's recommendation, I will move we approve the plan for that Cross Pointe, Section E.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I wanted to let you know that Ralph Kissinger and I met with representatives of Pioneer Rail Corp a week ago Friday in regard to the railroad crossings on Mill Road, St. Joe Avenue and Boonville-New Harmony Road. The representatives from Pioneer Railroad are supposed to get us some cost estimates on what it would take to put concrete crossings in on those three railroad crossings. They are asking for the County to assist in paying for that. So, whenever we get some firm costs, I'll bring that back to you. They were estimating that the concrete crossing would cost around \$15,000 per crossing, and that was one of the costs that they had asked the County to be responsible for. They were saying that that line is not a big revenue producer, so they didn't have the funds to pay for that work. While it's not good for the County to have to pay for that, I don't think we'll ever get those crossings upgraded if we don't pay for it. So, we are kind of in a no win situation, but once we get some more data from the railroad I'll bring that back or Ralph can and we'll see what the County can or can't do on those. The last item I've got is in regard to the O'Day Discovery Lodge site grading project. There have been several areas of erosion that have not been able to be stabilized as of yet. The grass basically hasn't grown fast enough or well enough to prevent the erosion. When Steve Craig and Blankenberger Brothers and I were walking, checking the site a couple of weeks ago we had proposed putting sod in several areas. Blankenberger submitted a price of \$4.40 a square yard for sod and they estimated we would need about 716 square yards for a total cost of \$3,150.40. I spoke with Steve Craig and he said there is money in the account to cover this sod, and with your approval we'll go ahead and have Blankenberger start placing the sod in the eroded areas and then bring a change order back at a later date once all the final quantities are known.

Commissioner Fanello: You did say at the O'Day Discovery Lodge site?

John Stoll: Yes.

Commissioner Mourdock: Have you looked at seeding it? I mean now is the classic time of year to do the seeding.

John Stoll: It's been seeded. One of the problems is the geese go out there and tear up everything. Short of getting sod in there and get it stable quick where they can't come in and tear it all up, we are kind of running out of options.

Commissioner Mourdock: Too bad geese are not an endangered species. I'll move pursuant to the County Engineer's recommendation that we go ahead with the sod.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: That's all I have unless you have any questions.

Commissioner Mourdock: I have two things, John. First let me pass a letter on to you that we circulated around here and maybe you can get back to us with something on this. It's on Koressel Road. Secondly, the road...and I, it's on the west side where Backyard Burgers is, goes to the south, I've got a blank.

John Stoll: Where it comes off Red Bank? That frontage road?

Commissioner Mourdock: Yeah, and it makes a 90 degree bend.

John Stoll: Uh-huh.

Commissioner Mourdock: Why do we have the 90 degree bend in there? Was that a property line issue? That's my recollection.

John Stoll: That's one of those old roads that INDOT constructs where they make it go outside the right-of-way fence, make it a quick 90 and leave it at that. Kind of like what we had out in front of Builder's Square and out in front of the old Wal-Mart and what they were proposing out along 62.

Commissioner Mourdock: Okay.

John Stoll: So, that was the way that road was originally set up and then it was developed off of that access.

Commissioner Mourdock: Does that corner currently meet our normal highway standards? Or is the bend itself within the state right-of-way?

John Stoll: Portions of it are in the state and the city. That, what's not in the state right-of-way is the City's at that point.

Commissioner Mourdock: Ah, okay. That's a good answer.

John Stoll: I can't remember the exact distance, but a certain number of feet off the Lloyd is the state's responsibility. Then there is a small segment that is the County's, then everything else is in the City's. Everything on the east side of Red Bank is the City's at that point.

Commissioner Mourdock: Okay. So, going back to what our County standard is, you don't know if that would apply out there on that City spot then I presume?

John Stoll: No, I don't.

Commissioner Mourdock: No, you don't know, or no it does not apply?

John Stoll: I don't know.

Commissioner Mourdock: Okay.

John Stoll: I don't know what the pavement sections are or anything like that.

Commissioner Mourdock: Okay.

John Stoll: Geometrically it doesn't work very well. That was one of the reasons why when Gene Hahn was doing his development INDOT was proposing the raised concrete median out there, which ended up in a lawsuit–

Commissioner Mourdock: Right.

John Stoll: –and the median was dropped as a result of the lawsuit.

Commissioner Mourdock: Okay, that's what I need to know.

John Stoll: Okay.

President Mosby: Any other questions? Thank you, John.

John Stoll: Thanks.

County Highway

President Mosby: County Highway. You have reports. Ralph is on vacation and Mark is off sick, so.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: There is a matter on your Consent Items which is the County Assessor's proposed agreement with Paul Hatfield and Property Tax Assessment Board of Appeals. I've had an opportunity to review the contract and discuss some of the particulars of it with Mr. Hatfield. The contract is one which is legally approvable based on the boards decision to conduct it's consultation advisory functions of reassessment in house rather than hire outside consultants. I was able to determine with Mr. Hatfield that the costs on that for the County is going to be about 40 cents per land only parcel compared with neighboring counties who have hired outside consulting firms and their break downs just roughly for the record are approximately \$128, excuse me, \$1.28 per land only parcel for Pike. Same for Posey. In Martin County \$1.22. Green County \$1.22. Dubouis 74 cents. Perry County \$1.10. There was a quote solicited from one of the firms that's engaged in this, Southern Indiana Appraisal Consultants, and there charge would have been approximately \$1.50 per parcel, so based on that and I asked just for your information that Mr. Hatfield send along his substantial resume. He has substantial experience as you all know, so the contract is one which, I think, is probably a good purchase for the County.

Commissioner Mourdock: Motion to approve.

Commissioner Fanello: Second.

President Mosby: So ordered.

Philip Hayes: That's all the report I have this evening.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of Buildings. Of the County Building.

Tammy McKinney: Let's see, I have two travel requests that were in the packets, I believe it was last week, and I put them back in the signature file since we're getting closer to having money for our Travel budget. One was for Voters Registration, the other was for County Clerk's. So, they will be back in the signature file for signature.

Philip Hayes: (Inaudible. Mike not on.)

Tammy McKinney: For, are you talking Rick Barter?

Philip Hayes: Yeah.

Tammy McKinney: I turned that in. I don't know.

Commissioner Fanello: Yeah, it's been turned in, because I signed it last week.

Tammy McKinney: Then I have a service for request from the Auditor's Department. Suzanne, I don't know if you want to explain this one to the Commissioners. This just came up this afternoon.

Suzanne Crouch: We just found out today. We may not need the phone line. It is to transfer information into and to get support on the payroll system. We talked with ACS and they are trying to see if the T-1 line is capable of doing that, but we wanted to go ahead and get a phone line approval in case it isn't and we need to go that route. So that is the purpose of that request.

Commissioner Fanello: Is that just for a certain period of time that that would be?

Suzanne Crouch: That would be for the two month period when we are doing the implementation. ACS, if the phone line is dropped in, they may have a need for an additional phone line somewhere else, I don't know if that's the case. Hopefully, we won't need it, but we wanted to go ahead and have it in case we do.

Tammy McKinney: Besides those I don't have anything.

President Mosby: Okay.

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. As you know, our Summer season concluded this week with the Bristol Myers picnic. That was our last large company picnic. We had 22 company or church picnics out at our pavilion this year, which is about two more than normal. One thing that I wanted to address, I guess, I had talked to Dave about it but we had got \$50,000 appropriated from the Council to do our ADA bathrooms again this year, and I know that this is going to be the third year in a row that Environmental Management Corp. is going to charge us \$1,500 to tap into our own restrooms to, I mean, we already have restrooms there and when we remodel them they charge us a \$1,500 tap in fee to our own lines and I don't...now

they've done it two years in a row and I was getting ready to get a set of plans to do 18's bathroom, and I'm going to be right back where we were last year.

President Mosby: Well, now hold it. You're redoing 18?

Steve Craig: Yeah, the bathrooms in it.

President Mosby: Okay, now if there is already restrooms there we shouldn't have to pay the tap.

Steve Craig: We redid Bishea Building's and they had restrooms--

President Mosby: Well, I know and they are saying they refunded that, now--

Steve Craig: We never received it.

President Mosby: Well, I was going to say you were supposed to get back with me on that info, but they are saying they refunded that. The reason they are saying that they charged on the restrooms at, help me with the--

Steve Craig: Number 13.

President Mosby: --yeah, is because we never had restrooms there before, and they considered that a new facility. Now we have restrooms in 18, so that should not be a new facility.

Steve Craig: Okay, well 13's restrooms were just down the hill--

President Mosby: Well, they don't count that. They are saying that now that they are attached to the building and they are a specific part of the building, same as Bishea and 18, that's where this comes in, so.

Steve Craig: Okay.

President Mosby: But they said they refunded Bishea. We need to, if you are saying you didn't get it and they are saying they refunded it, we need to find out where it's at.

Steve Craig: Yeah, because I had heard--

President Mosby: Suzanne is going to have to give us some kind of verification.

President Mosby: I'd even checked with Lichtenberger who had done the construction work on it and they said that they did not pay the tap in fee, which we did, and they did not get it refunded to them, so I did check to see if they sent it to, you know, the contractor who sometimes pays the fee as part of the bid.

President Mosby: Then we need to find out, yeah, check with Norb Woolley, because I talked with Norb about this down at the Water and Sewer Utility, and we should have not paid on Bishea.

Steve Craig: Okay.

President Mosby: So, they are saying they refunded.

Philip Hayes: Check Lichtenberger's sub. The sub who installed, who did the plumbing work, who did the hook up.

Steve Craig: Okay. Yeah, I don't know if he did it or not.

Philip Hayes: Check with the sub-contractor.

President Mosby: My other conversation with Norb is that we shouldn't be paying period anyhow. I mean, we own the line, the way I understand it in Burdette Park. Then there is a big dump station—

Steve Craig: Yes.

President Mosby: —it's a sewer lift station, yeah, there's a lift station sitting right there on our ground. I told him we could charge him a lease for that, if they want to continue the charges.

Commissioner Mourdock: How did he respond to that? Did you start negotiating?

President Mosby: No. They said, I forget what it was his exact—

Commissioner Mourdock: He probably said we've never done it that way before.

President Mosby: No, his exact answer was, I forget what it is, they could maintain from where, anyhow I told him you still have to cross the gate and come into our property, somehow, somehow. They weren't real responsive to that when I said that.

Steve Craig: Yeah, because the County—

Commissioner Mourdock: Yeah, because of the hammering and sand, right?

President Mosby: Well, they were going to have to cut an entrance gate off of Nurrenbern Road into there (Tape flipped to other side).

Steve Craig: The County had ran the line from the City limit on Red Bank Road out to Burdette to that lift station so that Burdette would have it. We used to have our own system out there where it, I don't know what you would call it, it used to grind it up and send it on it's way, but, you know, that was the County that paid for that to have it run all the way to Burdette. So—

President Mosby: Well, if they decide they are going to charge you, let me know.

Steve Craig: Okay, because two years in a row, I mean—

President Mosby: Well, the conversation I've had with them is that we don't have to pay.

Steve Craig: Okay.

President Mosby: So, if they tell you we are going to have to pay then let me know.

Steve Craig: They will stop the job like they did the last two years right in the middle of it and tell me, you know, until I get a check down there and pay them that they can't continue, because we don't have the permits.

President Mosby: That's the County government working together.

Steve Craig: That's right.

President Mosby: God.

Steve Craig: Other than that and my worksheets, by probably the first week of October I'm going to try and have a conclusive report on what we did this Summer at the aquatic center and that. Miniature golf will be open until October 1st, but if you have any questions.

President Mosby: I don't.

Commissioner Mourdock: I'll move approval of all the Department Head Reports including Soil and Water and the Ozone Officer.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: I'll move approval of the Consent Items, amending them with the two travel requests and the request for phone line from the Auditor.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: New Business?

Commissioner Fanello: You skipped a couple things there.

President Mosby: Oh, I did. Scheduled meetings.

Commissioner Mourdock: I just, Tammy, what did you tell me our square footage or however we deem our meeting on using the space would be the 24th?

Tammy McKinney: The space allocation meeting is the 24th.

Commissioner Mourdock: At 4:00? Or 5:00?

Tammy McKinney: I believe it's 5:30.

Commissioner Mourdock: Okay, 5:30.

President Mosby: September 24th, 5:30?

¹Consent items listed on Page 43.

Tammy McKinney: Yes.

Commissioner Fanello: Then there is a supposed to be a jail overcrowding meeting this Thursday at 4:00, but all the Judges are going to be at a conference, so do you want to reschedule that for the following week? That meeting.

Eric Williams: (Inaudible. Not at mike.) Whatever you desire.

Commissioner Fanello: Why don't you move it.

Tammy McKinney: Well, do you want me...okay.

Commissioner Fanello: Why don't we just move it to the following Thursday.

Tammy McKinney: Okay.

President Mosby: So, what's that date?

Commissioner Fanello: What's this Thursday?

President Mosby: September—

Commissioner Fanello: It would be the 20th.

President Mosby: Okay, September 20th.

Commissioner Fanello: At 4:00 in Room 318.

Tammy McKinney: Well, if the room changes I'll let you know. I'll have to check with the—

Commissioner Fanello: Okay.

President Mosby: Okay. Any other scheduled meetings?

Old Business

President Mosby: Old Business?

New Business

President Mosby: New Business?

Commissioner Mourdock: I have one item of New Business that kind of goes nicely with the phrase you used a moment ago, David, as far as the City and County working together. I've had a couple of conversations, one face to face and one over the phone with the Hamiltons out at Hamilton Golf Course. As I'm sure you know, we lease that property to them to operate as a golf course. The discussion given the interest within the city as far as doing some soccer fields, I guess, the overall dynamic to this is in 2008 the present lease with the Hamiltons will expire. They would like to make some improvements to the course, but obviously the payback for those is fairly lengthy and they are hesitant to do anything until that lease is renewed or somehow they have some guarantee that they would get the money back for the

improvements. The discussion I had with them was an interesting one given that ,as they reported to me, the number of people playing golf today is actually a decreasing number. Obviously, there are more golf courses out there in this area than we've had in, I don't know, I guess, ever had. So, they've seen less play. They would be interested in perhaps, and we can, there's nothing written in stone here at all, but they would be interested in either forfeiting part of the land that they presently lease from us to the County so that soccer fields could be made. That ground then could be leased from the County to the City, or I know you've had the interest in the boat docks before, some kind of swap or some sort of deal that could be worked out there.

President Mosby: No. Let me correct that there, because I want to put this on the record.

Commissioner Mourdock: Sure, go ahead.

President Mosby: The boat docks, I was approached to see if the County would be interested in running the boat docks. With all the liability right now, I think there is about four lawsuits and a bankruptcy involved in them two boat ramps. I in no way shape or form ever wanted the County to purchase them because they could be a burden. Then I was approached and said we'll trade you the two boat docks for the golf course. I thought that was very generous on the City's part, but—

Commissioner Mourdock: Hamilton Golf Course?

President Mosby: —yeah, they wanted to trade for the red and white. No, I take that back, they wanted to trade, I think, for just the red course.

Commissioner Mourdock: Is that the one furthest to the east?

President Mosby: Yeah. Along the highway to do I think some programs, but I said no. I said if you had ten boat ramps you couldn't trade me.

Commissioner Mourdock: Fair enough, and I don't disagree with that. I've never been crazy about (Inaudible. Talking over each other.)

President Mosby: I was just trying to bail them out of a bad situation that they can't take care of.

Commissioner Mourdock: Okay.

President Mosby: I mean, I was down at Dogtown again this week and it's pitiful.

Commissioner Mourdock: Okay.

President Mosby: Too many people think the County runs it. I have been called at home saying your boat ramp is in sad shape, and I'm trying to explain, you know, even though they are in the County—

Commissioner Mourdock: Okay.

President Mosby: —they belong to the City.

Commissioner Mourdock: I, well, let's take the word boat ramp out of the rest of this

conversation.

President Mosby: Let's do.

Commissioner Mourdock: It seems to me it's still an interesting proposition where City and County could work together. That land is certainly something that putting a soccer field on could be at best a temporary land use much as a golf course is. Soccer may be a bit of a fad as golf is, but it might still give us a chance to do something out there to promote the area and the tourism that I know the Mayor is hoping to do for the City and the whole area. So, I put that before you. There is obviously a lot of negotiating that would need to be done. Hamilton might have an interest in operating concessions if we wanted them to do that, or if we wanted the Burdette Park Board somehow to get involved in running concessions. There is any number of things we could do, but the idea of using that land for soccer fields I find is something that is worthy of further discussion, and I'll put it before the two of you to comment as you would like.

President Mosby: My initial comments, I have and I don't know where the counselor is, I know we received the thing from, I guess, Hamilton's on—

Commissioner Mourdock: The lease?

President Mosby: —the lease, and I know they are wanting more time on the lease and they are agreeing to put in "x" amount of dollars, and I had looked at that and then I had asked the counselor to get back with me on exactly what they are paying us right now and what that would mean to us. Long term I will just tell you, I guess I'll go ahead and say it, it would be my hope that the County would take that facility back when it's lease is up. I would hope that they would possibly put it under the Burdette Park Board and run it themselves. The City has two golf courses. In my 13 years tenure on the City Council were very profitable. We were able to go in and do millions of dollars worth of work to Helfrich and that all came out of Golf Non-Reverting, except for a small portion of this last drainage deal that we did on the back nine. We were successfully able to build a new clubhouse at Fendrich. I mean, this has all been done with Golf Non-Reverting. I'm going—

Commissioner Mourdock: Okay.

President Mosby: — to probably say that golf is on a decline, I don't...I challenge them to try and get on a golf course somewhere.

Commissioner Mourdock: Well, that's a national statistic, so.

President Mosby: Well, it just don't hold true for Evansville.

Commissioner Mourdock: Well, with the thought that you just expressed as far as at some point the County taking that back, does that preclude the use of 100% of that property now? In other words, and I'm....please do not misinterpret this, the Hamilton's have not said what I am about to say to you. If that is your long term plan, and if, and if the Hamilton's today said, well, it would be in our best interest even in the short term until the year 2008 to take some of this land out of our lease, is it something that you would want to consider?

President Mosby: I mean, I wouldn't want to give up nine holes of a golf course.

Commissioner Mourdock: That's not the question for you, that's the question for them. I'm saying if they want to do that, is that something that you would consider the County wanting to do with the soccer fields?

President Mosby: I'm missing your question here. I mean, you're saying if they wanted to take the land.

Commissioner Mourdock: No, if they wanted to give us back land that we presently lease to them. This is a big if—

President Mosby: Okay.

Commissioner Mourdock: —just hypothetical. If they said to us we've got, what do they have out there 27 holes?

President Mosby: No, they've got 36. They got nine, nine and 18.

Commissioner Mourdock: Okay. What if they said to us, we don't want to operate 36 holes anymore. We would be willing to write out of our current lease that runs until 2008, we could write out today 50 acres of that. Would you be interested in taking back that land to do the soccer fields?

President Mosby: I don't...if you wrote out 50 acres that would probably be one nine hole golf course.

Commissioner Mourdock: Then again, that's not your problem. That's their problem. They're the ones operating a golf course.

President Mosby: Well, I understand that but if they wanted to write out 50 acres, I mean, what I'm actually saying is they are probably writing out nine holes of the red course, and I cannot go out and run nine holes of the red course—

Commissioner Mourdock: I'm not asking you to. I'm just talking about the land. Whatever land they give us—

President Mosby: Well, I don't want it to sit there and deteriorate.

Commissioner Mourdock: No, I don't either. I want to put a soccer field there.

President Mosby: Oh, well, no I'm not going to do that.

Commissioner Mourdock: Okay, so that's the answer is you are not interested.

President Mosby: Because you would be tearing up half a golf course. The red course and the white course make one 18 hole golf course out there. What you are saying is let's tear up half of a golf course and keep the other half, and, no that would not make any sense.

Commissioner Mourdock: Well, I don't know that either one of us can sit here and say what makes sense as a golf course.

President Mosby: I mean, I know what golf, I mean, I golf and I know Hamilton's on weekends uses the 18 hole blue course to public play. Hamilton's is the only golf course in the City where you can actually get a shot gun start on Saturday or

Sunday, because they have that option with a nine hole white and a nine hole red to give you...I mean, they have scrambles out there 30 and 35 portions every weekend. They are the only golf course that can afford to do that because nobody else can shut down their whole golf course. So, that red and white golf course is worth a fortune. There was a scramble scheduled out there for 7:00 yesterday morning. Of course, it got cancelled due to the rain, but you can't do it at Fendrich. You can't do it at Helfrich, I mean, nobody else has got that option. They have got 36 holes. I mean, I am playing in two scrambles out there in the next couple of weekends. If you took out nine holes of a golf course, then you would have nine holes left and who wants to play a nine hole scramble.

Commissioner Mourdock: Well, I don't know. That's where I'm not an expert in the business, and I'm simply saying—

President Mosby: Tammy, you're a golfer, jump in here.

Commissioner Mourdock: What they are telling, I don't, I'm not in that business, they need to have that business work however is profitable for them and that's in the County's best interest. I think you would agree to that.

President Mosby: Say that again.

Commissioner Mourdock: What is in the Hamilton's best interest in operating that course financially, is ultimately in the County's best interest. Well, let me draw it the other way, I don't think it would be in our interest if they went broke and I'm not suggesting that that is about to happen, okay.

President Mosby: Well, no I don't think that's in our best interest either.

Commissioner Mourdock: Thank you. Okay. So, I'm simply saying if there was some deal that would work for them that is in their better financial interest and in the County's better financial interest would you want to take a look at it? I hear you say, and let me just restate it, I don't think you are interested in soccer fields there at any way.

President Mosby: I'm interested in taking the golf course back.

Commissioner Mourdock: Okay.

President Mosby: Bottom line.

Commissioner Mourdock: Catherine, do you have anything to add to that.

Commissioner Fanello: No, not right now because I just don't know enough about it to comment, so.

Commissioner Mourdock: Fair enough.

Commissioner Fanello: I'd rather wait.

Commissioner Mourdock: Okay.

President Mosby: Any other comments or questions? I mean, that's the only answer I can really give you now.

Commissioner Mourdock: That's fine. You know—

President Mosby: I personally think the County is losing a lot of money out there. I don't think we are getting enough off—

Commissioner Mourdock: Maybe it's because they can afford to put the scrambles out there all the time. Maybe because it's the lowest cost course out there is because they have all the scrambles you are referring to which is , again, they have all those scrambles because it's a low cost course, so.

President Mosby: We should be profiting on that. I mean, the City courses, I mean, they hire a pro. The pro runs it, the City still owns it. The City gets all the greens fees. The City also now gets a portion on the pros golf cart fees. They get a portion on the concessions.

Commissioner Mourdock: Let me leave it at this and take the soccer fields out of it for a moment, and I have no special venue here at all, but it is my sense in talking to the Hamilton's that given what they would like to do to make that course profitable, given what they feel needs to be done to make that course profitable. I don't think we have to wait until 2008 to talk to them about something, whatever it is. Because I think they would like to have some resolution prior to then. Whatever it is.

President Mosby: I would be willing to meet with them. I would be more than willing to go out and meet with them. If they want to do something before then, that's fine.

Commissioner Mourdock: Okay.

President Mosby: Any other New Business?

Commissioner Fanello: I have one thing. I would like the...first of all I have no idea how to accomplish this, but start at the beginning, I think at the beginning of the year I said that, you know, we wanted to do a new Data Board Ordinance and the Mayor and I have come up with one. Currently right now I believe that the current Data Board is probably not the best forum for hearing computer problems. That's in my opinion that our computer issues are way out of control and we have a lot of office holders, department heads going in a million different directions and things aren't getting communicated very well. It's my wish that we dissolve the current Data Board and as the new year approaches the new ordinance would, hopefully, take effect that the Mayor and I have written, but I think we have way too many things out of control right now and ACS needs some direction. They are being pulled in 50 million different directions, and they need to report to one person and I think it's time the Commissioners take a more active role in the computer situation around here, because we are spending an exorbitant amount of money, and I just probably need counselor's advice on what to do. I would like to dissolve the current Data Board as it now stands.

President Mosby: I guess my question, I mean is that a motion right now?

Commissioner Fanello: If, I don't know if I can make that motion. I would like to make that motion. If there is something—

Commissioner Mourdock: Um—

President Mosby: I mean, I guess—

Commissioner Fanello: If there is something formal that needs to be done. I would—

President Mosby: My question would be what would happen if we dissolved the Data Board right now?

Commissioner Fanello: Well, what would happen is ACS would communicate with the Commissioners. Which we sign the contracts, so in essence we are the contract administrator for the Computer Service Department and we do pay out all the money. So, I am the person who sat on the Data Board so I would be more than happy to take that role in communicating with Computer Services, but they would report everything to us and funnel all the information through us. They would be submitting a weekly report along with all the other departments to let us know what is going on. We would take a more active role until the end of the year to oversee what's happening in Computer Services.

Commissioner Mourdock: Okay. Two comments. Intent I recognize is a good one here. I think there is something different we can do. I'm not quite sure what that is. Point two as far as formally doing a motion or something, I believe, and I may be wrong but I believe the Data Board is established by an ordinance. If it is there is an actual process we have to go through—

Commissioner Fanello: That was my question.

Commissioner Mourdock: —so it would be premature to do a motion. As you said to the last one, I'll use your answer, I don't know enough about it fully at this point to offer a better option, but I do recognize what your intention is.

Commissioner Fanello: Let me just say that the current Data Board there is no specific criteria for who sits on that board and who is a voting member. So, it's really a free for all when you get in there to the meetings. It's, luckily enough we've had a very good chairman this year, and that's Deputy Eric Williams. It's not accomplishing anything, and we have a lot of hostility, I would say, going on. That may be a little bit strong of a word between departments and Computer Services. They are worn very thin, so I think we need to take the reins and take it under control because it's kind of gotten a little haywire.

Commissioner Mourdock: As David just said, Eric was elected chairman because he has a gun.

Commissioner Fanello: Yeah.

Eric Williams: (Inaudible. Not at mike.)

Commissioner Mourdock: Do you have an opinion, Eric? Do you have anything—

President Mosby: I was going to say—

Commissioner Fanello: Eric and I have spent a lot of time communicating about this issue and he's even reviewed the new Data Board Ordinance for, and given me his comments, so.

Eric Williams: Eric Williams, Deputy Sheriff, Data Board Chairman this year. I am not inherently opposed to what Catherine proposes. My concern is that the Data Board is a group that has been involved and tried to do the right thing. When I

became chairman, one of the things that we set out was to at least get a focus and direction for the Data Board. We wanted to know what our role, scope and authority was? Where did the Commission and the Mayor see us fitting into the bigger picture or data and computers within the City and County? What exactly is it you wanted us to accomplish? One of the things discussed early on in the year was updating of the Data Board and a creation of something new. My hope is that no matter what happens, is that it is done in an organized fashion. That we get some results. That everybody knows what the ground rules are. Everybody knows what the rules that everybody has to play by are, and that everybody can get things moving along. My concern on your part, just sitting where I sit, and I know the number of phone calls and requests and comments that I get, is that communication can take place, because you do have a City/County operation that is very, very tightly interwoven, and decisions have to be made that affect both City and County, and the decision you make with drastically affect them. You know, the role we saw for the Data Board at some point in the future was to be that bridge. If nothing other than to be an organized recommendation to both City and County government. You know, how we get there, you know, if abandoning the current Data Board and coming up with something new is how we get there, it really doesn't matter to me. I just know that I've been, I've been involved with the Data Board for about eight or nine years now and I've seen it be a rubber stamp and a lot of wheel spinning and not a lot of effective work being done. If this is a road to get to that then that is, you know, I think, I think it's great. I don't know though.

President Mosby: I don't know. I mean, I can't say as I'm very knowledgeable at this part, so.

Eric Williams: I would also add that I know that several of us on the Data Board, the vice chairman is Auditor Crouch and then we have spent some time here very recently working on projects trying to make sure that we can be effective, but it's only our group doing that. We still have no true understanding of what our scope and authority is, and I think it's going to be critical that the Data Board be in place or some, it's replacement or system amongst yourselves so that we can start the process of deciding what the future of Computer Services is. To me that is the most critical issue facing us now is are we going to keep ACS on board? Are we going to re-bid their contract? Are we going to re-negotiate with them, or are we going to try to move to do it in house? All those are options and I think that is the biggest, most pressing issue that we face in the area of communications and data.

Commissioner Fanello: During the time that the present Data Board would be disbanded I would want to form some committee for us, and we talked about that, working on an RFP or whatever we decide to do next year, I mean, I am in favor of re-bidding Computer Services and also looking at what it would cost for us to do it in house for comparison purposes.

Commissioner Mourdock: I'm not against either of those things. Is the timing with the SCT/ACS contract such that it can be bid?

Commissioner Fanello: Their contract doesn't expire until next June.

Commissioner Mourdock: Yeah—

Commissioner Fanello: So we do have time.

Commissioner Mourdock: —so it's a little ways off then.

Eric Williams: Our work is cut out for us—

Commissioner Fanello: Uh-huh.

Eric Williams: —that is a huge contract—

Commissioner Mourdock: Right.

Eric Williams: —because one of the problems that I think you are going to face is right now you have a pool of users that rely on ACS that have, what I consider to be, very unrealistic expectations of what their services are to be. It's going to take a lot of tough decision making to narrow down to a contract that a vendor would even agree to bid on, you know, for a reasonable amount of money. If you look at what SCT and ACS, and I'm not their cheerleader in any way shape or form, but if you look at the situations they've been placed in, I think they have done a reasonable job in trying to meet all the various non-specific demands that have been placed on them without a true contract that is readable. I mean, if you try to read the contracts that are there now, there are so many cross references that negate each other in it, it's not worth the paper it is written on, quite frankly.

Commissioner Fanello: What else. I was just going to say whatever our attorney thinks would be the best route.

Philip Hayes: Well, in order to, in order to address the, the issue of dissolution of the Data Board, it is by ordinance, and it would be necessary to repeal it. So, repeal of an ordinance can be put together and introduced in the usual manner as an ordinance. That can be the vehicle for your debate.

Commissioner Mourdock: It would have to go both ways. The City would have to do the same thing.

Philip Hayes: The City in the same fashion. My understanding is that it is a joint—

President Mosby: (Inaudible.)

Philip Hayes: We have corresponded.

Commissioner Mourdock: Yeah.

Commissioner Fanello: I'll talk with the Mayor further, but he and I have worked quite a bit on this new ordinance, and have talked quite a bit about our current computer situation and I know he has a lot of the same feelings that I do. How he feels about totally disbanding the board at this time, I don't know, but I can sure check that out.

Commissioner Mourdock: This is one of those services that I...you could have a holy choir of angels doing it and they would still get constant criticism if they were the vendor, because there are so many different users here. Somebody is always going to be getting beat up on this thing verbally, so, again, I'm not standing here in support of the Data Board, I'm not ready to say let's have the thing melt down. We just need to know what the best option is. I think the three choices Eric outlined are we either re-do the thing with ACS under some better format, bid it to someone else, or hire our own person, or perhaps groups of people.

Eric Williams: I will just add in there that I think realistically in looking at a lot of other

areas there's going...the solution for us to look at is going to be a hybrid of what you just described. I think there is some, some room in there to have some in house personnel that work with the contracted vendor. What form that takes, but I think that truly will be the ultimate route that we would need to go.

Commissioner Mourdock: That's what's scary, because by definition a hybrid always has some genetic flaw.

Eric Williams: Yes.

Commissioner Fanello: I'll confirm with the Mayor this week again and talk to him and then let you know or get back with you on Monday.

President Mosby: Any other New Business?

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: So ordered.

The meeting was adjourned at 7:50 p.m.

CONSENT ITEMS:

Employment Changes:

Auditor	Burdette Park	Sheriff Department
County Clerk	Recorder	Co-Op Extension
Surveyor	VCCC	Prosecutor
Pigeon Assessor	County Council	Treasurer
Circuit Court		

Travel Requests:

Pigeon Assessor	Health Department	Center Assessor
County Assessor	SWCD	County Engineer
Voters Registration	Election Office	

Requests for Service:

Auditor	County Clerk	Superior Court
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Commissioners:

Renewal of Brinks contract.
Letter regarding Election equipment.

Auditor:

Submit monthly financial, cash and expenditure report.
Submit Accounts Payable Vouchers.

County Clerk:

Submit monthly report.

County Assessor:

Agreement between Paul Hatfield and the Property Tax Assessment Board of Appeals.

Sheriff:

Weekly Jail information and reports.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Bill Jeffers	Linda Freeman
John Stoll	Tom Norton	Eric Dodd
Rose Zigenfus	Steve Craig	Eric Williams
Members of Media	Others Unidentified	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
September 17, 2001**

The Vanderburgh County Board of Commissioners met in session this 17th day of September, 2001, at 6:00 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

(Due to an unknown audio system problem, portions of the taped meeting were inaudible and unable to be fully transcribed.)

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for September 17, 2001.

Introductions and Pledge of Allegiance

President Mosby: Tonight we have with us Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. At this time we have a lady in the front row, front and center, that we are going to have step forward and lead us in the Pledge, and I believe her name is Amy LoBue. Somebody could give that mike to her.

Amy LoBue: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

President Mosby: Amy, your name will appear in the minutes of the meeting. If you want a copy of them minutes, we can either get them from Madelyn or Tammy, one of the two. Action Items.

Proclamation of Dedication

Commissioner Fanello: At this time I would like to interrupt our normal agenda for a second and hand over some New Business, and that is for the President to read a proclamation for us.

President Mosby: We the people of Vanderburgh County, Indiana, by this public and solemn announcement through our elected representatives and officers of county government express our consolidation, consolation in sharing of the grief of a loss so overwhelming to the loved ones of those who lives with the sacrifice on behalf of all Americans on September 11, 2001. They are now today and forever in our hearts honored. It is our faith that they have slipped the shurley bonds of the Earth, put on their hands, and touched the face of God. We proclaim our dedication to freedom, that sacred cause of our American people. To freedom's defenders who have laid so costly a sacrifice up on it's altar. To freedom's protection, entrusted to our generation so that we may do it honor and be counted among those few generation granted the role of defending it in it's hour of maximum danger. So proclaimed for our county community it is the spirits of compassion, courage and strength, and made it part of the record of government of the citizens of this county the 17th day of September, 2001. In support of and in solidarity with the policies of national response announcement President Bush, this document of proclamation shall remain open for the signatures of elected officials and employees of Vanderburgh

County and Township government in the office of the Auditor of the county. Upon it's attestation, delivered to the President of the United States and the Mayor of New York City and the Mayor of Washington, D.C. At this time it would only be appropriate that we stand for one moment of silence.

(A moment of silence was observed.)

President Mosby: Thank you.

Commissioner Fanello: The County Attorney says I need to make a motion for this proclamation to be adopted.

Commissioner Mourdock: I will certainly second the motion. With all that has happened, it has occurred to me many times over the last several days, I don't know that at this point in our history it isn't quite unique, I don't know that we are so much the United States of America as we are the United Citizens of America.

President Mosby: I have a motion and a second. So ordered.

Approval of Minutes

President Mosby: Approval of the minutes from September 10th's meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Dorie LoBue: Tri-State Workforce Initiative
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President Mosby: Dorie LoBue.

Dorie LoBue: Can I go?

President Mosby: Yeah. I was showing her the (Inaudible. Loud humming on tape.)

Dorie LoBue: I'm Dorie LoBue with the Evansville Chamber, and I've been coordinating the Tri-State Workforce Initiative for the last almost two years now. We came before you a month or so ago and requested funding for a partnership to take the recommendations from the Hudson Institute forward. We've received that money and we are very grateful for that, but at this time we are having need to make you aware of some changes, and before we start using any of those funds we felt responsible to let you know what those changes were, and ask you to approve those before we move forward and start using those funds. The biggest change is that the \$20,000 that we thought we were going to be receiving from the state, we're no longer able to access those monies. So, we are going to have to make some changes in our budget. We can still do a very effective job with the remainder, which we have already collected all the money except for one county, which we are waiting for it to be approved through their County Commissioners. I've got before you, you have before you a letter which I will need to get signed for our board of directors to let them know that it is okay to move forward. I have heard from every county except for one that it is okay to go ahead and proceed with the changes using the money

that we have received. I can go into it in detail if you like, basically, what we are going to do, the things that have not changed is we, the Chamber, is still going to be responsible for carrying the recommendations of the Hudson Institute forward, and putting specific initiatives into the hands of organizations that could effectively address them. We were going to do that anyway. We are trying to transition out of it, the Chamber was trying to transition out of it in two years. What we are proposing now is that we will transition out of it in one year. For that reason, we will not be coming back to any of the counties next year and asking for funding for the second year, since we are only going to be in it one year, so that is the good news. The better news is that nothing should change. That we are still facilitating the recommendations, that things are moving forward, and, in fact, there is a matrix or a chart that is attached to the back of it that will show you things that have already happened, and things that are planned to be happened, or planned to happen in the next year. All I'm seeking tonight is just approval from the County Commissioners that it is okay to use the money that you have already given us to proceed with these recommendations.

President Mosby: Any questions from any member of the Commission?

Commissioner Mourdock: Just to clarify that last statement, Dorie, you are asking us to go forward with the plan that was originally submitted, except it is funding for one year instead of two?

Dorie LoBue: That's right. I thought you would like to hear that.

President Mosby: Best part was the end. Any other questions?

Commissioner Fanello: I'll make a motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

<p>Tom Norton: Second (Final) Reading Regarding Vacation of Easement at 2125 Glenview Drive</p>
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President Mosby: Tom Norton, second and final reading regarding vacation of easement. Just one second. Mr. Norton.

Tom Norton: I don't particularly have (Inaudible. Loud humming on tape.) I just came from an all day deposition, so if I (Inaudible. Loud humming on tape.) Where we left this last meeting, this is on the public utility vacation out at (Inaudible.) and St. Joe Industrial Park, and where this was left at the last meeting, we had not had any responses from the Water Department, from Insight Communications, and I think it was requested that the Vanderburgh County Engineer department also give a response to the petition to vacate those two easements. With the able assistance of Mr. Hayes (Inaudible.) we were able to capture all those responses, and as it sits now all utilities that have been required to be notified have been notified and they have responded favorably or the other alternative without any objections.

President Mosby: Any questions by any member of the Commission? I do appreciate the letters. I know that was something I requested last week.

Philip Hayes: Mr. President, I might add that I think as far as administratively and in the legal end of it, I think, Mr. Stoll's office will probably want to do that as a practice. It has been the practice of the City of Evansville to document all of the potential usages of the public easement ways prior to vacating them, and I think that is because there were circumstances where the Water and Sewer Department was left without an easement in the historical past. So, it's a rule, I think, or at least a practice that we will probably want to continue to follow with due diligence on this. So, we thank you for doing that. Appreciate that work.

President Mosby: Any other questions by any member of the Commission? Chair would entertain a motion.

Commissioner Fanello: Motion to approve the second and final reading of the vacation of the easement at 2125 Glenview Drive.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. Thank you very much for your time.

Dr. Del Rio: Update of Health Department

President Mosby: Dr. Del Rio, update on the Health Department.

Maria Del Rio: I'm here as per your request from the last meeting. We have facilitated any and all the copies of the information that you have requested. Mr. Hoy and Dr. Pulcini are here, who are also members of the committee to answer any questions you may have.

Commissioner Fanello: I did meet with Dr. Del Rio and Dr. Pulcini last week and we went over several bits of information. I do have a couple of questions for you after reading information that you gave me. On Mr. Hafer's, the study done by David Wills on the space requirements, he had said that you needed approximately in the 1995 area requirement, 30,421 square feet. By the year 2005 you would need 33,586 square feet. I think the thing that concerned me was I don't know if it would not have been maybe better for you if maybe we would have put out an RFP that would have detailed all those space requirements so you would have got back proposals that had all those space requirements, and that way you wouldn't have had to gone through and tried to do this, some of this maneuvering around.

Phil Hoy: As a County Councilman I can speak to that.

Commissioner Fanello: Okay.

Phil Hoy: It was the County Council that put the constraints on it financially. What we did was to put (Inaudible. Loud humming on tape.) In this building and tried to make an educated guess as (Inaudible.) So that's the reason (Inaudible) at budget time.

Commissioner Fanello: Well—

Phil Hoy: Consequently, when we started looking, we started looking for 20,000 square feet.

Commissioner Fanello: If, if you are willing, I mean, they are looking at a building that approximately has what?

Phil Hoy: 38,000.

Commissioner Fanello: 38,000 square feet. I mean, if you are willing to give them that much space, wouldn't it be better to seek proposals from all those who might have the, with those space requirements in mind. I mean, I would hate to see them getting less space than they need, I don't know why they would go through all this effort and get less than what they need.

Phil Hoy: The (inaudible) of the Council, and this is one of the points we used. (Inaudible) a really good deal (inaudible) very, very well, and the Council was quite happy with what's been negotiated. Initially, I don't think, we'll get any better, initially one Councilman said, well, (inaudible) could build a building, we did look at that, and then (inaudible) getting land (inaudible) was difficult (inaudible) this is going to cost (inaudible) to renovate. So, the Council is happy with this proposal. (Inaudible) They have 10,000 square feet (inaudible) that's the budget constraint we put on them. If that helps you any.

Commissioner Fanello: Yeah, but my concern is since they really that much space, why we wouldn't go out for an RFP's and they would get proposals back—

Phil Hoy: She can answer that.

Maria Del Rio: We didn't limit anyone. When we asked people to come and present a proposal related to space for the Health Department we did not say no more than 20,000 or 30,000. We just asked anybody that had any space. Our constraints were that they were accessible to our clients and downtown, in the downtown area, near the City and County government. Other than that, other than that we really didn't make any constraints on anybody. There were some that were too small and others that were bigger, that's why you have such a variance.

Phil Hoy: There were the budget constraints (inaudible).

President Mosby: I haven't had time to go over all of this information, so I'm not going to really refer to that, but I am going to ask you one thing, did anybody take into consideration the Mayor's Downtown Master Plan? On the Council? You say the Council, and I guess, as a whole is agreeable to this?

Phil Hoy: Yeah.

President Mosby: Okay, because I mean I've had numerous conver...or I won't say numerous, but I think a couple of conversations with the Mayor, and he's not real happy, so.

Maria Del Rio: Joan David has attended several of our meetings. Copies of our meetings, our minutes, our agenda and our meeting notices are sent to the Mayor's office. The day that we voted on this meeting, a representative of the Mayor's was present, and not one word was ever said to us that this was an issue. We are not privy to the Downtown Plan of the Mayor, but he is definitely privy to what we are doing. We've never heard from the Mayor's office and they were present the day we voted on this.

Phil Hoy: (Inaudible. Loud humming on tape) I probably could add to that when the Mayor sends his representative, they do speak for the Mayor. (Inaudible) That's what we expect this person to do.

President Mosby: Well, I just had conversation with him after the Master Plan came out, and they were looking at what is more or less right for Downtown and the Walkway and that was his concern.

John Pulcini: Mr. Mosby, it would be rather difficult to see how a governmental agency as key to the county as this would ever be in conflict with anything being planned for the downtown area. Even though we weren't privy to it, I think it is reasonably quite compatible with any of the plans for the future. We wish the downtown area very strongly that it do well. That is one reason why we wanted to stay in the downtown area for this agency.

President Mosby: When I say downtown I'm just referring more to the Walkway and a block or two off of it.

Phil Hoy: I've spoken with several merchants (Inaudible) and they are delighted (Inaudible) to locate there, because their businesses are in difficulty right now (Inaudible) purchase one of the large banks. They actually keep track of how many employees are no longer there, and it's going towards 500, and then another bank before them had had 160 employees, and that building is vacant, the Permanent Federal building. The small business downtown, the businesses that I've talked, and I've talked to several are very much in favor of this because they are looking for downtown businesses and they are looking to survive. Which I think speaks well for this location, that's just my initial (Inaudible) for this proposal.

John Pulcini: You each should have received too what I call the list of 19, that was used to characterize the appropriateness of consideration of this facility. There are 19 points that we could think of that were in favor and compare significantly more favorably than any of the other options that we have. We believe that they are very objective, and we have no other objective arguments to go against them. I guess that's why we are sort of here, and I guess I would ask, being on the search committee, and on behalf of the board, duly appointed, as to what we might anticipate as far as an idea as whether we have a decision on this. I think it is only appropriate that we ask (Inaudible) have an answer, and that's not pushing, I think it's a little bit unusual, I'm not familiar as to how fast the wheels turn in projects such as this, but I think it is appropriate to ask, because the public is asking us.

Commissioner Mourdock: I will just state in my view that is, Dr. Pulcini, the key question, and I think that's the (Inaudible). When we discussed two weeks ago or whenever the night was that we had this issue up, as far as the planning and when a decision might be made and how we would proceed with that, and then (Inaudible) commented at that point was that this isn't what you want, just tell us and we'll bring you something else. So, it seems to me (Inaudible.)

John Pulcini: Ten years, with an option to renew for ten. With also an option to buy at ten. We fully recognize that you have a lot on your dinner plate, and that you are not interested in buying something very expensive, and you weren't interested in spending a lot for renting. We think this is a very fiscally responsible recommendation.

Commissioner Fanello: I have a question for you, on the spreadsheet that you gave

me, what was the cost of add-ons for \$15,400.

John Pulcini: The \$15,400 was to complete the, you'll see at the top..do you each have one?

Commissioner Mourdock: Yes.

President Mosby: No, I don't have mine with me.

Commissioner Fanello: Yeah, I've got one.

John Pulcini: The \$15,400 was to make the spreadsheet at the top comparable in the packages with the John Street arrangement we listed them at the top, however, included in the lease agreement of the Main Street building, insurance was not included in that estimate nor was the additional 26 parking spaces. That constituted the \$15,400. Now, in the Civic Center proposal, of course, everything is all packaged and included, therefore we did not break those out. I might add that the utility estimate at \$85,000 was the top end. It was anticipated those fees will be around \$75,000, so it covers up to \$85,000 and it's only beyond that we would be responsible for the utilities. We intend to turn the lights off.

Phil Hoy: There is one correction. You are looking at a 20 year lease with a purchase at the end of ten years (Inaudible). Correct the statement (Inaudible).

Commissioner Mourdock: Let me...so, it's not ten year with a ten year renewal. It is a straight 20 year?

Phil Hoy: It's a straight 20, yeah with the option—

Commissioner Mourdock: Option to purchase.

Phil Hoy: That's correct.

President Mosby: Why are you paying taxes on one building and not the other?

John Pulcini: We have had assurances...yes, please.

Phil Hoy: We spent a good deal of time in the Assessor's office, and it has to do with the location. Walnut Center, I don't know the word to use, Mr. Mosby, cannot receive, or whatever word you want to use, any more tax free buildings. There are clauses in that project, in Walnut Center, you can only have so much tax free space, because of the way it was set up, when it was laid out. That's why, for example, Visiting Nurses, which is a non-profit, pays taxes on that building. They pay property taxes on that building. We can only have so much of that land taken up with government or 501(c)3 organizations. That's, those are the rules that were laid out, because that was a project we worked with the Federal government on. At Second and Main, that is not a problem. We checked this out with the Auditor's office, we've taken it through all the legal channels, and because a government agency will be using that building then no property tax will be due. It's because of the special nature of Walnut Center which is (Inaudible).

President Mosby: Government agency will be leasing the building, but the owner is who pays the taxes. Who is going to exempt this building?

Phil Hoy: The Assessor's office tells us, and we sat down with all of their counsel and went through it because we are leasing it, a governmental agency, we do not have to pay nor does the owner have to pay property taxes. That was one step that we took that took quite a bit of time in Mrs. Musgrave's office and I would hasten to add that if there is any Assessor that wants to make sure each and every tax dollar, and I don't fault her for this, I'm not criticizing the Assessor, I respect that. I think you can rest assured that we are getting the straight information. We did go through that step.

President Mosby: I mean, that's fine, because if we went with John Street the county is getting \$27,000 in taxes as opposed to nothing on this building, so, I mean, that's fine with me. I like seeing the income. I mean, we have always said that Pigeon Township has too money non-taxable buildings, and I believe you are one of them. Those with the tax abatement most often it says, you know, we shouldn't exempt taxes.

Phil Hoy: Well—

President Mosby: I mean, I don't mind this (Inaudible) we're paying taxes here.

Phil Hoy: Your point is well taken, but we are getting so much more square footage and with all due respect to the building on John Street, we are getting a much more substantial building.

President Mosby: Oh, I realize...I'm just talking about tax abatements, and taxes, and tax free buildings.

Phil Hoy: I'm sure the taxes will come in on John Street (Inaudible) leased part of that building and I'm sure (Inaudible).

President Mosby: I would like to see what we are going to lose in taxes off of what they are paying now. I would like to see that information from the Assessor and I'll ask her for that, and also an explanation of why it's tax exempt. It's just something I would like.

Commissioner Mourdock: It does seem contradictory, but realizing that it's private sector ownership for the Main Street one where no tax is, and why can that not also be true for John Street?

Phil Hoy: I think part of that has to (Inaudible).

President Mosby: I mean, if the City or County bought the building, I can understand that it would be tax free, but I can't understand exempting somebody from taxes that's going to make 20 years worth of lease payments from us, and then not pay a penny back into the community.

Phil Hoy: I agree with you, but there is a lot of things I don't know about Tax Law, because it's a strange (Inaudible) Tax Law is strange.

President Mosby: Any other questions? I guess my answer is two or three weeks I'll be ready to make a decision. I want time to look over all this information. I mean—

Commissioner Mourdock: I understand, but as was said last week by the board

members, obviously, they are working for the board on a voluntary basis and doing these things. If we're going to send them back to get more information, and none of us should never decide until we have all the information we need, I think, to give them the best guidance we can to say what specifically information is still lacking. Is the previous thing we disposed on last week and told them what we wanted to see and tonight we got a packet of what we have in our hand, so make a clear list of what you are looking for so that they have some idea as to what (Inaudible).

President Mosby: I have not looked through what I've got so far, so (Inaudible).

Commissioner Fanello: I don't know, did you give this to the other two Commissioners?

Maria Del Rio: I don't know whether those were in the packets. I can certainly make it available. That was, I think that was made in 1995, now I want to refer to the fact that that statement was made in 1995 and we're a long time later, so you need to take that into consideration. We did use the same architect to look at our needs now. Our needs may be changing a little bit.

Commissioner Fanello: Did you tell me the other day that that architect helped you go through—

Maria Del Rio: He's the one that's helped us go through, because he's the one that was present and visited all of the previous buildings and had done the study, so we felt it was easier to save some money, they had done the original study to help us with finding a new building. So, he's been the same one continuously.

Commissioner Fanello: When is your next board meeting?

Maria Del Rio: In October. If you could make available to me, if you wouldn't mind, a list of anything that you would want added, I will make sure that you get the list as quickly as possible. I just need to know exactly what you want and I will be happy to provide it for you, including (Inaudible).

Commissioner Fanello: Because I looked at it this weekend, but I don't know—

Maria Del Rio: If there is anything else that you want, if you will just let us know, or let Mr. Elder or Dr. Heidingsfelder know, we'll get that to you as soon as possible.

Commissioner Mourdock: I'll give you a couple of things right now that I would like to see on that list. This isn't so much in favor of the other building or any other building for that matter, but just aside from the fact that you need more space, what other problems do you see with this present building? For instance, last week or two weeks ago you mentioned the long walk from the parking lot back here to this building.

Maria Del Rio: You are talking about the Civic Center?

Commissioner Mourdock: Right.

Maria Del Rio: Okay.

Commissioner Mourdock: So, if you could give us a list of those things too, that would be appreciated. Again, obviously, the one issue is to clarify that tax issue that

David just brought up to us as far as why one is taxable and the other one isn't.

President Mosby: I'll ask Tammy to take that up with Cheryl Musgrave and she can give us (Inaudible). I guess, the other two things you got down here, security and insurance, I mean, you've got non-available and zero on one building and then figures on the other. Are you not going to secure the one building if you get it?

John Pulcini: It's a bank. It has (Inaudible) security system that is quite functional. If we hire (Inaudible).

President Mosby: Okay, well then you've got \$5,000 over here on the other one.

Maria Del Rio: That was given to us by the person that made the proposal. Those are numbers that come exactly from the person that leases the building. So, we just merely copied them.

President Mosby: I mean, is that per year?

Maria Del Rio: I suspect, yes.

President Mosby: On going?

Maria Del Rio: Yes, per year, on going. Insurance we included underneath because it wasn't included in our contracts, so we added insurance because we felt that that was a cost we were going to have to incur. The numbers for the John Street were given...were broken down by the person that was going to lease it to us.

Commissioner Fanello: On the...I can't remember...the other day did we discuss the renovation costs and what would be included in those renovation costs?

Maria Del Rio: I can get a—

Commissioner Fanello: If you could detail those out that would be good.

Maria Del Rio: —more detailed. I can get you more detail as to how he came to those numbers.

Commissioner Fanello: Yeah. How he came, why there is so much difference (Inaudible).

Maria Del Rio: (Inaudible) he knows exactly what equipment and what we need. Do you want it for...I guess, the Civic Center would be similar to John Street because it would just be like (Inaudible).

Commissioner Fanello: Why don't I make a motion that we revisit this in two weeks.

Commissioner Mourdock: Would that be the first Monday? (Inaudible). Just looking at the schedule here, it appears that October the 8th would be the better day, so.

Maria Del Rio: That also would give me time, because I want to get this together and give you all time to look at it, so that would give me enough time.

Commissioner Mourdock: So, Catherine if you will amend your motion to take this on the 8th, I'll—

Commissioner Fanello: Motion to take it under advisement until October 8th.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Maria Del Rio: Thank you very much.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Changed)

Madelyn Grayson: Thank you.

<p>Commissioners: Permission to Advertise Requests for Proposals for Occupational Medicine Services</p>
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President Mosby: Commissioners, permission to advertise for proposals for occupational medicine services.

Commissioner Fanello: Did everyone have a chance to review the packet? Is that satisfactory to everyone?

Commissioner Mourdock: Yeah, it's satisfactory. This is obviously pursuant to what we spoke of several weeks ago—

Commissioner Fanello: Yes.

Commissioner Mourdock: —after we got a brief presentation, so I'm fine with this. So, I'll move we go ahead and issue this RFP.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: I just need clarification—

President Mosby: Oh, I'm sorry, you was changing tapes.

Madelyn Grayson: I've got that changed, but I need clarification on this whether the Commissioners are going to be advertising this or do you want the Auditors office to advertise this for you.

Commissioner Fanello: You'll have to clarify.

Philip Hayes: Yes, we would like for you to—

Madelyn Grayson: Okay, and this is the copy that will be going to the paper?

President Mosby: Did you put that on the (Inaudible)?

Madelyn Grayson: We also need to know when you want to hear this so I know how far out to advertise this?

Commissioner Fanello: I think two weeks to respond it sufficient.

Madelyn Grayson: It has to appear 17, ten days before you hear it and seven days prior to that. So, I think that would be October 8th would be the earliest.

Commissioner Fanello: Why don't we, can we move it to the next date, the 15th?

Madelyn Grayson: That would be fine. Okay.

Commissioner Fanello: Oh, yeah, we will need to give you another copy that has the correct date on it. This one has a different date on it. In the second paragraph, last sentence.

**Phil Hayes: Permission to Advertise First and Second Readings
of Emergency Management Agency Ordinance**

President Mosby: Phil Hayes, permission to advertise first and second readings of Emergency Management Agency Ordinance.

Philip Hayes: Yes, thank you, Mr. President. This ordinance is a new ordinance concerning Emergency Management Agency. It is drafted as a companion to the ordinance which was passed by the City Council, and the language of which was approved by the State Emergency Management Agency under Indiana Code 36-1-7. The language is identical to that of the City's and it incorporates the City/County Intergovernmental Agreement on Emergency Services first done in 1989 and amended subsequently in 1995. State law covers most of the subject matter, in fact, all of it, and the previous joint action by resolution is and has been in place. This joint action represents no policy changes for the City and County. Mr. Greer is here tonight to present the matter and answer any questions that you might have concerning it's consideration.

Commissioner Fanello: I've got a question.

Philip Hayes: Yes.

Commissioner Fanello: On page four, under section C, the first, number one there;

The Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the City and County and shall select, with the approval of the Mayor, and Emergency Management Director.

I guess, my question would be, since it is a 50-50 department, why we don't get any kind of voice?

Sherman Greer: Originally, (Inaudible. Loud humming on tape.) it should be the Mayor and County Commissioners because (inaudible) most of these ordinances are drawn on (inaudible) County Commissioners. (Inaudible. Loud humming.) Since we are an intergovernmental agency (inaudible) the Mayor and County Commissioners (inaudible) we should be (inaudible) the Mayor and the County Commissioners.

Commissioner Fanello: Also the Advisory Council should have a part in determining the Director (inaudible) the Mayor and County Commissioners.

Sherman Greer: Yes. I (inaudible) you guys to do that.

Commissioner Fanello: We won't terminate you.

President Mosby: Is that how the City passed it? Or did the City pass it with just the approval of the Mayor?

Philip Hayes: The City passed it with just the approval of the Mayor, and the reason for that according to Mr. Winterheimer and I looked it over was because in the original model draft that had been tendered by the state Emergency Management Agency, they had granted more power to the Advisory Council. Although, the language was approved by the state with this minor change in it, it was considered by the City Council to be appropriate to have first of all some avenue so there wouldn't be a deadlock on any terms of executive advisory hiring, and at the same time avoid a delegation of power to the Advisory Council that was so apparently executive that it deprived any review of that Director's responsibilities by an elected official. In terms of bringing this draft on, because it was a substantive matter, the draft was not altered whatsoever from it's past version. This body may amend as it so wishes. That is what this session is all about.

President Mosby: We're just advertising this right?

Philip Hayes: That's correct. This is permission to advertise and procedurally–

President Mosby: There shouldn't even be any discussion. Procedurally.

Philip Hayes: –well, I understand. I think that this is permission to advertise it only, there should be no action. I think discussion is not inappropriate, but no action should be taken at this stage of it. I see your reaction to that. That is a matter–

President Mosby: I don't, yeah–

Philip Hayes: –it's a matter of discretion of this body of whether it wishes to do it in, to discuss it in this format since no action is going to be taken on it until it's advertised. I might add an additional procedure in this one is that I've made a determination that the County Council should also approve the budget provision, which is paragraph H on page six. That language is simply a codification of what is already been the practice. The resolutions that we are operating under now have always been approved by the County Council as far as budget is concerned, and so I left a copy of this with a memo and a disc for Mr. Ahlers. It is our calculation that the County Council would be able to consider this matter, if you consent to it's advertisement tonight, they would have an opportunity to consider that budget paragraph and make an approval of that and we would ultimately approve passage of the ordinance or not passage of the ordinance on second. My understanding is that it's customary to do that with ordinances in the past and I think it's a good procedure on this action.

Commissioner Mourdock: You could certainly have the discussion on what we are going to hear is appropriate, and I guess, Catherine, coming back to your point about, and I understand where you are going with it, do you have any idea that it's a 50-50 financial package, if you will, as in paragraph H on page six? Do you really

want to say, for instance, on page 4, paragraph two;

The Advisory Council shall have the power to terminate the Director,
with the approval of the Mayor

and as I understand it, you will also want to add and the County Commissioners. The reason I ask the question is, it begs the situation, what happens when we disagree with the Mayor? Two, it seems to me, we are making this less workable, and I'm not thinking of two Democrat Commissioners and a Republican Mayor, I'm just, whatever the numbers are, however the decision has to be made (inaudible), and is that making this less workable (inaudible)?

Commissioner Fanello: I don't know, I just brought it up for discussion. I would like to think about it.

Commissioner Mourdock: Okay.

Commissioner Fanello: I didn't know why it was that way.

Sherman Greer: I think all of our payroll goes through the City. (Inaudible.) maybe it was—

Philip Hayes: Controller does handle it? To be perfectly frank, from description of it given to me by the City Attorney's office and that was Mr. Winterheimer that handled it, again, the model ordinance that was developed by the state agency, basically vested the Advisory Council with not only general supervision, but with this personnel choice. It was felt by the City Council that there needed to be some imposition of an elected official's control in the matter. Cutting of that slack was not objectionable to the State Emergency Management Agency in their review of that, and consequently this is the version that you have passed here. Again, you will have the opportunity to fully consider whether you wish to further expand that elected official control by the addition of this body or any other offices intervention on that personnel choice.

Commissioner Mourdock: On first reading, I will go ahead and move approval of the advertising.

Commissioner Fanello: Second.

Madelyn Grayson: I will need to know when you want the first reading to be and if there's changes to the copy, to the wording...no changes to the wording?

President Mosby: There is no changes because this hasn't even been advertised. That is why I'm saying we shouldn't be discussing it. You don't discuss something on first reading. You advertise it for the (inaudible) then you hear it. So, it don't need changes to it.

Madelyn Grayson: So when do you want the first reading to be? The earliest it could be would be October 1st.

President Mosby: October 8th.

Philip Hayes: Mr. President, in terms of the time table on this, it's my understanding that this is a matter of clean up anyway, so it's not holding anything or impinging your

job--?

Sherman Greer: No.

Philip Hayes: –that you’ve gotta do? Then the 8th would be appropriate. That will give the County Council an opportunity to go ahead. I haven’t had an opportunity to speak to Mr. Ahlers about when he wished to–

President Mosby: The City (inaudible).

Philip Hayes: Yes, they did this July.

President Mosby: Yeah, because I’ve got a copy of this in my office.

Philip Hayes: Yeah, it was passed, I believe, on the first or second of July and then discs were transmitted and then we had previously looked at it from our codification stand point and it’s been brought on now.

President Mosby: I have a motion and a second to advertise for October 8th. Right? So ordered.

Philip Hayes: Thank you, Sherman.

Sherman Greer: Thank you.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board. I knew you was sitting there for a reason.

Phil Lawrence: Alright, you have in your packets on, somehow or another when I got my report on what the annual commodities that we buy, somehow or another salt for the County was missed. The City has purchased theirs, and the County needs to purchase ours. Next year, I’ve already talked to Carrie (inaudible) combined bid next year, both the City and County, which is the way it should be done. We buy 10,000 tons of salt and right now we are buying 10,000 tons for the City and, I’m sorry, five and five. It doesn’t make a lot of sense, so I’m asking for permission to advertise for the annual salt bid.

Commissioner Fanello: Second.

President Mosby: I’m not sure if I have a question or not. Ralph, come up here. Do we get our salt from the same place?

Ralph Kissinger: Last year we didn’t. We got our salt from (inaudible) ran out of salt–

President Mosby: Well, that’s my whole point here. We were giving salt to the City, so.

Ralph Kissinger: Yeah, we had to sell the City some salt (inaudible). We paid about 90 cents more a ton, but we had salt when we needed it. When they ran out they paid \$50 more a ton than when they–

President Mosby: That's what I was getting to. I mean they might have paid—

Ralph Kissinger: They didn't realize what the procedure was (inaudible).

President Mosby: So, this is just permission to advertise?

Phil Lawrence: Right.

President Mosby: Then we'll get the bids and decide to accept?

Phil Lawrence: (Inaudible)

President Mosby: Okay, thank you. So ordered. Any other group or individual wishing to address the board? Seeing none. Department Head Reports.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First I would like to recommend that contract number VC01-09-01, Repair and Repaving of Eissler Road, be awarded to E&B Paving for the amount of \$53,332.78. They were the low bidder on the project.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: Next I've got an agreement between the Evansville Water and Sewer Utility and Vanderburgh County for the relocation of water lines on Burkhardt Road between Interchange Road North and Lynch Road. This is for amount not to exceed \$293,100, and the agreement basically says that the County will include the relocation of water lines in the (inaudible) project plans and (inaudible) employees of the Water Department for all the actual costs of the relocation. The agreement was actually worked out months ago, and it was just signed by the Utility Board the past couple of weeks. It's recommended that this be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I've got some street plans for Section three of Bridlewood Subdivision. (Inaudible) This subdivision is located off Boonville-New Harmony Road (Inaudible) halfway between (Inaudible) and State Road 57. This is just a small expansion of that subdivision, up in the northeast corner of that subdivision. The streets will all be curb and gutter asphalt streets and the plans been reviewed and it's recommended it be approved.

Commissioner Mourdock: I will move approval of the street plans of Bridlewood Subdivision, Section three.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I would like to request to transfer \$60,000 from the McCutchanville Bridge Account, \$40,000 from Boyle Lane Bridge Account, \$9,000 from the Broadway Avenue Bridge Account and \$84,000 from the Roesner Road Culvert Accounts to the Bridge Contractual Account. This would be for the purpose of repairs to the First Avenue Bridge. The replacement of structure number 430 on Old Boonville Highway, and for the rehab of a structure on Boehne Camp Road immediately north of Middle Mount Vernon Road. The grand total of all those transfers is \$193,000.

President Mosby: So ordered.

John Stoll: In conjunction with that, we sent out some notifications to contractors last Friday (inaudible) on some repairs to the First Avenue Bridge over Pigeon Creek. This is for (inaudible) underneath the bridge and doing some milling and resurfacing of the (inaudible) to the bridge. Those quotes will be due back in here next Monday. Also in regard to that request, I (inaudible) approval to use the annual bid from American Timber Bridge for the replacement of the structure on Old Boonville Highway. That structure is located approximately a quarter to a half mile south (inaudible) on Old Boonville Highway.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is an administrative settlement request for parcel number 27 on the University Parkway project. This is for a net increase of \$1,950 which will bring the total offer up to \$9,150. The reason for the increase is due to the fact that the right-of-way (inaudible) was originally based on (inaudible). There was no documentation that could be found for that (inaudible). Therefore, we have to go back and pay (inaudible) use of the right-of-way line. So, it's recommended that this increase be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I've got a request from the YMCA for, they are requesting to use some Vanderburgh Roads for a 15K Walk/Run on October 6th. This 15K Run will start at Burdette Park and end at Burdette Park and will use, they plan to use (inaudible). They've done this about every year I can remember since I've been here, and they have submitted (inaudible) insurance. They state in their letter the will (inaudible) traffic control and they will notify the media, so it's basically they same request we have seen in years past. It's recommended (inaudible) to use the roads for the 15K Run.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is I wanted to let Richard know that on the Audubon Estates drainage issue. (Inaudible) been looking into it. I've got a copy of the original plan, the original drainage approval. We did accept the maintenance of a couple of pipes out there off the right-of-way, and still trying to piece together exactly where our responsibilities lie. I have been talking to Juanita Fleighner about the problem, so I will try to get something figured out. (Inaudible).

Commissioner Mourdock: It's a (inaudible) place, isn't it?

John Stoll: Yeah. In looking at it, the biggest problem that I see the County could have is the fact that we accepted the pipe. The water level drops so low in sections of the pipe (inaudible.) Fix our problem. If they don't fix the lake, our problem comes right back. Likewise, they don't want to see any section of the pipe drop off so, I'm not sure which way to go with that.

Commissioner Mourdock: (Inaudible) report to us, John, did you have your meeting on Thursday last week in Vincennes regarding the Lloyd Expressway plan (Inaudible).

John Stoll: I didn't talk to the INDOT people (inaudible) about that. They were more giving us updates on what projects they had in the works throughout this whole district. I didn't get a chance to talk to Rose to see if she (inaudible). Since I really haven't seen the plans, I didn't feel comfortable talking to them in great detail about it.

Commissioner Mourdock: When I said last week I would prepare a letter on Tuesday, obviously, the events of Tuesday wiped that letter out of my mind. (Inaudible).

John Stoll: I'll check with Rose too to see (Inaudible) she might have had as well. As I said, I didn't talk to them in great detail about it. They also held a meeting prior to (Inaudible) information meeting asking about what could be done to improve the process as far as receiving the counties (inaudible) Federal Aid Projects and (Inaudible) some of those things would be great because we are taking (Inaudible) the fact that where do our responsibilities end and where do theirs begin. Because it is not clearly defined. (Inaudible) said the same thing, that it's not (Inaudible) it's not real clear who's supposed to be calling the shots. So, (Inaudible) see what I can (Inaudible) to change that process as well.

President Mosby: Any other questions?

John Stoll: Thank you.

President Mosby: Thanks, John, appreciate it.

Ralph Kissinger: County Highway
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President Mosby: Ralph. County Highway.

Ralph Kissinger: You have my report. (Inaudible) John Stoll and I did have a meeting with Pioneer Rail. I think he brought it up (Inaudible) any suggestions on (Inaudible) crossings in the County. I haven't gotten any information from them yet (Inaudible). Paving is, with John contracting out Eissler Road (Inaudible) one mile stretch (Inaudible) everything else is completed. I'm waiting till the end of the month for my invoices to come in and make sure I'm not going to (Inaudible). It looks like right now I'll have plenty of money to finish. So at the end of the month (Inaudible). We take daily reports from the paving companies (Inaudible) so we can verify (Inaudible) about three or four days to finish that. So, the paving is, like I said, we are 95% done. (Inaudible) Eissler Road (Inaudible) we are right on track.

President Mosby: Any questions? Thank you, Ralph, appreciate it.

Phil Hayes: County Attorney

President Mosby: County Attorney. Did you have anything?

Philip Hayes: Yes, Mr. President, there are two matters that I wanted to bring up. First is two weeks ago we executed leases for various title companies at the County Recorders Office. One of those, Evansville Titles, has sold it's assets to the Precedent Companies which is an established real estate firm in Indianapolis. My understanding is that the same personnel are going to be occupying the space. It has been pre-paid. It's a one year lease with an option, but the full year has been paid. This is an administrative consent therefore to the assignment. Mr. Compton, Charles Compton, attorney with Ziemer Stayman Weitzel and Shoulders, has submitted a full explanation of the transaction for the file. The baseline of this is it amounts, in effect, a sub-lease agreement, but the sub-lease is precisely to the same duties and obligations, and by the way, the rental there is \$1,800 a year or \$16.67 per square foot. If, with your permission, this administrative consent to assignment can be executed tonight. They will be able to go ahead and make their transaction complete as far as that particular asset is concerned.

Commissioner Mourdock: I will move approval of the consent of the assignment for (Inaudible).

Commissioner Fanello: Second.

President Mosby: So ordered.

Philip Hayes: That's the correspondence. The letterhead is where that should be delivered, Madelyn. It can be forwarded to them, or they can pick it up with a telephone call (Inaudible). On the particular lease of Evansville Titles, you can hang on to that documentation. Also that's a copy of, that's an exhibit form of the sub-lease. I was asked by Commissioner Fanello to review some consumer complaints that were received here in the aftermath of the September the 11th activity. Economic activity in the state and our community with respect to pricing, particularly with gasoline. In the course of doing that I would refer you to the column of the Business Editor of the Evansville Courier on Sunday, September the 16th. Alan Julian, in essence, explained that his own review of that indicated that it was primarily a hoax. That there were not that many offenders around. We don't have any definite statistics on who raised or did not raise gasoline prices. The industry viewpoint is not necessarily represented by one person, but Lloyd Bright is a resource that we use from time to time, is a member of the Kentucky-Indiana- Illinois

Bar, practices exclusively in oil and gas, and explained rudimentally that during the aftermath of the destruction at the World Trade Center the markets were closed, there were no markets being made in refined petroleum products. So, there was some investorial feeling that there had to be a decision made on how to handle or how to project what the price might be to fill those tanks back up again. There didn't seem to be any vast changes, although apparently, one retailer did raise to some large number like \$3.00, \$4.00 for a short period of time. The Attorney General, Steve Carter, has done a great job in getting out and getting attention drawn to the (Inaudible) consumer complaints. This county does not have an enforcement of pricing mechanism in place. We probably would not have the power to do anything as a community, unlike New York City. I think, Mayor Gulliani's attitude, expressed attitude and firmness about no rip offs has been interpreted to somehow cities and counties, local governments have this power. The consumer protection division of the Attorney General's office has a consumer complaint form. It's at www.in.gov/attorneygeneral and there is also a fax number, there is also a phone number. That's available here at this office and we can, probably through Tammy, give that out. There is also a consumer complaint, which is called a general consumer complaint investigation mediation form and that can also be forwarded, I think, that we want to continue to receive any complaints whatsoever, whether we have jurisdiction or don't have it, we can at least pass it on. Maybe we'll send Loretta Townsend out from Weights and Measures, who often is the worst nightmare of some of those businesses. The only creative decision I can come up with, but I think just the sight of her with her, with her scales apparatus might send the price plunging. So, Tammy, I will give those documents to you that have the addresses, phone numbers, and I will be of any assistance I can in helping the process. Any written complaints or providing the forms that are downloaded on that. I have no other items to report this evening.

Tammy McKinney: Superintendent of Buildings
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President Mosby: Tammy McKinney, Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report, but I'm going to request that I can put in a request for service for the humming in the audio system.

President Mosby: On this? Yeah, I don't what all the feedback is. (Inaudible)

Tammy McKinney: So, I'll call VanAusdall or whoever I need to call tomorrow, so.

President Mosby: VanAusdall does this?

Commissioner Fanello: I thought that was the Building Authority. We've expressed our concerns before, but it's a lot worse tonight.

Tammy McKinney: Okay. Okay. I wasn't sure who did it.

President Mosby: Yeah, it's the Building Authority.

Tammy McKinney: I'll check with Steve.

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. You have my worksheets which I've turned in. I also turned in a sheet which is a comparison of 2000 and 2001. It's not a quarterly sheet, but it's (Inaudible). I wanted to get it (Inaudible) so you could see a comparison of what we had done last year (Inaudible) this year. Which kind of surprised me because this was the rainiest Summer they say we've had in (Inaudible) years. (Inaudible) wash out, so it's not (Inaudible).

President Mosby: Well, I noticed the pool is up. To be a rainy Summer, I guess. Our rentals and our Day Camp are down.

Steve Craig: The Day Camp is down because it was a week shorter than last year. So, if you take like one tenth of what that number is which is like \$14,915 and add it to that you will come to almost exactly the same number. Because of the way that the school let out and when they went back, it was a week shorter. Some years we can get 11 weeks out of it and some years we can't, we only get ten. (Inaudible).

Commissioner Fanello: (Inaudible) is that just the revenues on there?

Steve Craig: (Inaudible).

Commissioner Fanello: Could you do something that also has expenses on it as well?

Steve Craig: (Inaudible).

Commissioner Fanello: Then did you get Richard and David a copy of the RFP for the Master Plan?

Steve Craig: The revised one?

Commissioner Fanello: Uh-huh.

Steve Craig: Phil was supposed to have given them one.

Commissioner Fanello: (Inaudible.)

President Mosby: I haven't seen it yet, but I've got some stuff (Inaudible).

Steve Craig: I have one here with me if anybody (Inaudible).

Commissioner Fanello: I'll wait until everyone (Inaudible). I had some comments for you, but I'll just pass it on to you (Inaudible).

Steve Craig: Okay.

President Mosby: Any other questions? Thank you, Steve, appreciate it.

Mike Wathen: Soil and Water Conservation District
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Commissioner Mourdock: (Inaudible)

Mike Wathen: Mike Wathen, Vanderburgh County Soil and Water. (Inaudible) leave that shows some pictures (Inaudible). I believe you saw some (Inaudible). Some

of the ones we've worked with here recently, it's my understanding (Inaudible) last week was Ivy Meadow. (Inaudible) I spoke with Mr. Murphy this afternoon on the phone. (Inaudible) working with some of the neighbors out there (Inaudible) Surveyor's Office. There has been some progress made. I don't know if it's to anybody's satisfaction yet. One point I wanted to make is that I think there is some confusion perhaps (Inaudible) DNR's responsibilities lie in relationship to where the local ordinance lies. DNR deals with subdivisions which are five acres or more. The local ordinance deals with areas that are disturbed (Inaudible). What I'm trying to do (Inaudible). Is regulated by DNR which is the Indiana Department of Natural Resources, they're (Inaudible) Indiana Department of Environmental Management. So there are a couple of different vehicles in place out there. I serve as a liaison person (Inaudible) the local ordinance (Inaudible). Regarding something that you guys have probably seen here in the last 30 days or so (Inaudible) Clean Water Indiana. Have you (Inaudible) and what is going to be expected?

Commissioner Mourdock: (Inaudible) changing (Inaudible).

Mike Wathen: It's my understanding, I was in a meeting at the 4-H Center about a (Inaudible) weeks ago. It's my understanding, Rule Five is (Inaudible) stay in place. It requires (Inaudible) control plan on (Inaudible) or more. What the Clean Water Indiana will do is down to one acre. So, theoretically, if you have a ten acre site (Inaudible) control plan (Inaudible) you would have (Inaudible) if you have ten one acre sites in that ten acre development. Which is going to be (Inaudible) time consuming (Inaudible) work load. Also, in this county (Inaudible) other counties that do not have a local ordinance. So we got to a point where you've got three sets of rules (Inaudible) could be applicable (Inaudible). It's my understanding that we don't have any choice in accepting this, that we have to accept it. (Inaudible) any ideas you have along those lines. (Inaudible).

Commissioner Mourdock: A little bit of feedback (Inaudible) to fill in (Inaudible) make sure she is trained as thoroughly and quickly as possible (Inaudible).

Mike Wathen: I'm in the process of doing that, but, I mean, she's doing a good job, it's just there is a time element there. (Inaudible) I think, Bill, didn't you want to say something?

Bill Jeffers: Bill Jeffers, Vanderburgh County Surveyor. The only thing I had in conjunction with Mike Wathen's report is the letter that Mr. Mourdock asked, made a motion during the Drainage Board last week to send a letter to the developer under the signature of Catherine Fanello, the President of Vanderburgh County Drainage Board, notifying the developer that the drainage facilities for Ivy Meadow Subdivision specified by the approved and final drainage plans for the project have not been completed and have not been maintained sufficiently to accomplish and orderly conveyance of controlled discharge of storm water as required by the County storm water ordinance, and asked him within 48 hours or I put also two business days, within receipt of this letter the concise schedule of construction activities by which the developer will complete construction and stabilize the entire storm water drainage system for that subdivision. Turn that in to us and I will bring that to your next meeting. In addition, there was authorized agent of the Soil and Water Conservation District who may have made some certain corrective recommendations to the developer for the installation of some corrective erosion control facilities that might allow him within the drainage basins, channels and easements shown on the approved final drainage plan and therefore I am asking the developer also in this letter to clearly depict those erosion control components, the new ones, to be

installed in compliance with that of the (Inaudible) modified drainage plans which I will bring to you at the meeting October 22nd. If this letter is okay and meets the intent of your board, then Ms. Fanello can sign it and I'll sign attesting that I wrote it and have it mailed to the developer with a return receipt requested.

Commissioner Mourdock: I'll move the signing of the letter.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: I'll move approval of the Ozone Officers Report as well.

Commissioner Fanello: Second.

Madelyn Grayson: May we make another tape change please?

President Mosby: Motion and second, so ordered. Yes.

(Tape Changed)

Madelyn Grayson: We're back on.

Consent Items

President Mosby: Okay back on the Consent Items.

Commissioner Mourdock: (Inaudible) I'll move approval of the Consent Items (Inaudible).

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: Old Business, or Scheduled Meetings. Any scheduled meetings? (Inaudible).

Commissioner Mourdock: Next week at 5:30 we meet for the space allocation.

President Mosby: Space allocation. Any other scheduled meetings?

Old Business

President Mosby: Old Business.

¹Consent items listed on Page 25.

New Business

President Mosby: New Business.

Commissioner Mourdock: We received a letter from the County Assessor regarding the resignation of Tom Ossenberg. (Inaudible) she has recommended that an appointment of a Khristian Seger (Inaudible). It is Khristian with a K (Inaudible).

Commissioner Fanello: I was actually gonna bring up that there are four other board appointments we need to (Inaudible). I wonder if we could maybe just do these all in one night (Inaudible) has a chance to make (Inaudible).

President Mosby: I was looking at somebody (Inaudible) myself.

Commissioner Fanello: We also need an appointment on the Public Defender Board, (Inaudible), Southwestern Mental Health, (Inaudible).

Commissioner Mourdock: (Inaudible).

Commissioner Fanello: (Inaudible).

Commissioner Mourdock: (Inaudible) I passed it on. (Inaudible).

President Mosby: (Inaudible) If I did, I didn't (Inaudible).

Commissioner Fanello: Well, they, it's time to put somebody else on there. Whichever (Inaudible).

President Mosby: If I'm supposed to be on it, they probably don't like me.

Commissioner Mourdock: They probably don't like me either, but I was on there last year, but that's why (Inaudible).

Commissioner Fanello: (Inaudible) the Greenway. There was a resignation on that.

Commissioner Mourdock: So are you (Inaudible) deal with all those—

Commissioner Fanello: In one night, if we could and everybody could come back with recommendations for those.

President Mosby: Any other New Business? Motion?--

Commissioner Mourdock: To adjourn.

President Mosby: I have a motion and a second. So ordered.

Meeting was adjourned at 7:25 p.m.

CONSENT ITEMS:

Employment Changes:

County Council
County Clerk

The Centre
VCCC

Sheriff Department
Health Department

Recorder

Surveyor

Travel Requests:

Perry Assessor

Knight Assessor

Health Department

Requests for Service:

Health Department

Auditor:

STD Prevention Grant Agreement for Health Department

Violence Against Women Formula Grant for Sheriff Department

Sheriff:

EPA Application for Reimbursement for Emergency Response to
Hazardous Substances

Weekly Jail Information and Reports

Those in Attendance:

David W. Mosby

Catherine Fanello

Richard E. Mourdock

Philip Hayes

Suzanne Crouch

Tammy McKinney

Madelyn Grayson

Amy LoBue

Dorie LoBue

Tom Norton

Maria Del Rio

Phil Hoy

John Pulcini

Sherman Greer

Phil Lawrence

John Stoll

Ralph Kissinger

Steve Craig

Mike Wathen

Bill Jeffers

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
Space Allocation Meeting
September 24, 2001**

Call to Order

President Mosby: We will officially call to order the space allocation meeting of the Vanderburgh County Commissioners. Where do we start? Who wants to start?

Commissioner Mourdock: I will start.

President Mosby: Okay.

Commissioner Mourdock: Steve, you had given us the thing several (inaudible) sure. You had given us the outline several weeks ago. Did you get my e-mail by the way of this week?

Steve Utley: Yes.

Commissioner Mourdock: Okay.

Steve Utley: (Inaudible, away from the microphone)

Commissioner Mourdock: In putting together the estimates that you put in, I understand those are what is called a knock down and build up cost. And from A to Z for any one room you have gone in and done what you needed to do, tearing out whatever needed to come out and then you rebuild it back up. Right?

Steve Utley: Yes.

Commissioner Mourdock: You have put in here that you think these costs are pretty high. Do you have any idea of by what magnitude? Or, how did you come up with these costs other than just some rough estimates?

Steve Utley: Steve Utley with the Building Authority. What I did was, basically, I went to the contractors, individual of course, I didn't use anybody as a general contractor, the plumbing went out separate, but I asked the contractors to be on the high side, but not to be ridiculous. So, the worst thing we could have done was come in, I was just talking to the Judge about this, could have come in at half a million dollars and then go out for pricing and then it come in at \$800,000.

Commissioner Mourdock: Right.

Steve Utley: I mean, you know, so I just asked them to be on the high side of things. All they had were sketches. I mean, they had what you have to go by. Some of them required that they be able to walk through. We walked them through the area and told them what was coming out and what would be put back in.

Commissioner Mourdock: Of the four rooms that you looked at, or actually the four sections that you looked at, if you had to say one is more accurate than the others, or one is less accurate than the others on cost, any guess? I mean, is one a simpler job? For instance, I would guess from just looking at it, that room 210 over in the Circuit Court building, probably you would have the highest confidence in as far as the pricing, just because it is the simplest?

Steve Utley: Uh, no, actually room 210 in the Court Building, I think, would actually be, in my opinion, was, comparing to the others, it was actually the highest. I mean I think it has a greater chance of coming down. I didn't see, I mean, I tried to imagine some of the figures that they had, and I don't see that much work there. In that case, I think they may, actually, in all cases, I think, that they saw things that I didn't see-

Commissioner Mourdock: Sure.

Steve Utley: But, I think more so in room 210 in the Court.

Commissioner Mourdock: Okay. The Health Department numbers, I will confess that I about fell over when I saw them. Any particular comments on those?

Steve Utley: Well, a lot of work in the Health Department is demolition of currently plaster walls, and it takes a whole lot more to demo that. The, and I would have to check here, I was going to check it before I came to the meeting, but on the ceiling portion of the Health Department, I have to find it here, there is part of that ceiling in there that the Building Authority has wanted to get rid of for years. Well before my time. It is very unhandy for maintenance and that type of thing, and we will pay to get rid of it just for the convenience of having it out of there. I don't remember whether that is still included.

Commissioner Mourdock: It is only showing up as \$6,000. Is that the item that you are talking about?

Steve Utley: Yeah, and I think that would probably decrease it. I mean, that may be the new ceiling that I am talking about that we would take off of there.

Commissioner Mourdock: The observation that I would share with the others here, given the costs of everything else that we are looking to do with the Health Department, obviously, the question is, is it worth this kind of tear down cost and rebuild cost in addition to whatever other replacement cost it might be? Whether they go to the building on Main or wherever they go. I mean, this whole thing is such a set of dominoes. When we do one thing, so many other things are affected, and we need to have a grasp of the whole thing before we get started.

Commissioner Fanello: I have one question for Judge Heldt. If for some reason, you know we have gone through extensive discussion over the past couple of weeks about the Health Department, and if for some reason we were not to move them out of this building, does that change your plans for room 126, 127 and room 210? Or would you go with these as is?

Judge Heldt: No, is that Juvenile Court, 126 and 127?

Commissioner Fanello: Divorce hearing room 127 and criminal hearing room 126, yeah, it was probation.

Judge Heldt: Yeah, I mean that would change it. That we would not do any of that.

Commissioner Fanello: But, you were going to move juvenile over?

Judge Heldt: There would be no place as for Juvenile, Probate and 210 is where the probation officers are. So, if we had no place to move them then we couldn't do

anything.

Commissioner Fanello: What about room 210, could you still proceed there?

Judge Heldt: No, that is my office and that we were moving all of the probation office over here. That is what 210 was going to be, take back the space that probation had to take from us due to their growth.

Steve Utley: Actually, if the Health Department doesn't go then 210 can't. I mean, I don't know where you would put those people.

Judge Heldt: If the Health Department stays, assuming there is no other space available, nothing will happen.

Steve Utley: But, Judge, if I might? They are marked in blue on your drawing on the, which was 106, that space, the Voters Registration space would work without any other and if the Voters, I mean that is an outside operation coming back in, if the Voters Registration were to vacate.

Judge Heldt: Yeah, the Voters Registration, the blue thing, I think was really sort of an afterthought on our part because I knew that the Health Departments was talking about moving. I didn't know what the deal was with Voters Registration. Well you said, if they do go as well, we can use that as well for the Alcohol and Drug Probation Service. If that should go but the Health Department doesn't go then, you know, I would have to talk with the Superior Court Judges if that becomes available to decide what the best use of that would be. Because that was sort of an add on in case they did go, but I think the primary focus has been on the Health Department and what we can do if we can have that space.

Steve Utley: I might add that the space known as 106, Voters Registration, that in itself is not really large enough to take in anything that was happening in the Health Department. So it pretty much suits itself for that operation to come in-

Judge Heldt: Or some other small operation like that.

Steve Utley: Right.

Commissioner Fanello: So, I was going to comment on your comment, Richard. I guess we need to decide if the Health Department doesn't stay we have to find some space for these people in the Courts Building. So, I don't know if it is as broad as it is long, if we let the Health Department move out, I mean, we are taking care of a problem within the Courts Building. Of course, I am not happy with the Health Department proposal as is right now. I wasn't aware of all of the things that, when we started this discussion about the Health Department, I wasn't aware of all of the details about how they went out for RFP's and the constraints that the Council put on them, which were sort of unreasonable. I mean, if we don't let the Health Department move out, we have to find them space somewhere. I don't see any space in this building unless we move the constitutional offices out to the Old Courthouse which we had wanted you to find out the space or do a space analysis on those offices.

Steve Utley: If I could address that for just a moment and I was going to call Richard because he asked me to call if I had any questions. Richard's request was that we would go through and look at the constitutional offices and list those offices and then

he asked for square footage and that type of thing that is current, and that we can do. He does reference the tricky part, and that being trying to, knowing the manpower and I would simply call those offices and find out how many people we are talking about that work in there. But, he asked for the square footage for support of common areas. I have talked with two different architects in trying to find out what would be standards for that kind of support space. It is not the kind of thing that I have at my...and they don't have. There are codes for certain things. If you have so many people on a floor working in an office setting you would have "x" number of restrooms as a minimum and that may be 75 people and two toilets. But, then you have to take into account how many people they have visiting them and the public coming in and out. It doesn't raise the number a lot from what I have been able to find out. Because those people are not...everyone of those...we figure in this complex we have something like 24 or 2500 people a day and that figure is probably about eight years old, that just come in to do business. With what they have in the Court system and other duties, the Health Department has increased what they do, that could easily be 3000 people or more in a days time. So, when, taking those kinds of things into consideration, I was going to contact Richard and say that I can give you the current conditions, and I can give you what we have in this facility, but I don't feel qualified to give information even on a guess as to what. Both of these architects told me that ,basically, what we needed to do was a preliminary planning program that would take that space. We are not even comparing apples to apples to the type of space that you are talking about there because of well, you just aren't. They are a hundred years apart from each other, the facilities are. But, they recommended that in doing that, they could set aside, and, I guess, that Charlene Buente has done some space programs for that building and has compared some things and to what extent I don't know. There is a group over there which is formed by this body, I believe, that is, that does studies and I guess Will Fosse is on that committee, I don't know.

Commissioner Fanello: That was our advisory board, or committee that we had formed to do a study on the Old Courthouse.

Steve Utley: Are they still active?

Commissioner Fanello: I guess they could be, if we wanted them to be.

Steve Utley: But, I think at this point, we can give you the background and where these people are and how much space they have and I can actually tell you how much space they have inside their space that they have dedicated to the break area and that type of thing. It is easy to identify.

Commissioner Mourdock: That would be a starting point at least. If we could get that.

Steve Utley: Okay, we can get that far. Having to work...anyone that would, I think, that I could send you down the wrong path, if I were to guess.

Commissioner Mourdock: One thing that you did mention that Charlene Buente did, and that was a couple of years ago, and, Judge, maybe you remember, I think that was when we first had discussions about having some court rooms over there. She went back and did some architectural designs, not of anything futuristic but more of what is there now as far as what could easily be converted to court room space. I don't know that it was any more detailed than that.

Judge Heldt: I don't know to what detail but-

Commissioner Mourdock: It was almost more of an assessment than it was a plan.

Steve Utley: Yeah and that is one of the things that the architects both brought up was that, you know, we have a parking problem that has to be identified. There is, when you start doing that preliminary plan there is a whole list of things that you need to look at besides, and I wasn't limiting this of course, to break area and that type of thing but their imagination as architects spins out to many categories. That accessibility to the public and I know that those are all issues that have been cited in the reports that the other group had been putting together.

Commissioner Fanello: That brings me to the point then that we need, if we are going to move forward and we are going to seriously turn the Old Courthouse into government offices and move some of these constitutional offices over there, then we need to go ahead and hire an architect to get a plan together. If that is what we are committed to doing we need somebody who is more professional than us three sitting here and knows about space requirements. I don't see how us three can go any further on the Old Courthouse without hiring a professional to do the planning.

Commissioner Mourdock: The three words that you used, I think are the key words. At this point, I am not committed to doing that. I am certainly committed to looking at it, to evaluating it, because I think it could offer us, at least part of a solution for what we have with the Court problem and what we have with the Health Department problem. You know Will Fosse certainly knows that building over there very well and having been involved with that he is somebody that we ought to get on board with this to take a look at. I mean, I certainly don't have any problem with that.

Commissioner Fanello: I mean, I don't know if he is willing to do that within a, his capacity as acting on the committee or not. Or if that is going to be to much of a task.

Steve Utley: Conflict.

Commissioner Fanello: Yeah. He might want to get paid for a service like that. You know, either way we are going to have to have somebody tell us professionally if it is a workable idea before we can fully commit to it.

Commissioner Mourdock: I think before that one, we come back to a more philosophical discussion which is, do we want, do we have the vision for county government to continue to be spread across more and more buildings of the downtown area? Or do we want it condensed to a few? Because it seems to me with the Health Department, and this is also based on an assumption, if the problems that they have will this building can be fixed and we asked them last week to come back with whatever their list of problems would be with this building. If those problems could be fixed here, does it make sense to have them move someplace else? If in fact, the Old Courthouse isn't workable for what we have just spoken of, then I think it forces us into another decision.

Commissioner Fanello: I agree with you on that. I don't know how we are going to find out if the Old Courthouse is workable until we either hire somebody or if Will is willing to do it in a committee capacity to give us that information. Because I am not smart enough to give that information.

President Mosby: I still say the information we need is the information we are asking him for.

Commissioner Mourdock: To get started, yeah.

President Mosby: I mean, unless we know how much square footage these offices encumber now and what we have to offer over there, I mean we could be talking apples to grapefruits here.

Steve Utley: Yeah. I am sorry but I couldn't make the comparison between the two because I don't know the other facility and I am not sure even if I knew the other facility, I could make a good comparison. But, I certainly in a few days can get you the information.

Commissioner Mourdock: My e-mail to you wasn't asking you to make the assessment of that building it was just to provide-

Steve Utley: Oh, I understand.

President Mosby: I guess my comment would be, you know, once we get that information and we get the square footage at the Old Courthouse to accommodate what we are looking at here, I wouldn't, I would not hesitate to take some of the constitutional offices, this one included, and move to the Old Courthouse and try to free up a lot of the second floor instead of the first. I mean, if we can leave the Health Department here and give them Voters Registration or whatever to encompass more space and then we take a lot of the constitutional offices and move over there, I would rather spend a million dollars on the Courthouse than I would on a bank building.

Commissioner Mourdock: If we ended up leaving the Health Department where it is, obviously these walls that need to be knocked down, the first \$176,000 you have here, that one goes away for us. There may be other things that need to be done like the ceiling that you mentioned. But, it may well be, and I think that is what you are saying, David. The second floor space on this building may be in fact more meanable to the courts use than what something else would be.

President Mosby: I would leave that up to the Judge but I know on the second floor we have the hall coming over and everything.

Commissioner Mourdock: You wouldn't have to tear out laboratories and all of that stuff.

President Mosby: I am thinking that it might be better space but, I don't know for sure. I am like Richard, it bothers me to look at these figures and think that I am going to spend a million dollars here and a million dollars over there and still have a courthouse that still needs about eight or ten million dollars. But, I think we can make the Courthouse a beautiful building and move a lot of offices over there and try to save some of this money somewhere along the line.

Commissioner Mourdock: At least with that building we are investing in ourselves.

President Mosby: That's right, we're investing in our own. But, I think first that we need your information.

Steve Utley: I am not sure which of these offices that were in Richard's e-mail can work without the other or need the other.

Commissioner Mourdock: Well, that is a key question. That's right, and that is why I lumped them all in there ,because, ideally, you have to keep the, you don't want the Recorder's at one end, the Auditor at one end and then the Treasurer someplace else.

Steve Utley: Electronically it may work, but you still have the customer, and that's the taxpayer that needs, many times they come in and visit all three or four of them.

President Mosby: I would want to keep the Auditor and the Treasurer and the Recorder all together. I mean, I guess that would be my thought. And then you have the Assessors down there. If you move the County Assessor and all of the townships, you keep them all together, is what I am thinking. So, that we don't separate and have the public running in 22 different directions.

Steve Utley: I might mention that the space that the Health Department is occupying on the second, or the first floor, the length and width of the spaces that you are talking about on the second floor would be the same. It could almost be lifted from one to the other with this, the design that the judges have put together for the space usage.

Commissioner Mourdock: I am not sure that I am following you with that. You are saying that the space that the courts would like in this building would simply be moved to the second floor and have the same general dimensions?

Steve Utley: I am saying that this configuration right here could happen on the second floor.

Commissioner Mourdock: Right, okay, with a lot less demo?

President Mosby: I don't guess it matters to you which floor you are on, does it Judge?

Judge Heldt: I don't think so. One thing about the Health Department is that it is across the hall from the Prosecutor's office and that would be a good hall to secure off. On the other hand you are right, if it were on the second floor, we are right across the bridge and that certainly has it's advantages too. So, you know, I would think that it wouldn't make us any difference at all.

President Mosby: And I hope that you understand where we are coming from.

Judge Heldt: I know exactly where you are coming from.

President Mosby: I mean we just,

Judge Heldt: You know I have no argument at all with you all. I love the Old Courthouse too and boy, if you all could do something with that place. Of course, you know we left it 31 years ago for a reason. We are talking about a lot of bucks, but, of course, you may be spending that any way over there, I guess.

Commissioner Mourdock: That is what it sounds like.

Judge Heldt: I appreciate what you all are considering and what you all are doing and I think that your recognition of the needs, and I trust you all to make the right judgements and I sincerely mean that.

Commissioner Mourdock: And if it comes back that either a) the Old Courthouse doesn't have the space that we are needing in square footage or b) if the cost is so outlandish then it seems to me we come back to a proposal like this with the ultimate, I guess, outcome being that the Health Department is going someplace else. Certainly if we have to cast someone out of the building in the sense of what works for the people normally coming into this building. I think they are the first one that would go out because their clientele is different from those that go to the Assessor, Recorder, Treasurer and walk down the hallway. Okay, so you will get back to us, Steve, with that update?

Steve Utley: Yes, I'll get it to you in a few days.

Commissioner Mourdock: Okay.

President Mosby: Thank you, Steve.

Steve Utley: Do you want me to send that to all three?

President Mosby: If you would. Thank you, Judge. Is there any further business in the space allocation? Being no further business we will recess, I guess, because we advertised for 5:30. We will recess for the next five minutes.

**Vanderburgh County
Board of Commissioners
September 24, 2001**

The Vanderburgh County Board of Commissioners met in session this 24th day of

September, 2001, at 6:06 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to reconvene the Board of Commissioners meeting of Vanderburgh County for September 24, 2001.

Introductions and Pledge of Allegiance

President Mosby: We have with us tonight Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. If we would, please stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: Approval of the minutes from September 17th.

Commissioner Mourdock: I will move approval.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Open Quotes for VC01-09-02: First Avenue Bridge Repairs

President Mosby: John Stoll, open quotes for VC01-09-02, First Avenue Bridge Repairs.

Commissioner Fanello: Motion to direct County Attorney to open bids.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second for the attorney. So ordered.

Southwestern Indiana Regional Council on Aging

President Mosby: Kim Miles, Southwestern Indiana Regional Council on Aging.

Martin Staab: I'm Martin Staab. I represent Kim Miles, he couldn't make it. Again, I'm asking the Board that we need some more computers, used ones. I've been here before, three or four times already. I'm an old hat at this. Benny said you had some down in the basement, so.

Commissioner Mourdock: Did you get some previously? I know you have come before.

Martin Staab: Oh, yeah, sure, sure.

Commissioner Mourdock: Okay, I just wanted to make sure the pipeline was open there.

Martin Staab: The pipeline is open.

Commissioner Mourdock: Okay.

Martin Staab: I got some for CAPE, and I got some for SWIRCA, now we need some more.

Commissioner Mourdock: As in, or I presume, as in the past the computers that were provided to SWIRCA, were those that were otherwise being declared surplus by the county.

Commissioner Fanello: Do we need like a formal motion to?--

Commissioner Mourdock: To disperse those to SWIRCA.

Commissioner Fanello: Okay. I will move that we disperse some of our surplus computers to SWIRCA.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Martin Staab: Thank you very much.

President Mosby: Thank you very much.

Martin Staab: That was short and sweet.

President Mosby: Yes.

<p>Phil Hayes: Collective Bargaining Agreement for Sheriff's Civilian Support Employees</p>
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President Mosby: Counselor Hayes, Collective Bargaining Agreement for Sheriffs and Civilian Support Employees.

Philip Hayes: Yes, the Sheriff informs me that the Bargaining Agent, Teamsters Local 215, and the Sheriff's Department wish to continue to discuss some language. I would ask that, and I don't know if it's material or not, but if it's non-material we could take it back up. So, I ask that it be deferred until the next meeting.

Commissioner Fanello: Motion to defer until the next meeting.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

<p>Phil Hayes: Request to Appointment of Hearing Officer: Poor Relief Denial Petition</p>
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Philip Hayes: I have a request for the appointment of a hearing officer in regard to the, to a poor relief denial petition and that is, can be denominated. The petition of Townsend, and the township is Pigeon Township. What will be required is a motion to appoint, and generally under the statute, the County Attorney.

Commissioner Fanello: Motion to appoint Phil Hayes hearing officer.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Opening of Quotes for VC01-09-02: First Avenue Bridge Repairs
--

Philip Hayes: Then if you wish to go ahead and consider the quotes that were, are now open under the item B for Mr. Stoll on First Avenue Bridge Repairs.

Commissioner Fanello: Fine.

Philip Hayes: Okay, I will go ahead and read those in. There are three for opening and the first of those is from Deig Brothers Lumber and Construction Company Inc. and the total quote was \$28,465, no cents. The second of those responses, Southwest Engineering Inc. of Evansville, total bidder quote \$19,805, no cents. The third is from CCC of Evansville Inc. by Donna Cook, President, and that total bid was \$27,909.02. That concludes the three responses received.

Commissioner Mourdock: I'll move we take the bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Philip Hayes: The Collective Bargaining Agreement item is deferred.

Martin Staab: I thought you were finished.

Philip Hayes: I am.

Martin Staab: Okay, I would like to know when I can pick those up? What would be a good time?

Commissioner Fanello: You should probably get a hold of Tammy McKinney who is our—

Martin Staab: Tim?

Commissioner Fanello: Tammy.

Martin Staab: Oh, Tammy.

Commissioner Fanello: Uh-huh. Let me write it down. I'm going to go ahead and write her name on here. She can coordinate all that for you.

Martin Staab: Sure.

Commissioner Fanello: There you go.

Martin Staab: Thanks a lot.

Commissioner Fanello: Your welcome.

Philip Hayes: Thank you.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?
Dennis.

Dennis Woehler: Members of the Board, Councilman. I brought a proposal to you a week or so ago, or a summary about the health insurance plan up to that point before we saw what the State of Indiana was going to offer as far as their pooled rates that they were going to offer to all the municipalities in the state. Those rates have come in. I have a copy of where the, where your current plans are going to, and a copy of what the state has offered. So, I would like to submit that to you here. If you haven't seen it already, the rates for the state are considerably higher than where you are currently. In my proposal to you, or in my summary to you I had mentioned the self-funding idea, much like the city is currently doing. Whether or not that is a feasible alternative this year is entirely up to you all. At any rate, where we are is better than what the state has to offer.

Commissioner Fanello: Thanks, Dennis. Yes, Suzanne gave us one.

Commissioner Mourdock: For the record, that's Dennis Woehler. You hadn't mentioned your name on tape, Dennis, so I just wanted to make sure that your name is on there.

President Mosby: Any questions or comments? Thank you, Dennis. Any other group or individual wishing to address the board?

John Stoll: County Engineer

President Mosby: Department Head Reports, County Engineer.

John Stoll: The first item I've got is a right-of-way encroachment agreement for Pearl Drive in Eagle Plaza Subdivision. This is for lots seven and eight in Eagle Plaza Subdivision. What happened out there was the drainage plan that was called for on these two lots did not call for any of the storm drainage that needed to be constructed for the buildings on those lots. None of that storm drainage was supposed to be in the right-of-way. When the developer built it, he installed the 12" plastic storm sewer within the right-of-way. In doing so, we found it during inspection and he was tapped into a manhole and everything was lying within the right-of-way. Which was not in conformance with his approved drainage plan that was approved through the site review process. So, after Bill Jeffers and I reviewed it, and then we spoke with Phil Hayes about it, we figured that an encroachment agreement would be the best way to deal with the situation. The encroachment agreement basically says they are responsible for everything maintenance wise and liability wise that may be associated with that. It's recommended that that encroachment agreement be approved subject to the petitioner providing the recording fee of \$33.00.

Commissioner Fanello: I move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The next item I've got is the request for street plan approval for Wolfe Creek Court. This is for the condos that will be constructed out along the intersection of Eickhoff Drive and Wolfe Creek Drive. The plans themselves, they've got several locations where there are steep slopes along side the road, so we've asked them to provide guard rail along there. Basically, from station one plus 50 up here to about six plus 50, and then back here at the end of the cul-de-sac. Also, they've got a small retention basin out here that they have pushed up very close to the right-of-way line, or potentially in the right-of-way line. We don't have a survey that verifies that as of yet. We've asked them to guard rail that as well. In addition to the guard rail, they also have, in order to try and maintain the slopes they are proposing to put rip rap and gabion baskets in along side the road to try and keep that stable as well. We've gone back and forth with the consultant several times. He's made numerous changes to these plans. It's recommended that they be approved with several conditions.

Commissioner Mourdock: Has the developer agreed to all the guard rail and the gabions?

John Stoll: Yes. One of the conditions is that the condos, the owners of the condos would be responsible for the gabions. We would make them responsible, since we don't typically have that as part of a subdivision design, that we would make them responsible in the event they needed replaced, and have some covenants established that make them responsible.

Commissioner Mourdock: We would be responsible for the guard rail—

John Stoll: Yes.

Commissioner Mourdock: —as everything is accepted as a county road?

John Stoll: Yes. So, it's recommended the plans be approved subject to the gabion walls and be responsible, maintenance of the gabions will be responsible by the condo owners. Another condition would be that any additional changes that would be required to get final drainage approval from the County Surveyor's office, needs to be another contingency. Since this is a condo and not a subdivision, no right-of-way has been dedicated to this development as of yet. So, another condition would be that they would have to provide a right-of-way dedication and a deed for that right-of-way that could be accepted by the Commissioners. Another condition would be that they need to submit the specifications for the guard rail and the gabions to the County Engineer's office prior to construction. That they need to, another condition is, that they need to verify the location of that one retention pond up at Eickhoff Road and Wolfe Creek Drive to verify if it is or it is not in the right-of-way, and if it is they may need an encroachment agreement for that. The last condition is that they wanted to put curbs along the existing portion of Wolfe Creek Drive, which that all lies up here and terminates at a cul-de-sac and there is one house out there right now. They were asking about whether they needed, if they wanted to put curbs on it, they had to put it on both sides or if they could put it on just one side, and I told them that it had to be on both or neither. So, given the fact that they want to

put curbs on it, the last condition would be that they would have to provide curbs on both sides of the existing street.

Commissioner Mourdock: Do we not need to grant to them as well then if they are going to be maintaining gabions, some sort of working easement or maintenance easement back? Because the gabions will be on our right-of-way, won't it?

John Stoll: Some of the gabions are and some of them aren't. That is something that when we get to the point where they are putting together covenants then we will have to somehow establish that they have the right to work on those and or replace those based on notification from county representatives. Then they would have the right to do the work subject to supervision by the county.

Commissioner Mourdock: That's about as many if's as I've ever heard of in seven years, John, as far as conditions coming forward.

John Stoll: The biggest problem that's been going on out there is the developer has been out there building all this with no plan approvals, and the consultant has been trying to get the plans, basically, he's drawn up several sets of plans, but it's continued to change. When we got out there and they were ready to pave the road, we informed them just stop until you get an approved set of plans, because in reviewing it, Bill Jeffers and I were looking at it in two dimensions, which it worked well then, but when they started making all these changes, they ended up with steep slopes everywhere and the only way to address that was with the gabions, with the guard rail, and all these other contingencies. So by jumping the gun is what led to all these conditions.

Commissioner Mourdock: That's a lot of money.

John Stoll: Yes.

Commissioner Mourdock: It's going to cost someone a lot of money.

John Stoll: Well, the guard rail alone will cost them thousands.

Commissioner Mourdock: Yeah. You are saying that they are in agreement with all the things you've mentioned here?

John Stoll: Yes.

Commissioner Mourdock: The stipulations?

John Stoll: Yes. They had initially wanted to put large landscaping stones as the guard rail. I told them that that wouldn't be acceptable, because that would be just as much of a hazard as driving off the edge of the pavement. That is when we informed them that they would have to do the guard rail.

Commissioner Mourdock: All this begs the way of a question, what if they do as their, if this is a work in progress, what if we go ahead and make the motion and approve this and then they do a third of the things that they have stipulated and not the rest? What's our recourse?

John Stoll: We won't ever accept their street. So then they will have to establish covenants in their condo owners association that they maintain the road as well as

everything else that they would be responsible for.

Commissioner Mourdock: Good answer. With—

Commissioner Fanello: I was going to say what if we don't approve it? What do you do in those situations?

Commissioner Mourdock: If we don't approve it at this point then, I guess, the way they are going they are going to continue doing things and hope at some point we might come back and approve the street. Which isn't going to be very likely, but in the meantime, if and, correct me if I'm wrong, John, if we don't approve it in some formal way, things like the gabions will never be put in?

John Stoll: It's possible they could be put in. If they go out and build what's on there now, it will work, so there wouldn't be a problem with it. So, I guess, it's not the plans themselves that are not in a condition to be approved, It's just a matter of they need to be built that way and then follow the conditions and then it would be satisfactory.

Commissioner Mourdock: The biggest cost for them ultimately would be if we don't accept the street?

John Stoll: Right, because then the owners will have the long term maintenance and liability of the road—

Commissioner Mourdock: Right.

John Stoll: —rather than the county.

Commissioner Mourdock: So that is—

John Stoll: So, it's to their advantage to—

Commissioner Mourdock: —that's the infamous monkey on the back right there. With the conditions as stated by the County Engineer, I'll move approval.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The final item I've got is a request for Pat Seib to work as an intern in my office on Tuesdays. He is a USI engineering student and he has worked as an intern in my office before. He did the culvert inventory a few years ago, and I would like him to be able to come in and work as an intern for approximately four hours once a week. As far as paying him, the Assistant County Engineer's line item would be a place where we could transfer some money to an Extra Help line item to cover his hourly rate. Which, I guess, would be about \$8.00 an hour, if that was acceptable to you?

President Mosby: That's fine.

Commissioner Mourdock: It would be just four hours one day a week?

John Stoll: Yes. He's got a substantial gap between his classes at USI and he would

like to just come in and work during those hours.

Commissioner Fanello: I'll move approval if you need a formal motion to do that.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: When I get a dollar figure resolved then I will come back and get the Council call request approved in an upcoming meeting.

President Mosby: Okay.

Commissioner Mourdock: Just one thought of some of the things you might have him look at, and this is just something to think about not a formal request, John, but I know with what the Soil and Water Conservation District's been doing lately in looking at the Rule Five request and some of those things, if you are ever looking for work for him to do, not that I would expect that to be the case or you wouldn't be hiring him, but there might be a gap there between your department and Soil and Water that you might help fill.

John Stoll: There is going to be some substantial minimum requirements with those EPA Phase Two Storm Water Requirements and we're still waiting on IDEM to make their final rules. Once they do, he could definitely be involved with that trying to pinpoint what it is we are going to get stuck with on some of the mandates.

Commissioner Mourdock: One other one, I saw some correspondence regarding putting some lighting underneath a bridge?

John Stoll: First Avenue, yes. That was based on the request from the Police Department a couple of months ago—

Commissioner Fanello: It's probably been about two or three months ago.

Commissioner Mourdock: Okay, I have the concern that given the reason for the lighting, that as soon as you put the lighting under there, and I think you said this in your letter, it's going to be a high cost maintenance item.

John Stoll: I could see it being very susceptible to vandalism.

Commissioner Mourdock: Yeah, yeah. I just, personally, I don't think it's a very good idea.

Commissioner Fanello: (Inaudible).

John Stoll: That's all I have unless you've got any questions.

President Mosby: Any questions or comments? Thank you, John.

Ralph Kissinger: County Highway
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President Mosby: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. You've got my reports. The only thing I have to add, we are rocking shoulders, trying to get caught up on what we've paved this year. As I said last meeting as soon as the bills come in, I'll make sure I've got enough to finish the last mile of road. We are going to pave it, which is the stretch of Old Henderson down between Golden Rule and Happe, I believe it is.

Commissioner Fanello: That's what I was going to ask you how your paving budget was doing?

Ralph Kissinger: Yeah, I think it's there. I just want to get the bills in and make sure. I don't want to do it and then be short. I think we are in good shape, but we've got all but one mile finished.

Commissioner Mourdock: Where you've put gravel and limestone on some of the sides of the paving, are you compacting that at all? Or tampering it any?

Ralph Kissinger: Yeah, we are rolling it with the big roller.

Commissioner Mourdock: Is that right? Okay. Are you doing that on the same day? Or is that sitting for awhile?

Ralph Kissinger: Oh, yeah. The roller is coming right behind and we are using, of course, they got a shoulder machine last year—

Commissioner Mourdock: Right.

Ralph Kissinger: —and it grades it. We are leaving it about 2 ½" high, the pavement, and then we are taking the roller over it and leveling it with the pavement, so it should be compact.

Commissioner Mourdock: Okay, well there's a section on St. Joe Road between, would it be Fleener and Orchard, I guess—

Ralph Kissinger: Uh-huh.

Commissioner Mourdock: —that will be interesting to see how that stands, because—

Ralph Kissinger: Yeah, there's some slopes there—

Commissioner Mourdock: Yeah.

Ralph Kissinger: —and I don't know what's going to happen. We are kind of interested to see what it's going to do to.

Commissioner Mourdock: Yeah, I'm concerned about that one.

Ralph Kissinger: We'll keep an eye on it.

Commissioner Mourdock: Yeah.

Ralph Kissinger: Anything else? Thank you.

President Mosby: Thank you, Ralph.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: We have no report, but we would request at the appropriate time to set up an Executive Session for, hopefully, next Monday for about 30 minutes to talk about pending litigation, and issues that are arising in other litigation like matters.

Commissioner Mourdock: I'll move that we schedule advertising as needed for a half hour or an hour, Phil?

Philip Hayes: I think a half hour would be sufficient.

Commissioner Mourdock: Okay, for a 5:30 Executive Session on—

President Mosby: Do a 5:15 because I think we have something else we need to talk about.

Philip Hayes: Okay. Very good.

Commissioner Mourdock: Okay, for the advertising at 5:15 on October 1st.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings. She is sick tonight.

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. Did everyone get a copy of their Master Plan?

Commissioner Fanello: RFP?

President Mosby: Yeah.

Steve Craig: Yeah, the RFP for the Master Plan?

Commissioner Fanello: I forgot to send it over to you, but I made some changes. I don't know if anybody else had any comments. I don't have it with me.

Commissioner Mourdock: I did read through it. The only comment I have is let's make sure in directing whoever we hire that we don't tell them the answers. In other words, there are spots of it where I read it where it almost read like this is what we want to do and we want the consultant to tell us this is what we should do. I'm just saying let's let a consultant have a free look at this thing and not have any

preconceived notions as to what needs to be done.

Commissioner Fanello: (Inaudible. Mike not on.) anything in there that dictates (Inaudible. Mike not on.)

Steve Craig: Well, the first time we did it I thought it was so vague, you know, you had talked to me about explaining it more, and I kind of got the feeling too that we were leading the dog down the path.

Commissioner Fanello: Well, you want to explain what you want them to do, but you don't want to tell him what the outcome...that's what we are paying him to say the outcome (Inaudible. Mike not on.)

Steve Craig: You are going to send it to me then?

Commissioner Fanello: I made some comments (Inaudible. Mike not on.)

Commissioner Mourdock: I did not write my comments down, I just made them, so.

Steve Craig: Okay. I put in your packet, you had wanted a thing on the expenditures as well as what we had taken in for the income. David and I had talked earlier today about the sewer tap ins and had been enlightened on what had happened. In May of 2000 when we was building the bathroom extension, they had told us we needed to pay a \$2,000 tap in fee, but upon review, and I think it was May, later in May, they had waived it. So, there was no check returned, but there was never a check given to them. That was where we was having trouble finding out where the check had went to. They had waived the fee for the tap in because there was an existing bathroom attached to that building at the time.

Commissioner Mourdock: Just one question, Steve, or one comment. On the budget sheet that you gave us, this summary you had, what you are saying is through the end of August the operating deficit at the park, and it's kind of a little bit of a funky number since there is some capital dollars in there too, but with \$400,000 or \$399,236.24?

Steve Craig: Yes, sir.

Commissioner Mourdock: Okay.

President Mosby: I was reading in your Burdette Park Advisory Board minutes. You have a half a million dollars somewhere that you haven't spent for the Discovery Lodge?

Steve Craig: Yes, that was from the County Commissioners had put that in last year CCD Funds and we had not spent it. The first \$500,000, I think, it was given in 1999, is what they have been doing the infrastructure work with. The \$500,000 that was given to us last year, we have not spent. That is with your money that you put in your budget this year, that would be the \$1.5 million that's—

President Mosby: I knew we put a million in this year. So, you are saying we still need an additional \$900,000? Plus contingencies?

Steve Craig: Yes. The building, they gave us a price of \$1.888 million, plus contingency fee, and then the other \$500,000 that we hadn't spent was to finish the

parking lots, putting the playgrounds in, putting the lighting in the parking lot, finish paving it.

Commissioner Mourdock: That \$500,000 has been part of the discussions we've had several times about this.

Steve Craig: Right.

Commissioner Mourdock: I mean, it's not like it just jumped up. If that's what you are saying, David.

President Mosby: I was just under the impression that like \$1.9 million. I mean, that's fine.

Steve Craig: You have my work reports.

President Mosby: Any other questions or comments? Thank you, Steve.

Steve Craig: Thank you.

Commissioner Mourdock: We have the Soil and Water Conservation District and the Ozone Officers reports, and I'll move those into the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure, go ahead.

(Tape Changed)

Madelyn Grayson: Thank you.

President Mosby: Okay. We are back on the record.

Consent Items

President Mosby: Consent items.

Commissioner Fanello: Tammy before she left told me she had three late travel requests, and she made copies here. I would like to make a motion. One of them is for Soil and Water, Commissioners, and another Soil and Water, and one late telephone request as well.

Commissioner Mourdock: So, did you make a motion to add those to the Consent Items?

Commissioner Fanello: Motion to add to Consent Items.

Commissioner Mourdock: Second.

President Mosby: A motion and a second to amend and add to Consent Items. So ordered.

Commissioner Mourdock: Okay, and then I will move approval of the Consents with those additions.

Commissioner Fanello: Second.

President Mosby: A motion and a second to approve Consents. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings. I guess October 1st will be Executive Session at 5:15. Is there any other meetings?

Old Business

President Mosby: Okay, Old Business.

Commissioner Mourdock: I have two items of Old Business. One is continuing, I noticed that Deputy Chief Williams gave us his report and the last two weeks we've been over our magic 329 figure. This week we are up to 342, and I saw your e-mail earlier in the week, Eric, as far as people sent elsewhere, with this number 342 are we actively sending folks off to other facilities?

Eric Williams: (Inaudible. Not at mike.) Chief Williams, Sheriff's office. The e-mail I send out weekly that number indicates those that are housed elsewhere. At a point in time where we are sending them somewhere else because of the agreement with the ACLU or the ICLU, I will signify those in some other fashion. Those are just through different situations. They have court appearances in other counties or what have you.

Commissioner Mourdock: Okay. So those, obviously, those numbers aren't included in the 342?

Eric Williams: No, there were 19 of those this week.

Commissioner Mourdock: They are not part of this 342?

Eric Williams: They are not part of that number. So, that number would really be 19 higher.

Commissioner Mourdock: Yeah, so when we're 19 above the magic 329, or, I guess, 13 above the 329, are you in the process, has your review committee met or whatever to see if we need to put people in other facilities? Or what's happened?

Eric Williams: We are prepared to do that. We have met and we will continue to meet on a monthly basis. We have put any kind of transportation on hold until the agreement is officially signed and we know all the ground rules. Fortunately every

¹Consent items listed on Page 26.

time we've gone over, we would have been within the current language of the agreement to have been back down within a certain amount of time to have accommodated that agreement. Until the agreement is officially signed by both sides, we didn't feel it appropriate to start transporting inmates.

Commissioner Mourdock: Okay.

President Mosby: Any other questions or comments?

Commissioner Mourdock: No.

President Mosby: Thank you, Eric.

Commissioner Mourdock: My other item of Old Business, two weeks ago when Rose Zigenfus was here she spoke of the possible two and a half years of delays out on the Lloyd, and I said I would write a letter. I've done that and, I guess, it didn't get distributed to your packets, but there's a copy of the letter I've prepared. I just put my signature on it, but if you'd all like to sign it, we can do it that way. Or I can just go ahead and sign the copy that's here and send it off. Basically, we are asking INDOT to tell us whether or not it is possible to perform the work out there on a multi shift basis. Asking them about raising it 5' along the Roberts Stadium route to see, number one, what's the engineering benefit provided by that, and number two, if it's going to be raised that high how are they dealing with potential flooding? Number three, to see if they've done any out of the box thinking to see if they do something like a design build so that we can do what they've done in Indianapolis to bring the cost down, and more importantly, to move the schedule forward. Last, other contract provisions that might further expedite it. So, if there is anything else the two of you would like to add, we can do that. Or I can sign this and send it off as is.

Commissioner Fanello: I'll sign it.

Commissioner Mourdock: Pardon?

Commissioner Fanello: I'll sign it.

Commissioner Mourdock: You'll sign, so, okay.

President Mosby: Fine with me, yeah.

Commissioner Mourdock: So, I'll move then that Tammy add lines on this for all three signatures, and she can go ahead and print it and then maybe tomorrow or whenever we are in we'll go ahead and sign it, so.

Commissioner Fanello: Second.

President Mosby: I can sign it tomorrow. A motion and a second. So ordered. Any other Old Business?

New Business

President Mosby: New Business. I don't know if everybody, if the other two Commissioners received this or not. I got a letter from National Association of Counties, Counties Care for America. It said, Americans by nature are giving

people. The tragedy of September 11th offers yet another example of the nations generosity from aiding and to rescue. Contributing funds and rolling up your sleeves to donate blood, Americans have shown unrivaled unity and generosity. The outpouring of help from all across the county is truly amazing. We ask you to join this American commitment to compassion by organizing a fund raising effort in your county. If you and your employees would like to contribute to the relief efforts and those people directly affected by the tragedy, here are a few options we recommend. I'm not going to read all of this, but it just says International Association of Firefighters is taking contributions in care of the New York Fire Relief Fund. The United Way of Washington, D.C. has established the September 11th Fund to provide immediate support. The United Way of New York and New York Community Trust have established a fund to help the victims of attacks and their families. Your local United Way can also accept your contributions, and the New York Fraternal Order of Police Fund is accepting contributions. Donations should be sent to New York. It's signed by Jonathan Zuller and Larry Neagy. So, I don't know if we want to do something with this, and maybe get a group of county employees, office holders, directors or department heads or whatever that would like to work on this effort and select one two or three of these organizations to try and donate to or what.

Suzanne Crouch: I think most of those sites are mentioned on the Auditors site. We did receive the same information from county government newsletter. So we posted, I believe, most of those linked on to the Auditor's website. I can check into it to make sure they all are. That doesn't speak to your effort to do something specifically, but we at least have that information out there.

President Mosby: Yeah, I mean, if we want to get some elected officials, department heads or whatever to maybe come up with some type of a fund raiser recognition.

Commissioner Mourdock: I'll go one step further to make it maybe real simple to do. Also, you know, there is the role of those of us in elected positions, by definition we are leaders of the community, and I think it's a time for leadership. I'm certainly willing to donate a days pay from what I do here. Where it goes, it seems to me it would make sense with our ties, if you will, with either the municipal employees there, be it fireman or policeman, but, you know, I would like to think that maybe we, if all of us would agree to that, that maybe everybody in this building would donate one days worth of wages to one of those causes.

President Mosby: I have the Sheriff jumping up to already give a week. No. He's going to top you by four days.

Commissioner Mourdock: He can afford it. He's the Sheriff.

Brad Ellsworth: My name is Brad Ellsworth, I'm the Vanderburgh County Sheriff. I'm also the public sector representative for the local United Way campaign this year. One thing I would like to, at least, to ask is that if we write a letter that we encourage this, that we are about to start the United Way campaign for county and public employees probably this or next week early, and that's where we encourage out of either the deferral out of their regular paycheck and/or a one time contribution. I think it's important to remember, although I feel sorry, I mean, I would be willing to do the same thing, Richard, is that we encourage our county employees to make their contributions to the New York Relief Fund over and above what they would normally give. Because so many agencies locally are dependent upon the contributions to the local United Way that I have a little bit of fear that we are going to want to do so much good for those in New York that we will then say that my

allotment for dollars this year is going here and then we forget about the local agencies that live by the United Way here locally. So, however we do this, I would encourage us to ask the employees, or whoever we appeal to, to go over and above what they normally give to the local agencies. Like I said, some of these local live and breathe by their local United Way contributions. So, I think we need to keep that in mind as we try to do good for them in New York, we have to remember we're not cutting the throat of some people here locally.

Commissioner Mourdock: That's a very good point, and a very valid concern.

President Mosby: I agree, because I've heard that concern brought up at different times already throughout the community that people are giving so much but they, some of the local efforts are going to start paying the price for it. So, I would agree.

Brad Ellsworth: I can assure you, you know, it grabs our heart when we see these images on TV and that's the thing to do is to send it off. Like I said, we ought to dig deeper and remember our local contributions. Like I said, they live and breathe by it. That's a big fear of the United Way cabinet meeting we had the other day.

Commissioner Mourdock: I would think, and I may be totally wrong on this, but since we do in our annual United Way drive ask people to do something, of course, we give them several options, one is to do a one time donation, but I think a lot of them end up doing something on a monthly basis. That maybe they would continue to see that as their local contribution. Maybe we can mention that in a letter to all department heads or something. That they emphasize that, but then still do this one time thing for the folks in New York.

Brad Ellsworth: Sure.

Commissioner Mourdock: You know, you look at the New York situation and as Brad just said, your heart goes out to everybody, and I hear of this fund for the fireman and this fund for the policeman, and we forget that in addition to that group of roughly 350 people, there is also something like 6,100 people out there who lost their lives who weren't policeman or fireman. I worry what groups will be representing them and trying to help them. Having grown up in the house of a policeman, I guess, I'm sensitive to that area too.

President Mosby: Any comments?

Commissioner Mourdock: If we're going to—

President Mosby: I will, I mean, I'll take the initiative to try and establish something, come up with a letter. Maybe get a few other elected officials inputs on what other suggestions...some people might not be able to give up a days pay. See what other input is there. If there is other ways that people do want to give, so.

Commissioner Mourdock: Yeah, and perhaps we could even do this on a Monday just before the meeting here. Sometime at the end of what would otherwise be our Monday business day, but before this meeting begins. Maybe we could meet at the flagpole out front with a box, a big bucket and, hopefully, it overflows. Just have people do it on that one time basis as they are leaving work. Have somebody out at that flag pole, and somebody out at this flag pole. I would certainly stand at one, and I'm sure the two of you would as well.

Suzanne Crouch: I would do it on payday.

Commissioner Mourdock: Do it on payday.

President Mosby: I'll get together with some other officials, elected officials, get some input and department heads, if they are willing to help out and, hopefully, come back to you within a week or so and maybe have some recommendations and we'll vote on something. I will include in there that a days pay has been one alternative. Any other New Business?

Commissioner Mourdock: Motion to adjourn.

President Mosby: Seeing none. I have a motion and a second. So ordered. Meeting adjourned.

Meeting was adjourned at 6:46 p.m.

CONSENT ITEMS:

Employment Changes:

German Assessor Supt. Of Co. Bldgs.	Legal Aid
County Clerk	Public Defender

Travel Requests:

Auditor	SWCD	Commissioners
D.A.D.S.	Health Department	Knight Assessor

Request for Service:

Superior Court	Legal Aid	Sheriff Department
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Sheriff:

Weekly Jail Information and Reports.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Madelyn Grayson
John Stoll	Martin Staab	Dennis Woehler
Ralph Kissinger	Steve Craig	Brad Ellsworth
Eric Williams	Steve Utley	Carl Heldt
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County
Board of Commissioners
October 1, 2001**

The Vanderburgh County Board of Commissioners met in session this 1st day of October, 2001 at 6:09 p.m. with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for October 1, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes, Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If you would please stand and say the pledge.

(Pledge of Allegiance given.)

Approval of Minutes

President Mosby: Approval of the minutes of the September 24th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: I will also move approval of the minutes of tonight's Executive Session that began at 5:15 and ended at 6:05. We had all three Commissioners present and dealt with pending litigation, purchase or lease of real property and county personnel matters.

Commissioner Fanello: Second.

President Mosby: Motion and second. So ordered.

**Phil Lawrence: Permission to Advertise
APA02-2002- Crushed Stone, APA03-2002- Sand and Gravel
APA08-2002- Batteries, APA017-2002-Guard Rails
APA018-2002-Timber Materials**

President Mosby: Phil Lawrence.

Phil Lawrence: Good evening. I have a request for permission to advertise for the annual price agreements, for crushed stone, sand and gravel, batteries, guard rails and timber materials. I want to advertise on the 5th, 12th and open the bid on the 22nd of October.

President Mosby: Okay.

Commissioner Mourdock: I will move the permission to advertise.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Hayes: Phil, did you? Check with Madelyn and (inaudible).

**Phil Hayes: Collective Bargaining Agreement for
Sheriff's Civilian Support Employees**

President Mosby: I think at this point Chief Deputy Williams is looking over the collective bargaining agreement, so.

Eric Williams: (Inaudible)

President Mosby: Are they in there? Do you feel comfortable with going ahead?

Eric Williams: I can't speak on behalf of the Sheriff on the one issue in there but I know there was some debate and it didn't get changed. But, all of the other language that we discussed did get changed.

Commissioner Mourdock: Sounds like all, but not all.

Commissioner Fanello: Yeah, there is still.

Eric Williams: And that is the one that I knew that we were kind of indifferent on it. But, I hate to assume anything, but I assume the Sheriff probably gave on that one. That is the best that I can do right now.

Phil Hayes: It would be appropriate to hold it over then just a week. The union representative is not here?

Eric Williams: I would be uncomfortable speaking on behalf of the Sheriff on the one issue that I don't have any knowledge of.

Commissioner Mourdock: Sounds like a yes to hold it over one week.

Commissioner Fanello: Motion to defer one week.

Commissioner Mourdock: Yeah, second.

President Mosby: I have a motion and second. So ordered.

Commissioners: Advertise RFP for Grant Writer for Old Courthouse

President Mosby: Advertise RFP for grant writer for the Old Courthouse.

Commissioner Fanello: I have an RFP for the grant writer for the Old Courthouse, so I am just asking for permission to advertise. I guess I can go ahead and make a motion to advertise if I need to. Motion to advertise.

Commissioner Mourdock: Yeah, I will second the motion but, again, I want to say

that while we can go ahead and put this out, even go ahead and ad - I'm sorry, go ahead and hire a grant writer, but I think that before we can have a grant writer meaningfully and efficiently do the job, we need to have a full complete plan for the Old Courthouse. So, I just want to put that on the record just one more time, but I will second the motion.

Commissioner Fanello: I agree with some of that, but I think that all of these things can work concurrently together.

President Mosby: I have a motion and a second. So ordered.

David Mosby: Discussion of O'Day Discovery Lodge

President Mosby: Next item says discussion of O'Day Discovery Center. This is not really a discussion of the O'Day Discovery Center, I think it's more a discussion of prioritizing capital improvement projects. Before I go any further, I will defer to Commissioner Fanello who was at the meeting when this was discussed.

Commissioner Fanello: At the Council meeting last Wednesday, Steve Craig had put on for an additional appropriation to fund the remaining Discovery Lodge. What was the amount of the appropriation, Steve? I don't have the numbers.

Steve Craig: One million dollars.

Commissioner Fanello: One million even?

Steve Craig: Yes.

Commissioner Fanello: The discussion came up, obviously, by Councilman Raben that there is not enough money to do every project in the County and that we need to prioritize some of these projects. The discussion came up about the roof at the Old Courthouse, which is in bad need of repair, and no matter what we do, we have to repair the roof on the Old Courthouse. So, I told him that I would come to the Commission meeting on Monday night and ask the opinion and vote of the other two Commissioners. If there was one that they favored doing over the other, and they were going to wait and hear back from us. They have a meeting this Wednesday at 3:30. So, I guess we can entertain discussion about which one we feel that we can prioritize. Or which one can wait and which one can't.

Commissioner Mourdock: I guess the only question that I have is with the Old Courthouse itself, obviously, a lot has changed in the past ten months regarding how we are operating the Old Courthouse, and that the Old Courthouse Preservation Society isn't there. But, aside from the managerial changes, is there anything dramatically different between the physical state of the building right now and a year ago. I mean, yes the roof has some leaks but, I guess, that my thinking is short of a full plan knowing what we are going to do with that building, my preference would be to go ahead and go with the O'Day Discovery Lodge. I realize that there may be some leaks over there in the roof, but first of all, we don't know that the amount of money that we have got, I presume this is true, and Tammy you can add to this. I don't know that the money that we have got for the Old Courthouse is really enough to do the roof in its entirety. Does it make any sense to fix half a roof?

President Mosby: I guess my problem is that I put both of them as priority one.

Commissioner Mourdock: Pardon?

President Mosby: I said, you know, the problem I've got right now is that I see both of them as equal priority. I mean, it is obvious that we have the Old Courthouse and we have to do something with it. Every morning, and I have talked to the gentleman that is doing the maintenance over there. It is like he said that the first order of business has to be to go around and clean up on the third floor, if things have fallen off the night before and sometimes go back throughout the day and clean up what's fell off since. I went to the very top of the Courthouse about three weeks ago and, I mean, you can actually go out and look through the roof and into the sky and see daylight and whatever you would like. It is obvious that the longer we leave it, it is not going to get any better. I have had this discussion with Councilmember Raben and Councilmember Bassemier and several others, but on the same token you have Burdette Park where you have spent a half a million dollars to prep a piece of land without having the money to build a building. So, I mean, they asked me and I told them that you have two priorities and it is not for me to choose. You are the fiscal body and you need to fund it. So, I mean, I keep hearing financially we are in good shape and we can fund the jail and we can do this and we can do that but when it comes right down to it. This Commission put up a million dollars of the money to build that Discovery Lodge asking them to fund the other million. Well, they can't fund that, they can't fund the Courthouse. I don't understand where they are coming from. I guess that's the question I've got. They want to throw it back over here in our lap and not, you know, take on any of the burden. We don't have the money to fund the Courthouse and the Discovery Center.

Commissioner Fanello: I have a couple of comments. I feel like we are taking care of two projects that were...one project was signed off on by a prior administration and it wasn't fully funded. Another project that fell into our hands in the beginning of the year but I blame prior administrations for not checking on the condition of the Old Courthouse because it was our building, whether the Preservation Society was running it or not, it was our building and it is your duty as an elected official to make sure that things are running right. So, I blame them for not checking on it. I agree with Commissioner Mosby that both of them are number one priorities. We do have enough money to do these projects. The Council set aside \$2.7 million dollars for the jail project. We have got two projects that have to be done. We have enough money in, some money in CCD to fund partial, one of the projects. I believe that the Council needs to release some of the \$2.7 million and move forward with the other project. Because, obviously, we don't have enough money to put that much money back and get emergency projects completed, and I feel like the roof at the Old Courthouse is an emergency project.

President Mosby: Yeah, I guess the one question that I still have and nobody on the Council will answer it but where is the \$1.8 million that they were going to spend for the Discovery Lodge at the beginning of the year? I will still maintain that is the \$1.8 million that got turned back into the General Fund. They should have the \$1.8 million to spend. We have budgeted a million dollars of it, so they don't even need \$1.8. You know, they just need to come up with a million.

Commissioner Mourdock: Let me go back to the Old Courthouse, again, the question that I have there, is my recollection correct? I think the estimate we had was for 770, is that right?

Commissioner Fanello: 750. Something like that, 770 estimate?

Tammy McKinney: I think it is around \$700,000, for the roof on the Old Courthouse?

Commissioner Mourdock: Right, yeah.

Commissioner Mourdock: Do we know with that estimate what is truly encompassed in it? My comment before about fixing half a roof. I think that we would all agree that doesn't make any sense, okay. I still have great concerns that the estimate is accurate and inclusive of everything that is otherwise going to solve the problem.

Tammy McKinney: I think, I think that amount is low. Lower than what it is going to be. But, I also, commenting on your comment earlier, saying that we shouldn't go ahead and fix it, okay, so it is going to cost a million dollars to get it fixed, but if we wait to this time next year, it could cost us two million to fix it.

Commissioner Mourdock: Well, I don't see the cost escalating that dramatically. Might there be some increased costs? Yeah. I will grant you that, but again it comes back to what is the full plan for the building?

Tammy McKinney: But, each time it rains a little bit of that roof falls in more and it just, it's just a domino effect.

President Mosby: I don't think-

Tammy McKinney: The more it rains, then the plaster comes off and I mean-

President Mosby: You are going to end up with a roof on the third floor. You know, eventually the roof is going to give way and your rain is going to be on the third floor, so then you can fix the third floor and the roof. The longer we leave it sit-

Commissioner Mourdock: Sure, and I will tell you right now, that if we ever move and this body, it may well be after all three of us have gone. But, if this body acts to go ahead and do a comprehensive fix of the Old Courthouse we are going to deal with those things anyway. Don't get me wrong, I am not an enemy of the Old Courthouse here and never have been, but we do have priorities. I heard you say David, that they are both number one priorities. Well, if they are both number one priority, what is your suggestion as far as how we go forward? Or do you have one?

President Mosby: I am looking for the Council to fund them. I mean we have given them a million dollars towards Burdette Park and they are going to have to come up with the rest of Burdette Park and the Old Courthouse. This is nothing new. We got the Old Courthouse back the first of the year. We didn't get it yesterday or the day before. I mean they knowed this all year long, and I mean they are the ones that said that we have the money and we can do the projects and then all of a sudden last week I hear, well we don't have that much money. I told them, I said it back in March or April that we didn't have this much money.

Commissioner Mourdock: Catherine, you mentioned pulling some of that \$2.7 million that has been set aside. Was that discussed at the meeting?

Commissioner Fanello: No, it was not and I kind of thought about it this weekend and thought about it today but I really do think. I don't think that we can wait on the Old Courthouse because I think you are just incurring more problems there. No matter what we do the roof has to be fixed. But, I do believe, the money is there and they can release some of the \$2.7 to get the projects, I mean release one million of it and

leave \$1.7 for the jail.

Commissioner Mourdock: So, you are not suggesting in the \$2.7, as it was originally laid out by Council, with the via annual type set aside over the next several years. That this is a one time-

Commissioner Fanello: One time deal, and that was my speech at the beginning of the year. You can not, I personally with my financial background, don't think that the Council can set aside that much money and not leave enough money for emergency projects like these. This is a situation coming up right now where we have, unfortunately, a Discovery Lodge, which was already started without enough funding being in place and now we are looking for it and an Old Courthouse with a situation of a roof. I am not going to sit over there and let the roof fall in on the building. So, it is just, in my opinion, we have an emergency situation and they need to release some of the \$2.7 million.

Commissioner Mourdock: So, in response to their request of the other day, of establishing a priority, do you think what the two of you have said here will meet there objectives? And knowing, I have not spoken to a single Councilmember.

President Mosby: If that is the case and they want to prioritize then they are the fiscal body, let'em prioritize. Let'em tell me what they can pay for and we will go from there.

Commissioner Fanello: I don't think we are different than any other department that comes in front of them. There are several departments that come in front of them with two or three things that they want funded and the Council decides which one gets funded. So, I feel like we are getting this dumped back on us because no one wants to take responsibility and say that I am not going to fix the Old Courthouse or no, I am not going to go forward with the Discovery Lodge after I have already spent a half of a million dollars on site preparation. So, the money is there. One project is an emergency project, one project needs to be completed because we have already spent a substantial amount of money on it. So, I am saying that both of them need to be completed and I don't know if that will satisfy what they want. I am sure that they wanted us to go number one and number two but I am just not going to do that.

Commissioner Mourdock: So, substantially, the only thing different between this conversation and what you said with them is that you are thinking now that the \$2.7 be drawn to some amount for one of these two projects?

Commissioner Fanello: Yes.

President Mosby: Any other comments?

Commissioner Mourdock: No, I think I hear where you are looking to go with this and I don't speak for the Council and I don't know that we even have a councilman here tonight.

President Mosby: I thought there might be one here.

Commissioner Mourdock: I have no idea how they will respond to that or what they will do.

Commissioner Fanello: I guess, I'm sorry.

President Mosby: I don't know if I can make or need to make a motion or what.

Commissioner Mourdock: I would suggest that they will say, one of them will say, if in fact, and I am just prepping you for what I would expect, if my expectations are correct that they'll say that if we are going to take out part of that \$2.7 then that will bring the \$35 million dollars spoken of for the jail down to some lesser number for the amount of interest and that principle that would otherwise be there over that long of a period. But, we will see what they say.

President Mosby: So, then a third building suffers. You know, I mean, so we can't build a Courthouse. We can't put a roof on the Courthouse, we can't build a building at Burdette so we downsize the size of the jail and I will totally disagree with that too.

Commissioner Mourdock: Okay.

President Mosby: I mean, if that is what they say-

Commissioner Mourdock: I am not going to try to read their minds because they are going to say that we are going to live within the budget, so that is what they probably will say.

Commissioner Fanello: And that's fine and dandy, live within the budget, but we don't have enough of a budget to set aside \$2.7 million right now. I guess, Commissioner Mosby, are you going to be able to make the meeting this week? I know you have duties this week with the Nut Club.

President Mosby: I don't know.

Commissioner Fanello: I guess, I know your feelings and I know your feelings and if I have to go I can convey those, and you know both of ours, so who ever makes it can convey the feelings of each one of us.

Commissioner Mourdock: Okay.

Madelyn Grayson: May we make a tape change, please?

President Mosby: Sure.

(TAPE CHANGE)

Phil Hayes: (Inaudible)

Commissioner Mourdock: It needs to go back on the agenda.

Phil Hayes: Collective Bargaining Agreement Continued
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President Mosby: Okay, we are back on the record. We will go back to the Collective Bargaining Agreement with the Sheriff and the civilian support employees and I will have Eric come to the mike so that we can get this on tape.

Eric Williams: Chief Deputy Eric Williams, Sheriff's office. I contacted the Sheriff and

the language that is included in that contract is the language that he agreed to with the union so, from our standpoint, it meets what we expected out of it.

President Mosby: Okay, and I had a conversation with Rick today from the Teamsters and they said that everything was in agreement with them and as you all discussed, so they are in agreement too.

Commissioner Fanello: I sat in on several meetings with Eric and Rick Voyles and some of the girls so I am comfortable with it, so I will make a motion to approve.

Commissioner Mourdock: I have—

Eric Williams: If—

Commissioner Mourdock: Sure.

Eric Williams: I know that there is an employee from my office that is affected by this and would like to address the board at this time, or not?

President Mosby: Withdraw your motion.

Commissioner Fanello: I'll withdraw my motion at this point.

Unidentified: I just wanted to say that I have worked here 15 years and we have never been in the union. I have never wanted to be in a union and it looks like, where is my rights? That is what I would like to know.

Commissioner Mourdock: Would you state your name and address please?

Rita Smith: Rita Smith, 2900 Nicole Drive. I worked for Pat Tuley. I worked for Jayne Berry Bland. I worked for Sheriff Hamner and now I am working for Sheriff Brad Ellsworth. Fifteen years and we have never been in the union.

Commissioner Fanello: What is your position?

Rita Smith: I am a process. I serve all of the papers. I get all of the papers ready for all of the servers.

Commissioner Fanello: Eric, there was one position that you had talked about probably should not be, this is not the position though?

Eric Williams: No, that position that we discussed is in this contract.

Commissioner Fanello: Okay, are you, on that issue are you satisfied with that?

Eric Williams: The Sheriff was.

Rita Smith: I just wanted to know, where my rights are? Two other girls that, one works at the Command Post and another works in our office. Where are our rights?

Commissioner Fanello: So, there are three of you, who are opposed to the contract?

Rita Smith: Yes.

Commissioner Fanello: How many are for the contract?

Rita Smith: I think there is, how many is there, 12?

Eric Williams: (inaudible)

Commissioner Fanello: I am going to ask, I mean, what usually happens in a situation, because I don't have enough experience at this point, so?

Phil Hayes: Under the process, the majority of the employees who have asked for the Teamsters Local 215 to be their Collective Bargaining Agent has been established. So, with that clear cut recognition then of the union as to those previously non-unionized positions, that gave the union the authority to proceed to negotiate the wages and working conditions that are contained in this contract. That negotiation has fundamentally been with a few custom changes to simply insert them into a pre-existing contract and we have changed the name is used to be clericals now civilian support and so, in terms of the, we are not covered by the National Labor Relations Act, we are not covered by the state bargaining act either. This is done by a long standing agreement between Vanderburgh County and the Collective Bargaining Agent. So, as a result the minority rights are simply that, they are a minority. There would be, would have been potentially some legal action that could have been taken or some other objection. But, the fact of the matter is that this body has recognized that group of employees, of which you are a member, to be represented by the union.

Rita Smith: Okay.

Commissioner Fanello: Well, oh I am sorry.

Rita Smith: Go ahead.

Commissioner Fanello: I was going to say, you said that there is three.

Rita Smith: Yes.

Commissioner Fanello: I sat down and talked to the other girls with Eric but I have never once talked to these three other individuals and I don't think that it is fair for me to move forward unless I talk to those three and get their feelings at least. I mean-

Commissioner Mourdock: Excuse me, let me clarify something, too, and as you all know I am not an attorney, but, I have been involved with a couple of these and, Phil, I just want to say something and you correct me if this is in error. You mentioned that we are not subject to the National Labor Relations Board and you mentioned that the, a majority of this assembled "bargaining unit" came forward. If, we were a private sector company and 51 or 50% plus one of that bargaining unit came to us signing cards saying that they want the union, that's it, that's not a vote, there is no negotiation, you have the union and you have to sit down and negotiate with them. However, if 100%, since we are not subject to NLRB, if 100% of the people came forward within this group and said that we want the union, we are still under no obligation to execute that contract, is that correct, Phil?

Phil Hayes: That's correct.

Commissioner Mourdock: Okay. So, just for the record, Eric motioned me a moment ago and said that this "collective bargaining unit" includes 11 people including Ms. Smith. So, you are saying that there are at least three folks out there who are, don't let me put words in your mouth, but I thought that I heard you say yourself and two others.

Rita Smith: Right. We have-

President Mosby: Can I ask why are you against it? I mean, I am just asking that question.

Rita Smith: Yes, I am against it.

President Mosby: I said, can I ask why?

Rita Smith: Oh, why? I just don't think that it is right that they are going to be losing 3 % raise, they are not getting the benefits that we already have. They think that two extra personal days is what they are going to have to end up with. Plus, they are going to have to pay so much money out of their check.

President Mosby: What benefits are you going to lose, by going into the union?

Rita Smith: Well, they get extra days, or something like that, but you are going to be paying for it because you are going to losing your 3% raise.

President Mosby: Okay, why are you losing your 3% raise?

Rita Smith: Because I am pretty sure, that is what was in the contract.

Suzanne Crouch: The County will be paying the 3% PERF right away in lieu of the 3% raise and that is in line with the other union contracts. Isn't that correct, Chief Deputy Williams?

Eric Williams: (inaudible)

President Mosby: Okay.

Rita Smith: Plus, we will be wearing uniforms. If I wanted to work in a factory, I wouldn't mind wearing a uniform, but I don't think that wearing a uniform working with the public and it is just not right. I think that it just downgrades the whole Civic Center, wearing uniforms.

President Mosby: Okay.

Commissioner Mourdock: Catherine, I heard you withdraw your motion and I heard you say something about wanting-

Commissioner Fanello: Yes, I think it is only fair, I did meet with the other, some of the other girls and Eric and I think it is only fair, you know I would take the initiative since I did meet with them to meet with these three individuals. It is not fair for me to move forward when I haven't talked with these three individuals and at least got their feelings on the contract. So, if we can make a motion to defer at least one week and I could take this week to meet with those three individuals.

Commissioner Mourdock: I will second.

President Mosby: I have a motion and a second, we've deferred it.

Any Other Group of Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board? Okay, Roger.

Roger Lehman: Roger Lehman, Building Commissioner, Chairman of the GIS Technical Sub Committee brings to the Commissioners this evening a request to approve a contract for a computer security system audit. This came as a result of some discussions that took place over the last several months on the adequacy of the security of our current computer system as well as on the GIS Net side of the system. As the computer services contract is going to expire in June or July of next year, the Mayor and the Commissioners felt like the, if we were going to do this process, we should do it as soon as possible and perhaps include it in the RFP for the new management or the renewal of the management for computer services for next year. This process basically tests your system against potential virus infections, against potential hacking, against potential other technical issues that are out there today. The company that was recommended by the GIS Technical Sub Committee to the Mayor and to the Commissioners is CISCO Systems, which is world wide known for their abilities and has multiple employees that were former employees of the CIA and other security agencies and we felt like this would give the City and County the best look at where we are from a security standpoint, and as we go forward with the Internet access to multiple sources of information and data, we felt like security was one of the highest priorities that we could have. So we come to you with this proposal this evening. It has been looked at by Council both City and County side. It would be signed by the Board of Public Works. The funding is in place jointly by the City and County and we are ready to roll. We would like to get it done as soon as possible.

Commissioner Fanello: I just wanted to add that I did work with Roger on this and I think that the total cost of the contract is sixty?

Roger Lehman: It is \$66,620 I believe.

Commissioner Fanello: The County is only paying \$6,600 towards that because if you remember a couple of months ago I asked the City to reimburse us for money that the County paid on web services and by, they did that through this contract, by picking up the majority of the contract, so, we are only going to be paying \$6,600 towards this and I do agree with it and think it is a good idea, so.

Commissioner Mourdock: All of that is fine and at that price, that is good. But, I don't see that in this. Is there an addendum to this document that I don't have?

Commissioner Fanello: Roger?

Commissioner Mourdock: This is simply saying that the pricing is based on whatever CISCO's current list price is at the time.

Roger Lehman: I apologize, I do have that page. It is a statement on what page?

Commissioner Mourdock: As long as we have it in our folds to be signed copy, I am comfortable that this one that I have doesn't include it.

Roger Lehman: It is on page, I don't have my glasses on.

Commissioner Mourdock: I don't have my on either, so I might have missed it.

Commissioner Fanello: Page one, but it is a statement of work orders.

Commissioner Mourdock: I don't have that one.

Phil Hayes: Roger, if I could ask?

Roger Lehman: Please.

Phil Hayes: The Board of Works has not signed as yet, correct?

Roger Lehman: They will be receiving this on Wednesday. This just arrived this afternoon.

Phil Hayes: Alright, so for signatures, we can agendize this and have the Commissioners sign on Monday. Is that correct?

Roger Lehman: I am not sure.

Phil Hayes: I would prefer to have it, I would prefer to have it advertised on the agenda, I think, have it on a regular agenda as a regular agendized matter. You wouldn't necessarily have to be here but the language changes have been taken care of. Kevin Winterheimer, is he still out today?

Roger Lehman: As far as I know.

Phil Hayes: Okay, and so I am sure that he going to want to give it one final going over, but we are pretty confident that the changes that are made are ones that he approved of, and then the other issue is this. What I had was about \$5,520 is the County end of it, a little less than six.

Roger Lehman: I am thinking \$6,620, I believe.

Phil Hayes: A thousand dollars more.

Roger Lehman: Yeah, it is \$6,000. The city is picking up \$60,000 and the county would be picking up the \$5,520 plus the \$720.

Phil Hayes: Okay, plus the \$720, I didn't see that. So, if it would be appropriate then I think that your Board of Works can go ahead and make it's approval and do its addendum that has the, anymore of a breakdown than this. Do you know when the money is due from the county? When the county's share?

Roger Lehman: Upon completion.

Phil Hayes: It will be at completion time?

Roger Lehman: Yeah, we can't schedule the project until we have a contract.

Phil Hayes: Exactly. So, if we, if you can go ahead on a contingent basis and get your scheduling arranged once they sign down there. If we put it on our agenda for Monday, would that be appropriate?

Roger Lehman: Whatever.

Phil Hayes: Because I would like to see, a contract ought to be on the agenda, rather than just brought in even though our part is that minor.

Commissioner Fanello: Okay.

Phil Hayes: Are signatures required?

Roger Lehman: Pardon me?

Phil Hayes: Our signature is required on the contract?

Roger Lehman: Yes.

Phil Hayes: Although the contract shows that it is between the City and the consulting group for CISCO here, security consulting team. So, we will go ahead and set it up for our agenda for the next meeting and if you will bring the completed contract in, we will sign it and off we go.

Roger Lehman: Yeah, I did have a copy of that page and I didn't get it attached to your copy. I apologize. So, I will just leave that one with you.

Commissioner Fanello: Okay.

Phil Hayes: That one would be great and I will go ahead and handle it the next Monday night, it won't be nothing, unless there would be some change, there would be no need for you to reappear.

Roger Lehman: Well, if there is, let me know.

Phil Hayes: Okay, Roger, thank you.

Commissioner Fanello: Thank you.

Roger Lehman: Thank you all very much.

Dennis Woehler: Dennis Woehler, ONB Insurance. I have a couple of items here. One, is more or less a housekeeping item and I don't know if I need to entertain a motion on this, I assume I do. I would ask you to entertain a motion on this and this is hopefully to make bookkeeping easier. I would recommend at this point we are running two dental plans and two vision plans on the county right now. The Anthem plan only has 29 participants and I would recommend that we drop it and have one vision plan and one dental plan. As far as benefits, the HRI dental plan is a better benefit plan anyway. So, we are not giving up anything and these are voluntary plans of course. We are not giving up in the way of coverage and I have already been working with Suzanne's people, we are going to get the information out if this is approved and get the information out to the people with their next paycheck so that they know about the change and then there will be, at open enrollment, there will be information brochures or whatever for those that need to change, or for those

that would like to enroll in the plans.

Commissioner Mourdock: When would open enrollment be scheduled?

Dennis Woehler: We are tentatively looking at two dates, having it two different days would be the first and second Thursday of November.

Suzanne Crouch: It would actually be for the entire month of November. Isn't it November 1?

Dennis Woehler: Yes, but the informational meetings and Charlene had explained to me how different folks come to work at different times and she was talking about from say, 11:00 to 5:00, so that we catch the people at lunch time and the people that are changing shifts and the second shift people on two different weeks to get the information out to them as far as changes in costs, changes in plans and what exactly is available to them.

Suzanne Crouch: Dental and vision insurance, that change would take place next year, is that correct?

Dennis Woehler: Yes. It wouldn't be until the first of the year. But, this is renewal time and open enrollment is just around the corner so, it will make bookkeeping simpler and the people are not really giving up anything and they are not giving up any benefits or backing up in that respect.

Commissioner Mourdock: Just by way of history, it occurs to me, and Suzanne you have been here as long as I have, so, jump in here. It seems like whenever we have had a benefit change like this, realizing that this may just look like bookkeeping to you to the people who are working for us, obviously Dennis, when they see their insurance change for whatever reason, there is a lot of hairs that go up on the back of the neck. I am wondering, if before we should make a change and say that we will drop that policy and basically put these 29 people over on the other one, if we need to do anything by way of notice? Or at least ask them for comments. I don't recall that we have done one quite like this before. Do you remember?

Suzanne Crouch: I don't recall doing that. Usually, the Commissioners, the Insurance Agent, will present their opinions and their recommendations and the Commissioners act upon it and then we notify the employee of those changes, is how I recall the process working.

Dennis Woehler: I understand that it is hard to please everyone.

Commissioner Mourdock: Impossible.

Dennis Woehler: But, you have about 300 people on the HRI dental plan and 29 people on the Anthem dental plan.

Suzanne Crouch: The HRI is a better plan?

Dennis Woehler: Yes.

Suzanne Crouch: How is it cost wise?

Dennis Woehler: Cost wise it is just a little bit more but the benefits are a little bit

more as well. The Anthem plan is about \$4.00 a month less money but their benefits are, they are on a defined schedule as opposed to the PPO type arrangement that you have with HRI where it is 100% coverage, where your test, your twice a year check ups and bite wing x-rays and so forth are 100% coverage. The Anthem plan is a schedule of benefits, where they pay a certain dollar amount.

President Mosby: Any other questions or comments?

Commissioner Fanello: I guess, if I would say that, the recommendation of Dennis is to go with one plan, I think that we need to go ahead and move forward on that. I can't think of too many businesses outside in the private sector that would have two plans running. One with 300 on it, one with 29 people on it. If it does make our offices more efficient and makes sense, then I think we ought to go ahead and move forward on it.

Commissioner Mourdock: So, there is a motion there?

Commissioner Fanello: I will make a motion to go ahead and move forward with this.

Commissioner Mourdock: I will second it.

President Mosby: I have a motion and a second and, I guess, identify, identifying or no really, we are just going to go to one plan, right?

Commissioner Mourdock: Yes.

Commissioner Fanello: Yes.

President Mosby: We need to make the employees, I guess, aware.

Commissioner Mourdock: Make those 29 aware as to what we are doing.

President Mosby: Absolutely, so they can get into the open enrollment which will be taking place in November, from what I hear.

Dennis Woehler: Yes and the informational meetings will be the first two Thursdays in the month and everyone will be notified of the plan changes that will occur and what the dates will be so that those that need to make a change you know can be fully informed.

President Mosby: We are going to make notification to the employees, the 29 that are on that plan?

Commissioner Fanello: Yes.

President Mosby: I have a motion and a second, so ordered.

Dennis Woehler: My second item, is the health insurance plan. I have, and of course in the summary, I gave you all, it would be in my opinion, to your advantage, to go to a partially self-funded plan. However, because of the scarcity of loss information from your current carriers, while the third party administrators could get us a quote for an individual stop loss, they could not, they would not "an aggregate" stop loss on the plan. Consequently, it would at this point, be my recommendation that we renew with the renewal rates that were offered from Anthem and Welborn, with the understanding that after the first of the year, when we have another full

year's loss information we address this issue again. Because if we can get a stop loss carrier, then it would make more sense for the county to go to a partially self-funded plan. The problem that we have without that aggregate stop loss is that you may have a \$100,000 stop loss per person but those two or three people that hit that are not where your problems are going to be. Your worst nightmare would be 500 people having \$20,000 worth of claims and you having to come up with \$10,000,000 to pay the bill. The likelihood of that happening is probably not great but still you have no guarantee. I just don't know in good conscience how I could bring it to you and say this is the direction that I think we should go when it is an open ended plan.

Commissioner Fanello: So, if I understand you are recommending that we accept the quotes that were given to us and go ahead and sign for another year.

Dennis Woehler: Yes. Now, on a, it does not mean, we can't change off renewal, in other words, we don't have to have it January 1. If we can get the information that the stop loss carriers would like at the close of this year and if it was in agreement with the Commission, it could be changed at another date, like the first quarter of the year or something. If we, because it should, and some of your experience with the city, it should be more profitable or it should be less costly to be a partially self-funded plan, because you get to design the plan, you get to make the changes on, you know, the different sections of the plan, to design it to where, to where the, you can make it the most cost effective. You know right now, basically, what you are doing is paying, is paying a stop loss plus their premium all rolled into one. They are charging you for what maximums will be during the course of the year. If not, then they are going to keep it, you know other than your refund agreement which you know is better than not having a refund agreement. But, it would be much more cost effective in my opinion, to be on a partially self funded plan, if we can get that aggregate stop loss where you have some protection on the high end.

President Mosby: So, if we sign on with Anthem we are not locked in for a year?

Dennis Woehler: No.

President Mosby: We can switch anytime throughout next year.

Dennis Woehler: Now, Anthem will keep your claims pool or that refund agreement pool for any claim run out. If there is anything left of that then they would give it to you, but they will use your money first on any claims run out, if you change the plan.

Commissioner Fanello: So, if you need a motion, if we need to go ahead make a motion tonight, I will just go ahead and make a motion that we sign on with the current carrier, with the understanding that we might move to a partially self funded plan at some point in time.

Commissioner Mourdock: With that understanding, I will second and can you give us a report in again, what, a month, six weeks, Dennis, as far as how all of this is coming together with both the pay out rates and having some better idea as to where we are with our overall loss rates?

Dennis Woehler: Absolutely, and then of course after the first of the year, when they close their books out and give me their final loss runs, that hopefully, I can take to the stop loss carriers and say, look we have two years where, really on your Anthem side of it, you guys have for a municipality, which traditionally run high. I mean high utilization, is, most fully insured companies don't even want to quote you. I had

three rejections that just said, no we are not interested.

Commissioner Mourdock: End of the year is calendar year?

Dennis Woehler: Yes, right now that is your calendar year. So, when we get good loss information at the end of the year, right now you have as far as the claims, the refund agreement with Anthem you have what they call a \$100,000 stop loss in that, and in other words, if you have any claims that go over that, they won't count that against your refund agreement. But, in the last three years, you haven't had anyone hit that on the Anthem plan. Now, for a municipality, you are running a 77% loss ratio and that is not bad but, the Welborn side of it was 130.

President Mosby: Any other questions or comments? Anything else?

Dennis Woehler: That's all.

President Mosby: Thank you, sir.

Commissioner Mourdock: You have a motion and a second.

President Mosby: Yes, I had a motion and a second. So ordered.

Eric Williams: Are you ready for another issue?

President Mosby: Sure.

Eric Williams: On behalf of the Sheriff's office and possibly other department heads and officeholders, we are seeking some guidance from the Commission on how you want us to handle employees that are getting called to active military duty? Our first one was officially notified that he is to leave tomorrow. So, we need to know what to do with their salary? We have no idea how long this would be for and we have several that we feel are probably eligible and probably will be called. So, we need some guidance on what to do to their salary line items. Whether they can be converted to overtime? Whether we can hire part time help? There is a whole litany of issues that we are going to have to deal with this so we need guidance from you guys.

Commissioner Fanello: I think we are going to have to work with the Council on that, as well, to know exactly what they want to do.

President Mosby: We can't transfer money.

Suzanne Crouch: I spoke with George Fithian, the Personnel Director for the City, about this same issue. It seems like, just right off the cuff, that two alternatives would be to establish their salaried line items or transfer that money and, of course, the Sheriff's department would have to do that, into the Sheriff's overtime line item and then that would be available to pay current deputies overtime. Another alternative would be to perhaps take that salary and put it into a temporary replacement line item with the Sheriff's budget and then they could use that to hire then perhaps retired, recently retired deputies, you can't really hire new employees because they have to have a years probation, and in the mean time someone may come back for that position so that would really, I guess, the county attorney probably needs to just review those options and.

President Mosby: I would look at hiring replacement.

Commissioner Mourdock: Well, you might be able to do that in some offices, but I don't think realistically you could do that in the Sheriff's office.

Eric Williams: Because of the accreditation, well not so much the accreditation but the authority to have law enforcement powers in Indiana, you have to remain at a certain level of currency with your training with the Indiana Law Enforcement Academy Training Board. So, the idea of recent retirees that probably still have full powers in force and be subjected, we may be able to contract with them as part time employees. Other than that, people that have been gone for more than probably 12 months would be stuck either sending them back through the academy or coming up with some type of training curriculum for them to get them back up to speed. I don't know how many of those people are out there that would even be interested.

President Mosby: I would see if any recent retirees were interested or if you had to train them, move their, get their training back up to speed.

Eric Williams: That is what we are looking to you, we are looking for options on what we can and can not do and how we are going to handle this. If we are fortunate enough and it is only one individual in the course of what is on the forefront, we could probably absorb that and just go on. But, you know out of 105 sworn officers, you know if we lose 5 to 10 of them, which is what we think could possibly happen, that is a pretty large chunk and that is not counting our correction staff or detention staff either.

President Mosby: Well, I would rather see us look at temporary replacement than to pay that much overtime. I mean, because you are going to take somebody's salary and run it out pretty quickly if you are paying overtime.

Eric Williams: Sure. Obviously, I, you know this is the planning and brainstorming kind of part of it that will have to occur. There is going to be a certain level that we can absorb just because we have overage and nobody is on vacation, and, obviously, we wouldn't have to replace every person every hour. But, if the numbers happen then we are going to be in a pinch.

Commissioner Mourdock: How many guardsmen do you have, do you know?

Eric Williams: We looked at the list today and there are 5 that are very eligible to get called back to active duty. The one that was notified today, I am not sure what his status was other than he reported to us with his paperwork today and said that he won't be here tomorrow.

Commissioner Mourdock: Just giving notice. By way of quick survey, Ralph, do you know, do you have anybody?

Ralph Kissinger: I don't think that I have anyone in the active reserves right now. I was looking at that the other day.

Commissioner Mourdock: John? Okay.

Commissioner Fanello: Are you going to be bringing this up at the Council meeting on Wednesday?

Eric Williams: I don't know if it is appropriate yet until we have a better grasp on what is going on. But, I at least wanted to put it on the agenda so that you can think about it and maybe Phil can begin looking at what options are out there legally for us to do. Because obviously we have no idea how long this may be.

Commissioner Fanello: I think it would be a good idea to bring it up since it is a money issue and we really don't have any control over that. Just to give them a heads up of what's going on.

Eric Williams: Well, if they give me the time, I will definitely mention it to them.

President Mosby: Any other questions or comments? Any other group or individual wishing to address the board?

Unidentified: I guess I was in the wrong room, I was in 301. I was wanting to know if McCutchanville Court Subdivision was approved or if this is the right place.

President Mosby: McCutchanville Subdivision?

Commissioner Mourdock: It might be the right place at the wrong time?

John Stoll: (inaudible) I will bring it up in my report.

Commissioner Mourdock: Okay, he will bring it up.

President Mosby: Okay.

Commissioner Mourdock: What is your name and address sir.

Kenneth Fisher: Kenneth Fisher, 6025 Jamestown Court.

President Mosby: Any other group or individual wishing to address the Board?

Phil Hayes: Mr. President, just briefly on the issues about the guard call ups and the reserve call ups, the Federal Law is that soldiers and sailors with (inaudible) back applies generally and this county and state government (inaudible) return to active duty and I think what would probably be most helpful is for us to get a sense of who we have that could potentially be going so that we can do some planning ahead and probably be of some personal assistance by the way of those guardsmen that are going and reservists, and I will coordinate with the City Legal Department to see how they are encountering that and maybe come up with a unified program to make it easy enough to handle because (inaudible) to try to come up with consistency across the board to accommodate (inaudible).

Madelyn Grayson: May we make another tape change, please?

President Mosby: Sure.

(Tape Changed)

President Mosby: Any other group or individual wishing to address the board under Action Items? Okay, Department Heads.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First item, I would like to recommend that contract VC01-09-03, the First Avenue Bridge Repairs be awarded to Southwest Engineering for the amount of \$19,805. They provided the low price quote on the project.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Second, I would like to recommend that Pearl Drive and Dugan Trail be accepted for maintenance in Eagle Plaza Subdivision. This is the commercial subdivision out on the west side, south of the Lloyd Expressway between Red Bank and Boehne Camp. The streets were constructed in general accordance with the approved plan, so it's recommended that they be accepted.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I've got the street plans for McCutchanville Court Subdivision. This subdivision was recorded several years ago and the developer's now chosen to pursue developing the subdivision, but there was never a street built, and these are the street plans for that subdivision. It will be a curb and gutter street, and you can see they've provided curb inlets here at these two locations. We have reviewed the plans and recommend that they be approved subject to any changes that the County Surveyor's office might require in conjunction with final drainage approval.

Commissioner Mourdock: This is the one ,I think, Mr. Fisher wanted some input on, so.

John Stoll: He's the developer.

Commissioner Mourdock: Oh, okay.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: You can sign off on it right there. That's fine, yeah. The last item I've got is the cover sheet for the Mill Road Bridge Rehab Project. This just need Commissioners signatures. This is the project that will replace the beams on the Mill Road Bridge just east of the County Highway Garage. We'll be doing that project half the time, so that way we can maintain access. It will result in the one

way flow on Mill Road while the project is under construction. It is recommended that the cover sheet be signed off on.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything.

Commissioner Mourdock: Did you have any more comments, John, on this, well, first of all, on the draft ditch piping ordinance? Did everybody get this?

Commissioner Fanello: I haven't read it. I haven't had a chance to review it.

Commissioner Mourdock: A couple of comments I would make is where the word drainage easement has been struck out, I would put that back in. In all places. Also you talk about having a 25 year capability through the pipeline, I would suggest have it be 25 years or whatever the pre-existing (inaudible) would be.

John Stoll: That's what I tried to put in there, that one statement—

Commissioner Mourdock: It says it may, but I would change that may to a shall.

John Stoll: Okay. I follow you.

Commissioner Mourdock: Then also in the \$200 fee, I would put \$200 or actual cost.

John Stoll: Okay, I hadn't gotten with Phil on anything like that yet, but as far as any kind of fees and penalties and things like that, it was just a draft to try and address where we keep seeing more and more ditch pipes that are put in that end up costing us money to repair or replace and cause drainage problems as well.

Commissioner Mourdock: Then your memo that came through on proposed railroad crossing improvements. I've read it twice and I'm not really sure that you've given me a conclusion of a recommendation. Are you thinking we should go ahead and cover that \$15,000 in costs?

John Stoll: Not that I like to recommend that, but, ultimately, I think that's probably what it will take. If we ever see any improvements to those crossings, because this owner is like the previous owners of that rail line, they say it's a short haul line that are not generating revenues and I'm afraid that if we don't foot the bill then they'll just keep deteriorating more and more. So, like I said, not that I like to recommend that we go out and spend \$15,000 or so per crossing, but if we don't I don't think anything will ever happen to it. Nothing has ever been done as far as any kind of significant (inaudible) in the eight years I've been here.

Philip Hayes: Can I interrupt you there? Do we have a survey, current or not so current (Inaudible)

John Stoll: EUTS did one a few years ago.

Philip Hayes: (Inaudible) So, you do have one (Inaudible)

John Stoll: Sure.

Philip Hayes: (Inaudible)

John Stoll: Yeah, if we could get them to foot the bill for it, it would be great. Because I think they are responsible, it's just they've never made any significant attempts to improve the crossings, the surfaces.

Ralph Kissinger: May I ask something? I was in a meeting with John in his office, I'm sorry, Ralph Kissinger, County Highway. (Inaudible) the gentleman, I can't remember his name—

John Stoll: Allen Brown.

Ralph Kissinger: —Allen Brown, was his name. He kept referring back to there were some Federal grant money for these. John and I talked about it, and John has looked into this—

John Stoll: And we've never been able to find any Federal Aid money for crossing surfaces. The only Federal money that I'm aware of is for safety improvements and that's prioritized state-wide now. It used to be prioritized more on a local basis, but we're not hardly eligible for any of that money either.

Ralph Kissinger: And there was one other item he brought up was the diesel fuel tax for locomotive fuel that there was some kind of a surplus on that that they could tap, but there again, I called about it, I couldn't find anything. I don't know if John checked into it or not, but I don't know what our options are there, but I'm under the same assumption that John is, if we don't as a county put up part of this money, and take care of this, I don't think it is ever going to get taken care of. After meeting with these two guys, basically, everywhere they go they get the counties or the cities to pretty well do this just to keep them in business. So, I didn't mean to interrupt, but—

John Stoll: That's pretty much the same thing that we heard from one of the previous owners of that rail line too, that this was, it wasn't High Rail, it was whoever had it after High Rail, but they said the same thing—

Philip Hayes: Pioneer?

John Stoll: —that there was Federal funds.

Commissioner Mourdock: (Inaudible. Mike not on.)

Philip Hayes: (Inaudible. Mike cutting out.) That is one reason why (Inaudible) history (Inaudible) the issue about what, the pure economics issue is a whole other issue. If they are telling you they can't afford it (Inaudible) the budget (Inaudible) so we need, I think, to address that (Inaudible) certainly makes a lot of sense, because (Inaudible). So I would like (Inaudible).

John Stoll: Okay.

Philip Hayes: (Inaudible)

John Stoll: I'll get you a copy of prior correspondence on that as well as their inventory.

President Mosby: Any other questions or comments?

Ralph Kissinger: County Highway
--

President Mosby: Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. Excuse me. You have my reports. I do have a couple of requests this evening, if I may. First of all we have some old striping tape that I was told not to put on the roads because if we do any milling the asphalt contractors don't want it in the milling. It's a metal back, foil backed type tape, and now they are going with a rubber based that will melt down into the millings. One of the fire departments came and requested some paint for their garages, and I told him I had no yellow tape, no paint, but I did have some old tape. I would like your permission, if I may, instead of throwing this stuff away, if I may donate it to the fire department or not, it's up to your discretion.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second.

Ralph Kissinger: Thank you.

President Mosby: So ordered.

Ralph Kissinger: Also—

President Mosby: What fire department was you giving it to?

Ralph Kissinger: German Township is the one who made the request.

President Mosby: German, okay.

Ralph Kissinger: It was the Assistant Chief, I don't know his name, but I can get that for you if you would like.

President Mosby: No, I just was writing notes here.

Ralph Kissinger: We have some contaminated waste containers that were left over from a clean up, a prior clean up, and I had a gentleman call me and ask if I would sell some of those. I was told that they originally cost the county a certain amount of money and he asked if I would sell them. I told him I could not do that without some permission. They are stored in the garage, and I don't know that they will ever be used, but they were, apparently there were too many ordered when this—

Commissioner Mourdock: Are they the over pack containers—

Ralph Kissinger: Yeah, the large, yellow (Inaudible. Talking over each other.)

Commissioner Mourdock: (Inaudible. Talking over each other.) Okay.

Ralph Kissinger: He made me an offer of \$95, I was told they paid \$125 a piece for them. Now, that's—

Commissioner Mourdock: They have not been used?

Ralph Kissinger: They have not been used? From my knowledge, they are surplus. This is what I've been told.

Philip Hayes: They are not on hand..they are inventoried on hand in the event of an emergency?

Ralph Kissinger: As far as I know, these are over packs for contaminated waste to go to dumping. I, myself, I think that if we ever have anything, instead of selling them, they are not doing anything but taking up space. But I thought I would bring it up.

Commissioner Mourdock: How many of them do you have?

Ralph Kissinger: Pardon me?

Commissioner Mourdock: How many do you have?

Ralph Kissinger: I don't have a count. I think there are about 18 up there.

Commissioner Mourdock: I think that if we're in the situation where we need them, we will probably be contracting out to get that work done anyway. I mean, if there is some situation, I can't envision where we would be lab packing our own stuff—

Ralph Kissinger: Right.

Commissioner Mourdock: —because technically if you're doing that, you ought to be 40 hour certified, and our people aren't.

Ralph Kissinger: Exactly.

Commissioner Mourdock: So, I would say that we go ahead and sell them for \$95.

Commissioner Fanello: Second. Excuse me, second.

President Mosby: I have a motion and a second. So ordered.

Ralph Kissinger: The third item I have, I've got several employees request, and I talked to Commissioner Mosby earlier in the season about it. I kind of put it off. I asked the men to put it off until we got some of our major projects. There is a request by several of the employees for CPR training. I've called the American Red Cross and it is kind of an expensive process, but Commissioner Mosby made a suggestion that I thought was a good idea, that maybe we could get the fire department instructor who is certified, and instead of paying \$125 for each individual who will take it, maybe we could pay him a day's wages to come and get

some of our people certified in CPR. I don't know what procedure is on that, but it has been mentioned again this week and I told them I would bring it up before the board.

President Mosby: Just contact Chief Humphrey, Humphrey, I'll be okay, who will probably put you in contact with Tony Schneider. Tony runs the whole EMS department for the City Fire. They have three or four instructors.

Commissioner Mourdock: There are several local vendors that do that too, so.

Ralph Kissinger: Certainly, and I'll check into all that. If it's okay, I'll go ahead and make those inquiries.

President Mosby: I don't have a problem.

Ralph Kissinger: That's all I have.

Commissioner Fanello: Okay.

Ralph Kissinger: Thank you very much.

President Mosby: Any questions or comments? Thanks, Ralph.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: No report.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to ask permission from the Commission to advertise the county surplus cars that are held at Wolfe's Auto Auction. It was supposed to be, well, it's supposed to be the 11th, but I was just informed on Friday that I have to advertise for 10 days, so I'm going with, I'm doing the county car sales with the abandoned vehicles on October 25th.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

Tammy McKinney: That's all.

President Mosby: So ordered. I guess my question is did we ever get that straightened out?

Tammy McKinney: What straightened out?

Philip Hayes: Yeah, they are, in terms of the Commissioner's contract with—

President Mosby: Yeah.

Philip Hayes: –Wolfe. That contract is being executed. They are conducting abandoned vehicle sales with the state of Indiana. We have no county ordinance and so any proceeds, net go to the state.

President Mosby: The state.

Philip Hayes: From the state statute.

President Mosby: What did we ever do with the county ordinance?

Philip Hayes: That was declined before introduction at the County Council level, because the fiscal body has the fee setting responsibility and there is that enabling statute from the state, it's even specifically in the state statute.

President Mosby: Is it because we've got so much money, they just didn't want it or what?

Philip Hayes: The county fiscal body will do it.

Commissioner Fanello: Another smart financial decision.

President Mosby: Yeah.

Steve Craig: Burdette Park

President Mosby: Burdette.

Steve Craig: Steve Craig, Burdette Park. Other than my work sheets and that, I guess, I just need to set up a time with Catherine to go over that RFP.

Commissioner Fanello: And I have more time this week. I'm sorry I didn't have any available times last week. Thursday, sometime on Thursday, maybe? About 1:00?

Steve Craig: That will work.

Commissioner Fanello: Okay.

Commissioner Mourdock: I'm sorry, Steve, I'm having a fade, which RFP are you speaking of?

Commissioner Fanello: Master Plan.

Commissioner Mourdock: Oh, okay. Sure.

President Mosby: Any comments or questions? Thank you, Steve.

Steve Craig: Thank you, David.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: Sorry.

Commissioner Mourdock: I'm sorry.

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer.

Commissioner Mourdock: So moved.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: Motion to, do we need, I'm sorry, do we usually make a motion to accept all the department head reports?

Commissioner Mourdock: No, we just take them individually.

Commissioner Fanello: Okay. On the Consent Items, I just had one issue that was brought up at the Council meeting the other day, and since this person has asked for some travel money, I will just go ahead and present it to the Commissioners for information. There is a board member on the Property Tax Board, Peggy Pfister, I believe, is how you pronounce her last name. She lives in Hamilton County, and there were several, I think, two Councilman that I can think of off the top of my head who were concerned about paying travel for someone who lived in Hamilton County to come to Vanderburgh County to sit on a board. So, I'm going to go ahead and, I'll accept this one, but I think it's a very valid concern. We've spent, at \$225 a pop to come down to a meeting, I don't know with a hundred and seventy some thousand people in Vanderburgh County why we can't find one in Vanderburgh County to sit on this board.

Commissioner Mourdock: Is that position defined as being someone?--

Commissioner Fanello: This person on the Property Tax Board has to be a level two person, at level two, but at this point in time, I believe, and I'm going to have...if Counselor Hayes would look at the statute concerning that board, I believe, Cheryl Musgrave is a level two. We have a level two, Kraig Nance, on there. So, I believe that satisfies the board requirements. I think there has to be at least two on there.

Commissioner Mourdock: Yeah, it's worth checking to see what the requirements are.

Commissioner Fanello: Exactly, because I just can't imagine we don't have enough people around Vanderburgh County who could probably sit on the board.

Suzanne Crouch: If I may ask to add a Consent Item. It was a grant application that was brought to us by the Health Department for prenatal care. I think the amount is \$70,000. It does not require Commissioners signatures, but I would like to go ahead and ask that it be added to the Consent Items.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: That's to add the Health Department contract, right?

Commissioner Fanello: Yes.

President Mosby: So ordered on that one. So, you didn't make a motion to pull this?

Commissioner Fanello: I'm not going to pull it because I'm afraid...it's scheduled for October 3^d and 4th, and to me, I guess, that tells me they have a Property Tax Board meeting, and I wouldn't want an individual not to be there because I know these meetings are important. So, I'm not going to pull it and not have her come down, but when whoever goes to the Council meeting on Wednesday, this issue is supposed to be discussed, and I believe we ought to make it our intent that we really don't want to fund travel for people who live in other counties to come here and sit on boards. I mean, those people should be Vanderburgh County.

President Mosby: Okay, how do I go about voting against this?

Suzanne Crouch: (Inaudible. Mike not on.)

Commissioner Mourdock: Yeah, you would have to get a motion to pull it out and separate it.

President Mosby: Okay, I make a motion to pull this out and separate it.

Commissioner Fanello: I'll second.

President Mosby: I have a motion and a second. So ordered. So, on this one issue—

Suzanne Crouch: (Inaudible. Mike not on.)

Commissioner Mourdock: Yeah, right, now you have to vote on the issue.

President Mosby: Oh, okay.

President Mosby: Catherine was just saying to leave it in, and you just made the motion and it was seconded to pull it out.

President Mosby: Right, now it's out so—

Suzanne Crouch: Now you vote on it.

Commissioner Mourdock: Yeah. For the purposes of a roll call vote, I'll make the motion that we include this back into the Consent Items.

Commissioner Fanello: Okay, second. I'm so confused by now.

Commissioner Mourdock: That's okay. You make the second and then we'll have a roll call vote.

President Mosby: You did it different than I would have did, but we're getting the same place. We're going to end up there. So, we have a roll call vote on a travel item for Peggy Pfister to travel from Noblesville to Evansville to sit on a board.

Commissioner Mourdock: Right.

President Mosby: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: I think Catherine's point is right on line. It's worth checking, but given the short time fuse, I think it's also pretty well set that that person needs to be there. So, I'll say yes.

Commissioner Fanello: I'll say yes, only for the reason that I don't want to put the board at a disadvantage on that date, so, but I do not condone this at all.

President Mosby: I'm going to vote no, because they probably knew before October 1st that they were going to have this meeting on October 3rd and 4th. So, due to that and paying somebody to travel from Noblesville to Evansville, I vote no.

Commissioner Mourdock: Okay, with it now back in the Consent Items—

President Mosby: Yeah.

Commissioner Mourdock: —on a two to one vote, I will move approval of the Consent Items.

Commissioner Fanello: Second.

President Mosby: We can't have a roll call on that can we?

Suzanne Crouch: If you want.

President Mosby: Because I probably would have voted no again.

Philip Hayes: You made your point.

President Mosby: Yeah. Motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings. Any scheduled meetings?

Commissioner Mourdock: Even though there's a holiday next week for some, for some, we will be here next Monday.

President Mosby: Okay.

Old Business

¹Consent items listed on Page 31.

President Mosby: Old Business. I guess I need to turn this.

New Business

President Mosby: New Business. Motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: Motion and a second. So ordered.

The meeting was adjourned at 7:30 p.m.

CONSENT ITEMS:

Employment Changes:		
Supt. Of Bldgs.	Knight Assessor	Health Department
Circuit Court	Voter Registration	County Council
Prosecutor	Sheriff Department	Burdette Park
VCCC		

Travel Requests:		
Treasurer	County Assessor	Area Plan
Health Department		

Request for Service:
Superior Court

Auditor:
Grant application for Indiana Criminal Justice Institute.
Grant application for prenatal care for Health Department.

Treasurer:
Submit monthly report.

County Clerk:
Submit monthly report.

Sheriff:
Weekly Jail information and reports.

Those in Attendance:

David W. Mosby	Catherine Fanello
Philip Hayes	Suzanne Crouch
Madelyn Grayson	Phil Lawrence
Roger Lehman	Eric Williams
John Stoll	Ralph Kissinger
Others Unidentified	Members of Media

Richard E. Mourdock
Tammy McKinney
Dennis Woehler
Kenneth Fisher
Steve Craig

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by BJ Farrell and Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
October 8, 2001**

The Vanderburgh County Board of Commissioners met in session this 8th day of October, 2001, at 6:02 p.m. in Room 307 of the Civic Center Complex with Vice President Fanello presiding.

Call to Order

Commissioner Fanello: Call to order Vanderburgh County Board of Commissioner meeting, October 8th.

Introductions and Pledge of Allegiance

Commissioner Fanello: Introductions, we have Tammy McKinney, Superintendent of Buildings. To my right, Counselor, Phil Hayes; Commissioner Mourdock and we need to wish him a happy birthday, by the way. Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. Please join me for the Pledge of Allegiance.

(The Pledge was given.)

Approval of Minutes

Commissioner Fanello: Approval of minutes from October 1st.

Commissioner Mourdock: I'll move approval of the minutes as filed.

Commissioner Fanello: I'll say second and so ordered.

Commissioner Mourdock: Before we jump further down the agenda, the cupcakes, where did these come from? Who's work is this? No one is going to confess?

Tammy McKinney: Schnucks.

Commissioner Mourdock: Schnucks, okay.

Tammy McKinney: West Side Schnucks.

Commissioner Mourdock: Well, the black frosting is full meeting of the mood of the day, so, thank you.

Tammy McKinney: They started with white frosting and I said, paint them black and I'll be there at 5:00.

Commissioner Mourdock: Well, thank you.

Phil Hayes: Permission to Open Salt Bids

Commissioner Fanello: Opening of salt bids. Do you want to move?

Commissioner Mourdock: Yeah, I'll move that the County Attorney go ahead and open the salt bids. Have you already received them then, Phil?

Philip Hayes: Yes, I have. I think I have three. is that correct?

Commissioner Fanello: Second and so ordered.

**Phil Lawrence: Permission to Advertise for APA 022-2002:
Computer and Copy Paper**

Commissioner Fanello: Permission to advertise for computer and copy paper.

Phil Lawrence: This is another one of our annual purchase agreements. This is for all of the computer copy paper for the city and the county. We are going to advertise on the 11th and the 18th and open on the 29th.

Commissioner Mourdock: I'll so move the advertising of the schedule as requested by Mr. Lawrence.

Commissioner Fanello: Second and so ordered.

Phil Lawrence: Thank you.

**Les Shively: Request to Waive One Year Limit
Three I Properties: VC-2-2001, VC-3-2001 and VC-4-2001**

Commissioner Fanello: Next item, Les Shively.

Les Shively: Thank you, Madam Commissioner. Commissioner Mourdock, birthday boy. Thank you for allowing me to be placed on the agenda. If you will recall, the earlier part of this year a group known as Three I Properties LLC sought to rezone, in three separate petitions, property between Highway 41 and Old State Road just north of Boonville-New Harmony Road. The Board of Commissioners denied that rezoning request. I'm happy to report that through hard work, through, and I give a lot of credit to Mr. Bohleber who couldn't be here this evening, he's got a full schedule plus he's been secretary-less all day. So, I think he is about ready to pull his hair out. We have reached an agreement with his clients, which were the folks that were in opposition. Let me just tell you, basically, what, I won't bore you with all the details but just so you get a flavor for what we are doing here. We are eliminating from our request the properties that border Old State Road. If you'll recall, we were going to rezone some residential properties. We are leaving that in it's present classification, which is agricultural. Although, this really doesn't involve you, you can't enforce this, I'm just telling you this so that you have a flavor for the whole deal. We are placing covenants of record that will run with the land in favor of the specific land owners to be benefitted that will keep the northern portion of that property from ever being rezoned, not ever, from being rezoned to commercial or industrial for a period of 35 years. The southern portion, as you get towards Boonville-New Harmony Road for a period of 15 years. This was something that the neighbors had requested, and we accommodated their concerns. We also eliminated some additional uses, but, essentially, the use and development commitment you saw here earlier in the year will be pretty much what we use this time, with a few changes. The major change will be this, however, along the northern border of the area we are going to rezone, we had proposed a 15' buffer, green space buffer with berms and landscaping. That has gone from 15' to 50'. So, with all that being said, that is what the new, what we are asking for this evening is leave to refile. The reason I am coming to you this evening, I know it's hard to

believe, but in order to get on the agenda for the last meetings of the Plan Commission and you folks for this year, you have to file by the 15th of October. The year is coming to an end. So, if you would allow us, to grant permission to do this, which is not an endorsement of the rezoning request, we understand you still need to see all the documents to make sure that what I've represented here this evening is correct. What we are simply asking is your blessing, your vote this evening, it will require both votes this evening, to allow us to do that. We will then file on the 15th. We will submit all those documents to you for your review, and then this will come before you the third Monday in December, whenever that is, I don't know the exact date. Mr. Habermel, one of the principals, is here this evening, and I'm more than happy to answer any questions. Again, I didn't want to take a whole lot of time going into the details of the agreement. If you have some questions, please feel free to ask.

Commissioner Fanello: I just have one. You said the residents are in agreement—

Les Shively: Yes.

Commissioner Fanello: —or you feel like they've reached an agreement?

Les Shively: Yes, all we're working out...the use and development commitment is done. I mean, they, we had no, that was rather the more painless portion of it. What we are working on right now, quite frankly, are identifying the specific properties that will be benefitted, and will be identified as being benefitted by that private covenant. That is really all that's left to do is to work out those details. All the documents are in Mr. Bohleber's hands, and he's been a little tied up with short on staff and stuff, so. But the use and development commitment and everything with the rezoning stuff that comes to you in the public segment is all worked out. We accepted all the requested changes they wanted. Mr. Ron Grover has been working very hard will all of us and attending all the meetings, and so, again, and by the way too, we went ahead and we purchased another property on the south side of Boonville-New Harmony Road which takes care of a land owner who had a concern.

Commissioner Fanello: Okay, I just had one other question. I think, is this the second rezoning that you had? One of them is in a law suit, is that?

Les Shively: This is in a law suit.

Commissioner Fanello: Okay, this one. Does this—

Les Shively: Upon favorable action by the County Commissioners, the law suit will be dismissed with prejudice, I forgot, thank you, that is one thing that I forgot to tell you.

Commissioner Fanello: Okay.

Les Shively: Yes, we, the law suit is on hold. We are, the county is not incurring any expenses on this. We are waiting to see how this all plays out. So, we are, everything is in a holding pattern until our meetings in December, but assuming favorable action takes place, it will be dismissed with prejudice.

Commissioner Mourdock: Just to further clarify, having sat at the Area Plan Commission the other night, I would just make the point that the person you said who's property has since been acquired, or at least you've reached some agreement

to purchase, was one of the significant remonstrators at this previously.

Les Shively: Yes. By the way, Mr. Bohleber—

Philip Hayes: (Inaudible. Mike not on.) John, did you say no?

Unidentified: Pardon?

Philip Hayes: John, did you say no?

Unidentified: Well, the one we're—

Commissioner Mourdock: You need to come to the microphone, Mr. Habermel.

John Habermel: I'm John Habermel. If I understood the question properly, correctly, the one we are purchasing now was, has not been one of the significant remonstrators.

Les Shively: They were—

John Habermel: They questioned the, they were here the night of the—

Commissioner Mourdock: Okay, I'm referring to Mr. Rickard. Maybe—

John Habermel: That's, yeah.

Commissioner Mourdock: That is who you are acquiring? Okay.

Les Shively: Also note too that in, at that meeting, the Plan Commission meeting, was that last Wednesday?

Commissioner Mourdock: Yes.

Les Shively: Mr. Bohleber was present at that meeting—

Commissioner Mourdock: Right.

Les Shively: —and confirmed at that meeting on the record that we did have an agreement subject to the language and the covenant—

Commissioner Mourdock: Right.

Les Shively: —so I wanted to put that in the record as well.

Commissioner Mourdock: Okay. Well, and as I understand what we need to do here, and this isn't real common that we waive the one year requirement, but I'll move that we do that. Also, just I think that it is probably appropriate, even though there is just two of us here, that we do that by voice vote—

Les Shively: Yes, sir.

Commissioner Mourdock: —so I would move that we waive the one year requirement so that the petitioner can proceed with this and then that we would hear it yet this calendar year.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Sure.

Philip Hayes: Les, you and I had talked about the legal ramifications—

Les Shively: Right.

Philip Hayes: —of the proposal tonight, and with regard to the law suit that is pending, that law suit is based on the failure of the Commission to ratify each of those three petitions before—

Les Shively: To approve them, yes.

Philip Hayes: We didn't precisely discuss how we are going to dispose of the law suit, but assuming this vote goes through, the law suit will be dismissed, because if this vote allows the matter to be reconsidered, then you're back in a new cycle. So, you wouldn't propose to hold the law suit based on the old action, because the old action would have been, in essence, voided by this reconsideration and retried, right?

Les Shively: Well, I think you make a good point. I hadn't discuss this before, but I mean, effectively that's certainly, if we have a new petition rolling, certainly one could make the argument that the old law suit is moot. Yeah.

Philip Hayes: Well, one doesn't wish to make it. I don't mean to pull a rabbit, I don't mean to pull a rabbit out here at the last minute. I guess I took it as a given that since there had been a reconstitution of your, of your zoning purpose, so to speak, and your zoning plan and you've got a, you've got a reconciliation with the land owners and remonstrators, then in that event it would moot this law suit. I mean, it would be the logical extension of that. Do you have any authority to do that tonight?

Les Shively: I don't have the authority to do it tonight, but I tell you what I will, I'll have authority before we file, and we will have to file a week from today. So—

Philip Hayes: Well, how, how would I, how am I going to protect our posture in this? Because it's the position of the county that, that the law suit is ill taken. Our answer is an answer in denial—

Les Shively: Right.

Philip Hayes: —and I think we filed a pretty thorough response to it.

Les Shively: Right.

Philip Hayes: You are correct, pending this activity, we took this matter off the docket last week for a telephone conference, but in terms of saddling this down, and I apologize to you for kind of pulling that out. Do you want to confer with Mr. Habermel first? Is that possible to do?

Les Shively: I mean, I don't know what you asked exactly, Phil, but I mean—

Philip Hayes: Well, I would like the law suit to be gone. In other words I think that if there is a positive vote, that part of our package ought to be that the law suit is

dismissed. Not that it hang around, because I don't want to create a situation where there is two bites at the apple. I could see two law suits if you are unsuccessful the second time through.

Les Shively: Well, the whole idea right now, you know, we haven't filed our new petition yet—

Philip Hayes: So, in other words, having filed it...let's assume you do file it. That having been done, you will open for consideration then on what, in essence, is a new—

Les Shively: Right.

Philip Hayes: —rezoning plan. You are starting from ground zero.

Les Shively: Right.

Philip Hayes: Okay

Les Shively: Exactly.

Philip Hayes: How would the old law suit, and as to the old action be of any assistance to you in that project there?

Les Shively: I suspect you have a good point there. I would probably, I would prefer, I would like to talk to Mr. Hahn about that. Yes, ma'am. What you say makes sense—

Philip Hayes: I know.

Les Shively: —the bottom line, once we file, we are in a whole new petition. All my point is that in our case we are not asking for any monetary compensation from the county, it is just merely a declaratory judgement action.

Philip Hayes: Right.

Les Shively: It's going to be on hold, and it's, it's, nothing is going to happen in that case. I would, and I think you probably make a good point that once we file a new petition we probably, there's an argument that could be made that we may, in effect, remove some of the issues that are presented in that case. I would certainly like to talk to Mr. Hahn about that, but I mean, I have no intentions of prosecuting that case—

Philip Hayes: Now. I understand, and I didn't mean to get into this colloquy. I apologize to you for that. I had thought Mr. Bohleber was going to send some correspondence or be in touch with us here in regard to it.

Les Shively: Well, again, he's been a little short handed.

Philip Hayes: Right. I understand, and you had told me that earlier in the day. Is it possible to take a little time and contact him? Do you think, can you do that now, do you think?

Les Shively: Contact Mr. Bohleber?

Philip Hayes: No, Mr. Hahn.

Les Shively: If I can find him down in Florida.

Commissioner Fanello: Well, my concern is that it's, its', I've always heard that rezonings weren't heard in this fashion. Again, if there was a law...that's why I asked you about the law suit. If there was a law suit outstanding, and I don't know, I'm not a lawyer, but it seems to me like that would be some kind of conflict if we voted tonight to hear it again and there is a law suit outstanding, somehow that compromises the integrity of the whole—

Les Shively: I suspect you make a good point, because, quite frankly, if, and I'm not saying that it's going to come to that—

Commissioner Fanello: Uh-huh.

Les Shively: —because, but certainly if for some reason we go this route, and we come back in December, we would have the same issues and more. (Inaudible) a new law suit.

Philip Hayes: Well—

Commissioner Fanello: Might it be, just a minute, might it be possible to defer it for one week—

Les Shively: No.

Commissioner Fanello: —until you—

Philip Hayes: He's got a time problem.

Les Shively: (Inaudible. Talking over each other.)

Commissioner Fanello: Oh, that's right. Area Plan.

Commissioner Mourdock: I'm not a lawyer either, but I think the key to this is what was just said at the mike a moment ago. If in fact we act tonight, and if in fact for whatever reason this petition is ultimately denied when we hear it in December, then on behalf of his client, Mr. Shively would still have all venues open to him. Is that not right? I mean, if, if it's denied, for whatever reason—

Philip Hayes: And, yeah, this new one if it's denied then he would have, he still would have all those venues. But it occurs to me that he's got to go before the Planning Commission with this, and we know that on the last one, I mean, he did receive positive votes on each of the three—

Les Shively: Right.

Philip Hayes: —individualized petitions. So, your complaint really is with the County Commissioners here.

Les Shively: Right.

Philip Hayes: Okay. My issue with it is that if, if you are wanting to start over from

ground zero; (a) you don't have any real assurances as to the activity of the Plan Commission. Assume the Plan Commission turned it down, I don't know if there have been any changes in personnel or what other considerations there could be, Les, that's the problem. What I'm making as a point is that it's an exaction from this body to be in to the reconsideration mode on it, not that they wouldn't ordinarily otherwise. In order though to dispose of this other contingent, in a sense, liability and expense, it seems to me it would be a cleaner deal to go on and shoot it that way. If you lose at either stage on the new reconstituted petition, then you are there on those issues, not relating back after we've made an effort to cure—

Les Shively: Right. Well. Right—

Philip Hayes: —whatever—

Les Shively: Again, I wish we had had this discussion before the meeting, but—

Philip Hayes: I do too. I'm sorry about it, but we didn't.

Les Shively: Let me, let's do it this way, I, you can put anything in your motion, you are the Commission, I can't make your motion—

Philip Hayes: That's what I'm getting around to.

Les Shively: —so, you can put it in your motion, but I make this suggestion, that it be just so that the very unlikely situation that something would go awry in December, we would, I mean, I don't want to be dismissive in any way shape or form, somehow shoot myself on the foot on some issues that at some point would deem that we've now waived. If, in fact, we would have to bring something later. I don't mind a dismissal with, without prejudice as a condition of filing the new. I don't have a problem with that.

Philip Hayes: So that you would have to—

Les Shively: Refile and a whole new cause of action.

Philip Hayes: Refile a new in case this matter went awry?

Les Shively: Right. Again, if you want to make it in a motion as a condition, that is entirely up to the Commission. They would look to you as their counsel, and if that's part of the motion we will have to accept it. That puts me in a little more comfortable position with my client.

Philip Hayes: Well, what if the vote here was made contingent upon a dismissal of that matter once, once the Planning Commission acted positively? That's giving you half a bite.

Commissioner Mourdock: I guess, in the time I've been on the board the one thing that I have heard over and over and over, Phil, is that, and I realize this is a little bit different, but is it really?

Philip Hayes: Right.

Commissioner Mourdock: Is the question. We can never pass a zoning on some condition. I mean that's the one thing I've learned—

Philip Hayes: The zoning itself. You are correct.

Commissioner Mourdock: The zoning itself.

Philip Hayes: That's right. That's correct. Right.

Commissioner Mourdock: Doesn't that same theory carry over into every part of this process?

Philip Hayes: Well, and it's, I think it's a matter of your, your legislative discretion here. Your executive discretion. I think if you wish for that to be a contingency, or rather a consistency—

Commissioner Mourdock: Right.

Philip Hayes: —then I certainly can't quarrel with that.

Commissioner Mourdock: Yeah.

Philip Hayes: What I'm trying to do, belatedly, here and it's a difficult situation to do, but I had anticipated that our legal activity would be moot.

Les Shively: Well, let me suggest this to you—

Philip Hayes: And I—

Les Shively: —I don't mind dismissing this thing simultaneously with the filing of our new petition, and we (inaudible) wait, but I just don't want, and you and I can work out the language of the dismissal entry, I just don't want there to be anything waived by either side if, in fact, there is a new cause of action arising on the same real estate between the same parties. I don't want to worry everybody here, but if you read the recent cases on issue reclusion, that scares the heck out of me, and that's the only thing that bothers me, Phil. I don't mind any kind of, we'll dismiss it tomorrow, for crying out loud, as long as it's not with prejudice, and it doesn't in any way shoot us in the foot if we bring a new cause of action. Which I just think is very unlikely.

Philip Hayes: Well, it probably would be, and I would think because of the tone of our discussions on it and what's being accomplished here, so if you can, if you can tell us that, that it will be dismissed, even without prejudice, just so it's dismissed.

Les Shively: As soon as we, if you guys vote to allow us to do that and we file on the 15th, I'm going to walk over on the 16th and with an entry you and I have both looked at and dismiss the pending law suit. You know, you can mark that one down and say it's out of here.

Philip Hayes: Yeah, and not, and I think just for a point of clarification, we, even if it's dismissed without prejudice, you proceed on here, we wouldn't be looking forward to any kind of revisiting that law suit theory on the grounds that you got something less in this reconstituted rezoning than what you would have gotten had you—

Les Shively: (Inaudible.) understand that.

Philip Hayes: Do you see what I'm saying?

Les Shively: Sure.

Philip Hayes: So, I wouldn't want a case based on the difference—

Les Shively: I just don't want—

Philip Hayes: —between the two.

Les Shively: —again, I'm just very concerned about these cases. Granted they may have come from the Federal level, but an issue reclusion that ten years ago you never would have seen. I just don't want to shoot myself in the foot on something that may arise in the future that I may not even be the attorney involved. It may be a totally different attorney. Maybe different land owners, they say, well, the county, they are the successors in interest of the real estate, the County Commission is still the County Commission. There is an entry back here in 2001 that says so and so. I just don't want to do anything like that. I don't want to play games with you either. I don't want the Commissioners to think that there is a gun to their head with, in terms of a law suit.

Philip Hayes: No.

Les Shively: I want to get that out of the picture so we can look at this thing fresh, with a whole new use and development commitment, a whole new number, everything. So, we will work on an entry, but we will get it dismissed in some mutually agreeable form before it comes to this body. Does that work with you?

Philip Hayes: That's a done deal.

Commissioner Mourdock: Okay.

Philip Hayes: Okay.

Commissioner Fanello: So you, let me, you do not feel comfortable adding to the motion that they would be dismissing the law suit, or what Phil said earlier about the Area Plan, which?

Commissioner Mourdock: Well, what I feel is that, to be consistent, a term I use a lot sitting in this chair, I don't know that we can do much in a sense of making this conditional. I did hear Mr. Shively just say that he is looking over, or he will act prudently to get some document drafted to, basically, make this law suit go away.

Les Shively: Right.

Commissioner Mourdock: Personally, I'm comfortable with that, if for no other reason than I think Mr. Shively, or anyone else who comes before us as a zoning, if they said something at this mike and then came back two weeks later having done something differently, and, oh, by the way would you pass my zoning, I don't think that's too prudent. So, the motion I made previously as far as waiving the year so that we can go ahead and act with this, I think, is still the right motion.

Commissioner Fanello: I'll second and trust prudently that you'll take care of those matters.

Les Shively: I feel compelled by that trust.

Commissioner Mourdock: Just as a formality, since it is a zoning, which ultimately would be the ordinance, we need a roll call. So, I'll vote yes.

Commissioner Fanello: And I vote yes.

Les Shively: Thank you very much. Appreciate it.

<p>Phil Hayes: First Reading and Public Hearing of the Emergency Management Agency Ordinance</p>

Commissioner Fanello: Next item, Phil Hayes, Emergency Management Ordinance, first reading.

Philip Hayes: I see, I see Mr. Greer is here. Sherman, do you want to go ahead and present?

Sherman Greer: I think you have before you the proposed ordinance that we drafted for the city and for the county. The city has already passed their portion of it, and we are just waiting for the county to pass their portion of it so that we can have some type of an operational guidelines.

Commissioner Fanello: Now is this the point in time that I can bring up my questions? I know we had, we had a big, long discussion about it the last time.

Sherman Greer: Yeah, Dave's not here. Go ahead.

Commissioner Fanello: Yeah, that's why it's going to go faster. Well, we were asking permission to advertise and he didn't think that we could bring up discussion, so, Counselor, is this the appropriate time? I think I—

Philip Hayes: Yes.

Commissioner Fanello: —and I don't have my other copy in front of me, but I believe my comments that night were that a lot of these things were with the approval of the Mayor and I'm not sure where that left the county.

Sherman Greer: I think Mr. Hayes may be able to—

Commissioner Fanello: Okay.

Sherman Greer: —give you a little bit more on this but, this was all decided in 1989—

Commissioner Fanello: Oh, that's right. It was with the inter-local agreement.

Sherman Greer: —(Inaudible. Talking over each other.) With the resolution that they had.

Commissioner Fanello: So, maybe in the future we may need to look at the inter-local agreement.

Philip Hayes: I can add to that from speaking with Kevin Winterheimer, who handled this with the city. My understanding is that once there was a redraft done the Emergency Management Agency for the state actually looked at it and approved it

as being consistent—

Sherman Greer: Sure.

Philip Hayes: —with a model that they had sent down. Is that correct, Sherman?

Sherman Greer: That's exactly what we did. We just took the model and most of the counties throughout the state of Indiana have the draft of this. It's just that the County Commissioners, since we have the resolution that we had for the city and county to work together on this and being a joint department, then we had to reword it to the point to where we used city and county. We sent a copy of that up to them and they see no problems with it at all.

Philip Hayes: Right. In fact, one other piece of legislative history on it, apparently the draft that was sent by the state Emergency Management Board actually gave these powers to that agency—

Sherman Greer: Right.

Philip Hayes: —to the Director of that agency. So, it was made a little more remote. I think the draftsman here turned that on it's head in order to vest a little more local power—

Sherman Greer: Exactly.

Philip Hayes: —in these appointments. Is that right?

Sherman Greer: Exactly. Okay.

Philip Hayes: So, and that was approved as a matter of course.

Sherman Greer: Yes.

Philip Hayes: Alright. All of this is in place now with the joint resolution that we are operating under plus one amendment.

Sherman Greer: Right.

Philip Hayes: It's our understanding from the state people that when they started this this year, that they simply wanted to clean these up and make them all consistent.

Sherman Greer: Exactly.

Philip Hayes: They have made some noises about possibly not giving state funding to those areas that don't do this. Is that about the only teeth in it?

Sherman Greer: Exactly. We have certain qualifications that we have to meet every year.

Philip Hayes: Okay.

Sherman Greer: Through the State Emergency Management Agency which handles the funding which comes down from the Federal Emergency Management Agency.

Philip Hayes: Okay.

Sherman Greer: So, if we don't meet those then there is a possibility that they can hold our funds. That's, you know, it's been done throughout the state and everything, but I don't think it's going to happen here in Evansville. In Vanderburgh County.

Philip Hayes: Okay. Will this be of assistance you think in organizing these services?

Sherman Greer: (Inaudible.)

Philip Hayes: In it's current situation we find ourselves in, post New York and Washington?

Sherman Greer: Most definitely. It gives us some operating guidelines. Legally right now throughout the city we do have that, but throughout the county we do not have that as of right now. This will give us those operating guidelines.

Philip Hayes: Except for the resolution.

Sherman Greer: Except for the resolution—

Philip Hayes: Using that.

Sherman Greer: —which it would kick in if we had a situation—

Philip Hayes: Okay.

Sherman Greer: —to happen here right now.

Commissioner Mourdock: I'll move on approval the first reading of the EMA ordinance.

Commissioner Fanello: Second and so ordered.

Philip Hayes: I can report to you that there is also a County Council piece that is here and that's pending. In their process is a copy of this and the disc was sent over to Mr. Ahlers and I don't know the exact place where it is in their process, but—

Sherman Greer: That's under the budgeting—

Philip Hayes: Yes.

Sherman Greer: —(Inaudible) budgeting on page seven.

Commissioner Fanello: And that reminds me, he wanted to be notified whenever we took action.

Philip Hayes: Very good.

Commissioner Fanello: At least he told me the other day.

Philip Hayes: We'll do that then.

Sherman Greer: Alright.

Philip Hayes: Thanks.

Sherman Greer: Thank you.

Phil Hayes: Cisco Security Audit Contract
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Commissioner Fanello: Next item GIS, or it's not GIS, it's security audit contract by Cisco. I don't think Roger is here tonight.

Philip Hayes: No. I spoke to Roger and if you wish I can tell you that the proposal that is in your packet for signatures, my understanding is that the Board of Works has acted on this, and he was here last week and I'd asked him to see to it that that was done.

Commissioner Fanello: Okay.

Philip Hayes: So, he just brought the signature sheets through Madelyn's care and custody. If there is anything else about it, I can tell you what was changed and—

Commissioner Fanello: No, I'm fine with it.

Madelyn Grayson: There, Roger Lehman did bring the contract down, but it has not been signed by the Board of Public Works.

Philip Hayes: Okay. My understanding is that they have acted. That may be a copy that's—

Commissioner Fanello: Well, tonight can we—

Philip Hayes: You can act.

Commissioner Fanello: —go ahead and approve it—

Philip Hayes: You can approve.

Commissioner Fanello: —and then we can just stamp our signatures or something. Okay, because we will need the (Inaudible).

Commissioner Mourdock: Yeah, I'll move approval of the GIS security contract with Cisco as originally submitted last week.

Commissioner Fanello: I will just clarify, it's not exactly for GIS, it's for a whole security audit of our computer—

Commissioner Mourdock: Okay, I wondered when I read that—

Commissioner Fanello: —services department.

Commissioner Mourdock: —it wasn't titled that last week.

Commissioner Fanello: Yeah. So, I will second.

Phil Hayes: Salt Bids Continued

Commissioner Fanello: And do you have the salt bids?

Philip Hayes: Yes, there were three answers to the bid. They are from Morton Salt who declined the invitation to submit. Cargill's Salt Division declined the invitation to submit—

Commissioner Fanello: (Inaudible).

Philip Hayes: —and IMC Salt, and like the other two, declined the invitation. Those were the only three that are here, so.

Commissioner Mourdock: So, we have no bids for salt?

Commissioner Fanello: Salt is kind of sticky, huh?

Philip Hayes: They are no bids.

Phil Lawrence: We will negotiate with one of the companies that was not awarded to the city. If that is okay? According to the purchasing process, if you don't get a bid, then you negotiate.

Commissioner Mourdock: Right.

Phil Lawrence: The best thing would be to negotiate with one of the companies that did not get, the two companies that did not get the city's bid so that we have two different suppliers.

Commissioner Fanello: Who has the city's bid?

Phil Lawrence: Cargill got the city's bid.

Commissioner Fanello: Okay.

Commissioner Mourdock: Was there any interest expressed by Mulzer? Did they not handle that product through their docks before?

Phil Lawrence: They do, but they get it from them.

Commissioner Mourdock: Okay. I think in the past they had bid it themselves probably.

Phil Lawrence: Yeah.

Commissioner Fanello: Who has been our provider in the past?

Phil Lawrence: All three of them have had the business. Last year we had two different suppliers for the city.

Ralph Kissinger: Excuse me. In the past they had some trouble getting the product from two of the suppliers, and last year, actually, Cargill actually honored a previous bid and we bought from Cargill because they were the only one's who could honor

100% what we asked them to provide. The others said they would provide up to a certain amount and they could not come up with 100%. So, we went with, I think it was 50 cents a ton higher than what Cargill bid last year. So, I would not recommend disqualifying Cargill.

Commissioner Mourdock: Okay.

Ralph Kissinger: Because they were our (Inaudible) supplier last year.

Commissioner Mourdock: Just with the urgency of this, Phil, and none of us wanting to read in the paper that—

Phil Lawrence: Yeah. We won't. We won't.

Commissioner Mourdock: Would you report back to us next week, then whatever progress you have.

Phil Lawrence: Yeah. We'll get something lined up.

Any Other Group or Individual Wishing to Address the Board

Commissioner Fanello: Is there any other group or individual wishing to address the board? Department Head Reports.

John Stoll: County Engineer

John Stoll: First I've got a Notice to Bidders for contract number VC01-10-01. This is for the rehabilitation of the Mill Road Bridge number 1360. This is a request to approve the Notice to Bidders and approval to advertise.

Commissioner Mourdock: I move the approval of the advertisement.

Commissioner Fanello: Second and so ordered.

John Stoll: Next I've got a sidewalk waiver request for Hirsch Meadows Commercial Subdivision. This is located on Vogel Road out near the bridge on Vogel Road. This is a subdivision where the property owners are in the process of getting the Stockfleth Ditch realigned. They are requesting a sidewalk waiver on the basis that there aren't any other sidewalks anywhere in the vicinity of their development. It's recommended that their sidewalk waiver be approved.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second. So ordered.

John Stoll: Next I would like to request to go before County Council to appropriate \$55,000 from the Cumulative Bridge Fund to University Parkway Bridge number 2200. This would be for right-of-way purchase on one parcel of land. The reason we can use it out of the Cum Bridge Fund is there is a bridge over the CSX railroad out there. A portion of that property, 500' either way of the bridge, could be paid for out of the Bridge Fund.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second and so ordered.

John Stoll: I'd also like to request to go before County Council to transfer \$1,200 from the Assistant County Engineer's line item to the Extra Help line item for Pat Seib as was approved a couple of weeks ago.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second and so ordered.

John Stoll: The last item I've got is a letter from Koberstein Trucking Incorporated in regard to the Vanderburgh Industrial Park railroad spur. Out there on that project we have encountered some fairly large stock piles of top soil that appear to have been placed out there when the Interstate project was built. Basically, it looked like a waste area for them to throw extra dirt on. Now that we are building a railroad spur in this area, the top soil has to be removed and replaced with suitable clay. The estimate that Koberstein Trucking provided was for an amount of \$17,696.25 for the removal of the estimated quantity of the top soil. As it stands now, I think we've been able to reduce those limits, but we still don't have a definite number on the quantity. So, what I'm asking for is approval to proceed with the removal of the top soil, and then when the final quantity is known, I will bring a change order in. We also do have another issue that came up out there that is actually a credit to the contract. There is a wetland area that was, that the railroad spur goes through, soil conditions there were much better than were expected, so we were able to delete some geotextile and some stone for a savings of \$3,733.51. So, we can save some, but we also are going to spend some more money to get rid of the top soil.

Commissioner Fanello: So, who, who put all that soil there? How did that? You said what project was going?

John Stoll: It appears to be from the Interstate 164 project.

Commissioner Fanello: So that would be—

Commissioner Mourdock: Is it east of 57?

Commissioner Fanello: —the state.

John Stoll: Yes.

Commissioner Fanello: Maybe we ought to call them and have them pay for it.

John Stoll: It's between the east side of the Interstate and the Indiana Southern railroad track.

Commissioner Mourdock: Actually, I think, that was a section of road that Koester did—

Commissioner Fanello: (Inaudible).

Commissioner Mourdock: —back then, but—

John Stoll: They did some creek realignment—

Commissioner Mourdock: Yeah.

John Stoll: –and things like that, but it just appeared that was probably just a little bit of a rolling area that had some of the surplus dirt pushed into it.

Commissioner Mourdock: Yeah. Just to put your mind at ease, any of the excess of the surplus dirt had to go where the state did tell us. So, your argument might not be totally wrong, Catherine. It would be nice to think they would come back and move that dirt, but I doubt that they will.

Commissioner Fanello: It would be a cold day.

Commissioner Mourdock: Yeah, exactly. So, all that having been said, the motion is to go ahead and proceed so you can negotiate with Koberstein?

John Stoll: They've given us some prices on, based on the estimated quantities. What we would do is track the quantities as they remove the top soil, and then come in with the change order.

Commissioner Mourdock: Did we get pricing from any other contractors? Or why just Koberstein?

John Stoll: They are the contractor doing the railroad spur.

Commissioner Mourdock: Okay. So, it could be just, essentially, change order all the way across?

John Stoll: Right. We had to get a price from them because the way the bid documents were set up the whole project was a lump sum project, so they did supply us with unit prices.

Commissioner Mourdock: I'll go ahead then and move that we follow the County Engineer's recommendation to deal with the stock piled soil that needs to be moved.

Commissioner Fanello: Second and so ordered.

John Stoll: That's all I have.

Commissioner Fanello: Thanks, John.

Ralph Kissinger: County Highway
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Commissioner Fanello: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly reports in front of you. I had my secretary speak with Tammy today, I was busy, I didn't get a chance to call you, Tammy, but I've got two radiator, boiler radiators, at the garage that are in need of repair. I didn't know at the time that the boiler was being repaired or I would put it on as an extra. I didn't know whether to get the Building Superintendent's budget to take care of it, or whether I could transfer some funds from mine to take care of it? From what I gathered, it's going to be around \$3,000 to repair the two that are bad.

Commissioner Fanello: Okay. I think, doesn't that usually come out of Superintendent's budget? Since it's a building item?

Ralph Kissinger: I can get some exact estimates and submit them.

Commissioner Fanello: Do you have any money in your budget right now?

Ralph Kissinger: I don't really have anything for buildings. I just have what is called a Garage and Motor account, but that is actually supposed to go toward maintenance of our vehicles.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: To answer your question, yes, under the Superintendent of County Buildings. Those types of things, though they haven't been common, that has been done.

Commissioner Fanello: There are a couple line items I think I've noticed in the Superintendent that if we don't have enough money in there right now, we can transfer some money, so.

Ralph Kissinger: I will get two boiler operators to submit me some quotes. Steckler with, I think, it's Tri-State Boiler did installation last year. I'll call one or two of the other boiler outfits and see if I can get some quotes.

Commissioner Fanello: Okay.

Ralph Kissinger: Other than that, we had a good response to the CPR sign up. It looks like I'm going to have probably 14 for the first one. What I'm hoping to do, I got with Chief Williams, he, basically, volunteered his services through the Sheriff Department. They are having training next month, so we are going to piggyback on to theirs, and it will be at a minimal cost. What I would like to do is get one of my people certified and trained and we can offset that cost every year for recertification.

Commissioner Mourdock: The only thing that I would ask with that is if we are going to do that maybe we can get Phil to do some checking for us just on what the liability might be.

Ralph Kissinger: Okay.

Commissioner Mourdock: I mean, to have a certified trainer sounds good, but I want to make sure—

Ralph Kissinger: Certainly. I don't have a problem with that at all.

Commissioner Mourdock: —we're not out on a limb with that too. Okay.

Ralph Kissinger: I just think with as far away from some of the outposts that we work in that some of our people knowing CPR could be a matter of life and death. Other than that, I have nothing else. Do you have any questions?

Commissioner Mourdock: Yes, one, and you don't need to be real specific, but a week or so ago when you came to us on the Executive Session issue, are we making any progress on that?

Ralph Kissinger: Yes. Counselor Hayes and I had a meeting this afternoon, and we are proceeding with that.

Commissioner Mourdock: Okay.

Ralph Kissinger: Also, I want to add that I have a full barn of salt right now, and I still have some salt remaining on my 2001 contract. So, we are not going to get totally caught with our pants down—

Commissioner Mourdock: Okay.

Ralph Kissinger: —but I do want to get salt contracted. Thank you.

Commissioner Fanello: Thanks, Ralph.

Phil Hayes: County Attorney

Commissioner Fanello: County Attorney.

Philip Hayes: No report this evening.

Tammy McKinney: Superintendent of Buildings

Commissioner Fanello: Superintendent.

Tammy McKinney: I just wanted to inform the Commission that we had a tenant move out of the Old Courthouse due to closing of a business. His partner kind of ran off with his money. So, it wasn't because they are at the Old Courthouse.

Philip Hayes: So they said.

Tammy McKinney: Yeah, well.

Commissioner Fanello: So they said.

Tammy McKinney: That's their story and they are sticking to it, you know.

Commissioner Mourdock: Allegedly.

Tammy McKinney: The rooms that became vacant are 300 and 301. Mark Acker with Veterans Services would like to move into that room, those rooms. So, with your permission I'll tell him that he can.

Commissioner Fanello: Well, before we do that, shouldn't we wait until we get...we've been talking in the space allocation meeting about having the other...Steve Utley has been checking into the square footage of the other government offices—

Tammy McKinney: Okay, because it's the same square footage.

Commissioner Fanello: Not just his, but we don't know what offices we might be moving over there. So, I hate to commit to him tonight, until we get some, and I think Steve sent us something, so we should be able to—

Tammy McKinney: Okay.

Commissioner Fanello: –know something pretty soon. I would like to hold off on that.

Commissioner Mourdock: Yeah, I absolutely agree.

Tammy McKinney: Okay. I just told him that I would ask.

Commissioner Fanello: And Richard and I can talk to him and let him know what's going on, but just for a little while hold off on that.

Tammy McKinney: That's fine. Then I had a gentleman with Custom Internet Solutions and Programming and he would like to move into Room 307 of the Old Courthouse.

Commissioner Mourdock: Is that part of the Internet group that is already there?

Tammy McKinney: No.

Commissioner Mourdock: Okay.

Tammy McKinney: It's a different business.

Commissioner Mourdock: So, it's a new tenant. Okay, and were the terms laid out to him on the same basis that we've spoken of about maximum of three years, or 36 months out there?

Tammy McKinney: Yes and no. I told him that we are still in the middle of getting our lease–

Philip Hayes: (Inaudible. Mike not on.)

Tammy McKinney: –right, the terms of the lease up.

Commissioner Mourdock: Yeah, and I did review the terms of the lease, and I don't know who drafted that or where that came from, but–

Tammy McKinney: Marjorie Meeks.

Commissioner Mourdock: Oh, that's right. You did tell me that. The only question I had on that was that we are specific in time with those lease terms and that's what this board voted to do whenever it was–

Tammy McKinney: Right.

Commissioner Mourdock: –six months ago, and we just need to make sure we don't keep that date creeping out there–

Tammy McKinney: Right.

Commissioner Mourdock: –further and further in the future.

Tammy McKinney: Keep it at 36 months.

Commissioner Mourdock: Right. 36 months from six months ago.

Tammy McKinney: Right.

Commissioner Fanello: Yeah.

Philip Hayes: Oh, from six months ago.

Commissioner Mourdock: Whatever date we did that. I mean, that was kind of the plan, so let's stick to that.

Tammy McKinney: So—

Commissioner Mourdock: Will you be bringing to us then with what is it, Computer Network Solutions? Is that the name of the company?

Tammy McKinney: Custom Internet Solutions.

Commissioner Mourdock: Okay, so you will be bringing to us a lease to formally act on?

Tammy McKinney: Right. Okay.

Philip Hayes: (Inaudible. Mike not on.)

Tammy McKinney: Right.

Philip Hayes: (Inaudible. Mike not on.)

Tammy McKinney: Right. Okay.

Commissioner Fanello: Anything else?

Tammy McKinney: No. That's all.

Steve Craig: Burdette Park

Commissioner Fanello: Burdette Park.

Steve Craig: Steve Craig, Burdette Park, and all I have was my work sheets this week.

Commissioner Fanello: Any questions? Thanks, Steve.

Steve Craig: And I'll get with you later this week.

Commissioner Fanello: As soon as I get, I'll be out of town for the rest of, I'll be back on Thursday, so we'll get together.

SWCD & Ozone Officer Report
--

Commissioner Mourdock: I'll move approval of the Soil and Water Report and the Ozone Officers Report that were filed.

Commissioner Fanello: Second and so ordered.

Consent Items

Commissioner Mourdock: We have no changes to the Consent Items from time of filing, correct? Okay. I will move approval of Consents as filed.

Commissioner Fanello: Second and so ordered.¹

Scheduled Meetings

Commissioner Fanello: Scheduled meetings.

Old Business

Commissioner Fanello: Any Old Business?

Commissioner Mourdock: One bit of Old Business. I'll just pass these on to you, Catherine, at the Area Plan meeting last week Barbara Cunningham's staff put together what the most recent subdivisions have been. For a county that isn't showing any real population growth and hasn't over several decades, this is amazing. Because there are, I think, a total of 360 subdivisions that have been approved in the last nine years. So, we've been averaging 40 a year, and they are also going to update these to include with them the commercial subdivisions and some of the others, so. It makes some interesting scanning if not reading. You might want to take a look at it.

Commissioner Fanello: Thank you.

New Business

Commissioner Fanello: Any New Business?

Commissioner Mourdock: No. One Consent Item that I did think of though, Eric Williams submitted the surplus equipment out at the Safe House, and that was in the Consent package, so we've already acted on it. Eric, is there anything else that you need from us on that as far as getting that sale ready? The Sheriff had called me and asked me about the list of materials and everything they had out there.

Eric Williams: Eric Williams, Chief Deputy. Provided you are okay with what was written in the letter. It's next to impossible to inventory so we had the auctioneer out there, and he helped us get it all sorted out and ready to go. So, he'll take care of advertising it.

Commissioner Mourdock: Okay, did he express any concerns? It looks like there are shelves and shelves of paint and solvents and all that stuff.

¹Consent items listed on Page .

Eric Williams: Yeah, we are probably not really going to sell that—

Commissioner Mourdock: Okay.

Eric Williams: —we’re going to send it, call Joe Ballard—

Commissioner Mourdock: Okay.

Eric Williams: —and have him get rid of that. We really don’t want that to end up later—

Commissioner Mourdock: Yeah.

Eric Williams: —in Pigeon Creek or somewhere, so.

Commissioner Mourdock: We had the Solid Waste meeting just prior to this and I mentioned, or I intended to mention it to him and forgot it, so.

Eric Williams: Yeah, we don’t intend to really sell that, but the shelving that is all on it, or that it is on, we plan to sell.

Commissioner Mourdock: Okay. Alright. Very good.

Commissioner Fanello: I don’t have anything.

Commissioner Mourdock: Okay. I know there is a group of people here that walked in who are waiting to go out to eat and celebrate a birthday apparently, so I will move adjournment so we can go do that.

Commissioner Fanello: Second and so ordered.

The meeting was adjourned at 6:50 p.m.

CONSENT ITEMS:

Employment Changes:

County Assessor
Sheriff Department

County Clerk
Burdette Park

Health Department
Knight Assessor

Travel Requests:

Health Department

Requests for Service:

Sheriff Department

County Council

Auditor:

Submit monthly financial, cash and expenditure reports.
Submit Accounts Payable Vouchers.

Sheriff:

Declaration of Surplus Items.
Weekly Jail Information and Reports.

Those in Attendance:

Catherine Fanello	Richard E. Mourdock	Philip Hayes
Suzanne Crouch	Tammy McKinney	Madelyn Grayson
Eric Williams	John Stoll	Steve Craig
Ralph Kissinger	Phil Lawrence	Les Shively
John Habermel	Sherman Greer	

**Vanderburgh County
Board of Commissioners**

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
October 15, 2001**

The Vanderburgh County Board of Commissioners met in session this 15th day of October, 2001, at 6:05 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for October 15, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Tammy McKinney, Superintendent of Buildings; Jay Ziemer, Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of Minutes

President Mosby: Okay. Approval of the minutes of the October 8th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Opening of RFP's for Occupational Medicine Services

President Mosby: Opening of Request for Proposals for Occupation Medicine Services.

Commissioner Fanello: I'll move that we direct the County Attorney, which is Jay Ziemer tonight, to open those.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to open Requests for Proposals, we'll come back to that item.

**Cheryl Musgrave: Permission to Advertise Computer Hardware
and Associated Software Bids**

President Mosby: Cheryl Musgrave.

Cheryl Musgrave: Cheryl Musgrave, County Assessor. I have a Request for Bid for computer hardware. This is for the assessing officials and the Auditor. If you have any questions, I would be happy to address them.

Commissioner Fanello: I've got a couple questions.

President Mosby: Are you sure?

Commissioner Fanello: Excuse me. I guess, how has this all come about? I've heard some of the conversations in the Council meeting, but really kind of what sparred this whole situation where you needed the equipment and the software?

Cheryl Musgrave: The assessing software that the, that we use is called ProVal. ProVal put out a notice that the new version of their software requires Pentium four, Pentium three computer, up gradable to Pentium four. Many of the computers that the assessors use would not comply with those standards. So, an appropriation was sought to replace those computers for the eventual delivery of the software, which we expect within the next month, two months.

Commissioner Fanello: How, how long ago were you notified about that?

Cheryl Musgrave: Hmmm.

Commissioner Fanello: I know you've been working on this for—

Cheryl Musgrave: It hasn't been that long ago. I'm sorry, I don't have that exact date. I would say within the last two months.

Commissioner Fanello: Okay.

Cheryl Musgrave: Early September, I think.

Commissioner Fanello: How, my concern is, how does this affect SCT? From what I understand from some of the information I've heard, they are not going to be servicing the computers. Is that correct?

Cheryl Musgrave: No, that is not correct.

Commissioner Fanello: Okay.

Cheryl Musgrave: They will continue to do everything with our work stations that they do now.

Commissioner Fanello: Okay. Because I had heard that we were, that you were looking at Dell computers, and that they could not service the Dell computers. Thank you for being here.

Alan Teeple: You just wanted to bring me up here.

Commissioner Fanello: That's right.

Alan Teeple: Alan Teeple, Computer Services, ACS. Of course, in a meeting today, I kept repeating SCT rather than ACS also. No, we, this has been in conjunction with Cheryl, and it was my first, my first Council meeting, County Council meeting, when...what was that the 6th of September, the 5th of September, something like that was the first time...so, I mean, I'd been here two days when, when we started working on it. So, that's as close a date as I can give you as far as a date. We will be supporting the desk tops. They support their own servers with the personnel that

they have. We have reviewed her proposal, and we've discussed some minor changes, and it looks like a valid, you know, valid proposal that we should go out for bid on.

Commissioner Fanello: Okay. That answers my question. I'll make a motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. Surveyor.

Madelyn Grayson: Excuse me. Will that be the Commissioners that will be advertising that? Or the County Assessor?

Commissioner Fanello: Would it be too much of a problem for the County Assessor to do that?

Cheryl Musgrave: I would be happy to place the ad, but we have no money in a line item to pay for it.

Commissioner Fanello: If you could just take care of the logistics of it, and we will take care of paying for it.

Cheryl Musgrave: That would be fine. Thank you.

Madelyn Grayson: Thank you.

Surveyor: Re-Precincting Agreement

President Mosby: Surveyor, Re-Precincting. We have an amendment.

Bill Jeffers: There is a paperwork amendment there to clean up some lines in the TIGER file that didn't coincide with the lines that the GIS department, Legislative Services—

President Mosby: Okay.

Bill Jeffers: —and it requires an amendment to the precinct redistricting submittal to reflect the changes as shown in the package you've received over the week. The amendment can be in the form of a motion.

Commissioner Mourdock: Do I read all this, Bill, correctly that once the state looked at this they had some questions? There was an overlap between the two files and somehow there were some gaps in the polygons? When those gaps were corrected, or maybe I should say the precincts were better closed, did not really affect the populations of any of those one precincts? I mean, very marginally, is that accurate?

Bill Jeffers: That is correct. Some of the slivers were as small as three quarters of an inch. Between the GIS TIGER files and our TIGER files and Census Bureau's shape files. The only population that was affected was, the computer picked up a census block from one precinct here, and I think it was Ward 3-7, and threw it over into another precinct. It was just a computer glitch that picked up a block from one precinct and threw it into another one, but those have been corrected along with

this...if you make the amendment, it will correct that as well.

Commissioner Mourdock: I'll move that we go ahead then and accept the Surveyor's office memo, and amend the IEC-8 attachments as recommended.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Bill Jeffers: Thank you.

President Mosby: Thank you, Bill.

Dr. Del Rio: Update of Health Department

President Mosby: Dr. Del Rio, update of the Health Department.

Maria Del Rio: Mario Del Rio for Vanderburgh County Health Department. You should have received a packet with all of the information that you requested around October the 1st or 2nd. We are here as a follow up to the information you've requested. Councilman Hoy and Dr. John Pulcini are here also to answer any questions you may have.

President Mosby: I really don't think I have a lot of questions. I do want to answer a lot of Dr. Pulcini's questions that he evidently had in the newspaper yesterday. I read that article. I don't think it's a matter of whether, you know, we're dragging our feet, and I'll speak for myself only, but we have a lot of things on our plate right now. I don't want the Health Department to ever feel like they are being picked on. That is kind of what it sounded like in the paper yesterday, that you people feel like you're being picked on. I don't know how long this has been going, maybe a couple of years, you've been looking and searching. I've got Burdette Park, there's been, there's almost \$500,000 sitting in the ground out there, and we've yet to be able to build a building. We cannot come up with \$2 million to put a building on a half a million dollars worth of tax payers money laying in the ground. We are trying to build a jail. We are mandated to build a jail. There is going to be a lot of empty space sitting over there before it's over that the county is going to continue to pay for. We've got a courthouse that was given back to us. We need a million dollars to put a roof on it, and I've yet to get the County Council to tell me we can afford a million dollars to put a roof on that building. If I plan on moving a lot of county offices to the courthouse to sustain that building and make it run, I'm going to have a lot of empty space here. If I have that empty space and the jail's empty space, the county still continues to pay for every bit of that space. So, I'm trying to compare whether it's right for me to take taxpayer money and go down here and spend a million dollars, or a million and a half dollars to acquire another building that we in turn have to maintain. We can't build one, we're mandated to build another, and we can't put a roof on another. I've got three of them laying here right now that I can't maintain. That is the reason that I'm moving at the pace I'm moving. If that pace is not good enough, I'm sorry. You know, I'm not going to air my laundry in the newspaper with you. That's not my intent. You know, my intent is to do what the tax payer elected me to do, and that's to make the best decision possible. You can respond, and I'll respond again.

Maria Del Rio: I can understand that. I do want you to understand that the main

issue and how this began is because the Civic Center is not the best place for our services and the people that we serve. The Health Department doesn't just take care of serving people and providing formula, we have spent the past six hours dealing with possible Anthrax questions. This is important to the entire community. This is part of what the Health Department is doing for this community right now. I don't have a place to meet with the Sheriff, the police Emergency Management Team, to discuss a plan of action for this. This has taken a lot of our time, and I know a new building is important, but the Health Department is dealing with a lot of other issues, not just a new building, that I think are extremely important to our community. Some that can be life or death issues in the future. I think you need to consider that in the sense of everything else. As far as the money, I think that we have shown you that staying in the Civic, in the Civic Center is going to cost us more for rent than moving. So, we have been also trying to be very fiscally responsible.

President Mosby: Well, and I'll answer that question that you just said, it's not going to cost more. Because if I've got to pay your rent down there and I got to pay your rent here too, I'm paying rent twice. I don't get excused from the rent just because you move. I still continue to pay for that square footage down there.

Maria Del Rio: What if there is somebody else that wants our space? Then you don't have to pay for rent if our space is taken over by another group.

President Mosby: Find me a group that wants it.

Maria Del Rio: Well, I think—

President Mosby: I mean, and I'm going to have a whole jail over here that is going to be empty too.

Maria Del Rio: It was my understanding that the Superior—

President Mosby: I mean, I'm just saying the courts have been waiting, the Sheriff is waiting for a jail, everybody is waiting. You know, I don't want you to think that you are being picked on, and that's kind of what comes back to me every time I hear, you know, Dr. Del Rio-Hoover is really upset. Well, I mean, Judge Heldt's upset, Steve Craig's upset, you know, I'm upset because of the courthouse.

Maria Del Rio: I'm not upset, I'm just concerned. This is the fourth time that we've come before you.

President Mosby: The Judges have been waiting for six or eight years.

Maria Del Rio: And I—

President Mosby: The Sheriff's been waiting for 20.

Maria Del Rio: I read the minutes and the Judges have told you that they would be happy to take over our space were we to leave. So, you do have someone to take over the space, so you don't have to pay double rent.

President Mosby: You weren't at the last space allocation meeting when we talked about the courts taking over the whole second floor of the Civic Center. You were excluded from that. I mean, you can come to the space allocation meetings. You are more than welcome. So, that you can kind of get an idea of what is going on and

all of the things that are on our plate, and the area that we have available, or are going to have available.

Maria Del Rio: I just would like you to understand the importance of this, and the understanding that the Health Department does many, many things to this community. Many very, things that are extremely important to the community.

President Mosby: I don't deny that at all. I've never denied that.

John Pulcini: Mr. Mosby.

President Mosby: Yes.

John Pulcini: Since, I didn't publish that article. It was at a public meeting, the Board of Health meeting where these comments were made, and I think they were valid comments. I make no excuse or apology for them.

President Mosby: Oh, no, I don't want you to.

John Pulcini: Because as a matter of fact—

President Mosby: I just want to answer them.

John Pulcini: —this is the fourth time we've been here, and, I guess, as Dr. Del Rio says, if, if it is the will of the Commissioners that they want the Board of Health to stay here...you know, we're getting mixed signals. First they want us out of here, people want us out of here. First they want us to do a study as to our space requirements, then that doesn't count anymore. I fully realize that the three of you and the Council have a lot on your plate. The whole idea of these presentations was to show something that was, we thought, fiscally responsible. And yet every time we come back here, we get questions that seem to suggest that it's not being fiscally responsible. We are very much really with you, not agin ya', but we keep getting the feeling that maybe we are not communicating effectively. Or not being received effectively. I think we need to come to some conclusion though. The Board of Health is a very important board. It's, the department is much more important than the board, quite frankly. They do a yeoman's job of work. The events of the recent past, this crazy, recent past, points out the importance of public health. It has been said many times at our Board of Health meeting, it's only when the public health is jeopardized that we respect and appreciate how precious it is. The department that works here, and that tries to deliver services here does so in a constrained environment and it needs space. We ask that you at least give us an answer. We hope it's a favorable answer. We think it's fiscally responsible.

President Mosby: I don't have a prob...I don't have an answer for you today. I mean, it's the same thing that we went through at the last space allocation meeting, and we told Judge Heldt, and he was very understandable, he said I totally understand and I've looked at everything you've got, and he said I'm willing to wait. But it's not for me to make a hasty decision to go and acquire another building when I can't build one and I can't put a roof on another, and I know I have to build another because the Federal Judge is going to sooner or later mandate us.

John Pulcini: We are not acquiring, we are renting. Okay?

President Mosby: Okay.

John Pulcini: I mean, if we understand here we are sinking barely \$500,000 into the repairs. It's being offset by over \$450,000 in the owners donation towards that. It's fiscally responsible, it's a convenient place for the services that we need to render. It does free up the space in here. That's the reason that is a little bit confusing as to...we're not purchasing. We understand that, in fact, that was stated early. We did not want you to have to spend money to buy. We didn't want to obligate the county to buy the building, but with the option at ten years. That, if it's feasible and appropriate that we do so. We are just renting.

Phil Hoy: My name is Phil Hoy, I'm a member of the County Council. I would like to make a statement as regards this move. First of all, and many of these things have been said, but I wanted to summarize them for you all. The very distinguished Board of Health and committee have worked over a year on this proposal. They came before us as a County Council, we as a County Council secondly, and a unified County Council, bipartisan, has appropriated the money for this. The Second and Main location which we have presented, I think, has many more advantages than staying in this building. As regards to the cost for renovating this building and the rental costs, or the John Street location, we have looked at a number of locations. This location is excellent. Please hear me carefully on the next thing I say. I have not heard any of you Commissioners say this. I have not heard a rumor that you said it. Okay? So, this is not an accusation from a Councilman towards the Commissioners. But, what I'm hearing in the background disturbed me greatly and that is that some folks don't want "those people" who go to the Health Department down at Second and Main. Well, those people are people of all ages, all races, all economic backgrounds. When I made a trip to a third world country, where did I go for my shots? As a middle class person, I went to the Health Department. When I needed death certificates, or birth certificates, I went to the Health Department. When I need a flu shot, I go to the Health Department. I think it's important, I do think that, that bias is there. I'm not saying it's among you, but I've heard that bias, and I would hope that you, and I think you all would, I think you are folks who would disregard that, but I'm sure that some people trying to, you know, influence this decision might move you in that direction without mentioning the bias, or biases from which they are coming. Vanderburgh County is the largest county in this region, in this metropolitan area, and presently we need to be the leader should we have a disaster. I have helped found and I serve on the Southwestern Indiana Disaster Resistant Community Corporation. This non-profit corporation was formed to address earthquake mitigation, we are working very hard on that. Should the earthquake occur, should a flood occur, should any disaster occur that's of a local nature, this Health Department is going to be looked at as the entity that serves the population. The subject of bio-terrorism has already been brought up. I am not a person, I've not bought a gas mask, and I probably won't buy one. I have to confess that when I open my mail each day I do look closely. We are in a very, very tense time. It could well be that the Vanderburgh County Health Department may be a place where we may need to store a lot of product. We cannot store it in this building, there is no place. We need to be able to store that quickly. This crisis that we are in as a nation is not going to be over quickly. I think that is very evident. That is not a partisan statement, I think, that is a factual statement. I think we will be dealing with terrorism for a long time. It is probably the most difficult enemy with which to deal. The President has asked all of us to be on alert and to work together in bipartisan ways to ensure public safety and health. We need to be ready should something happen here or nearby. The adjoining counties are looking to us. We lead in so many ways. You all know that. I've been a County Councilman, I'm in my ninth year, I can tell you, they always look to us for leadership. This move has been well planned. Needs to be expedited as soon as possible. I know you and we as

a Council have many heavy projects on our hands. I love Burdette Park, but I have to tell you, that the crisis we face as a nation is more important than Burdette Park. We will help you find that money, but in a priority listing, it's more important. The jail is very important. I have pledged before and I will say publicly to you now, I will do my best to work with you on the jail. You are entrusted with certain decisions, and we are. I think we will do a good job with that. Working together, I believe we will come out with a good product that all of us can be proud of. You have my word on that, and I will work with you. However, right now we have all of the things lined up for the Health Department. The County Council has given the money, it's there. It's an independent taxing section of the budget anyhow. That's done. The money is in place. The search has been done. We need for this department to move ahead. Not just in case of a terrorist attack which could happen, but to conduct daily business that is vital to this community and to the health of this community. My friends we are talking about children, children who can be affected by lead poisoning. Children who can face all kinds of things. Where the Health Department can help them and prevent damage to these children and these babies. What better mission could we have? If you want to talk about being proactive, a word that I don't like, I just like reactive and active because I think they are correct words, but that's because I am married to an English major, but if you really want to be active, then you act on behalf of the children. Then 20 years down the road we may not have to expand the jail, because we are not dealing with the children who are affected by lead poisoning and other things that happen when you have the kind of poverty. You all have driven the back...I know you've driven the back streets. I've campaigned with two of you, I know, we went everywhere. You have seen the condition of our city. You can see the peeling paint. You can see the deteriorating neighborhoods. You can see the health problems that this department has to deal with. The better we deal with those, the better we'll deal with jail populations. The better we'll deal with a society that is just and good. You do have large and heavy projects on your hands. We do in the County Council. This is one that you can settle tonight and easily, and in a very positive and good way. I have one more statement to make. I'm older than all three of you. Nobody is going to argue that. I grew up during World War II. I can remember the Health Department calling on the citizens of this county and city. I can remember my mother not working in the insurance office that my family had, but taking a car, our car, to drive children everywhere who had medical needs. We are not in World War II, but we are in the terrorist war. This, that department was extremely important there. Extremely important. We all knew about the Health Department. We all knew the good work they did. They are still doing that good work. Please, I beg you, make the vote. Enable this department to move ahead for the good of the community. For the common good. Then I promise you we will address the Old Courthouse. We will address Burdette Park. We will address the jail. We will work with you on that. The Old Courthouse, just to mention that, I don't want to neglect it, I want to preserve it. That roof didn't get bad a few months ago. You and the Council and the county got that dumped in our laps, we all know that. We will work together and we will get that done. We will work with you. This is a project where you don't have to worry about where to get the money. It is there. So, I beg you tonight, to please make the right decision tonight, vote in favor of this location, let us get this project on the road for the sake of our county. Thank you very much.

President Mosby: I guess I have a question, Phil, are you telling me there are things that aren't getting done because of where we are at?

Phil Hoy: I'm telling you that it's very difficult to get things done, and in the future should we have a disaster of any kind—

President Mosby: You were talking about lead paint and that, I mean, are you telling me that they are not out inspecting and looking—

Phil Hoy: They are out inspecting...we need more room for these people to work in. They are sitting on top of each other. I believe that we can increase their effectiveness. I am not telling you they are not doing their job.

President Mosby: Okay.

Phil Hoy: I don't want to be interpreted that way. I'm saying here is a cadre of people dedicated, wonderful, talented, professional people who deserve working conditions where they can do a better job. I admire them, but I think we'll get a better job done, we'll have more room for them in which to work, and we'll have the expansion room the department needs. The study shows that the department needs 33,000 square feet. I think I mentioned this to you, County Council, if we stayed in this building, said we'd give you 20,000, and that's all. Here is our opportunity to get that 33,000 plus an extra five should we need it, you know, for special things. Otherwise, we can leave the space, it can sit there, you know, it's not going to cost any more rent for it to sit there. I don't want to be interpreted as saying they are not doing their job. They are doing an excellent job. I just think that we need to move them to a better location. We are blessed with this department we have. Mr. Elder, who has given over 50 years of his life for the, to the health of this community. Dr. Heidingsfelder, considered to be one of the best forensic pathologists in the whole country. I know some things that he does because I have two interesting assignments, the Health Department and the Coroners Office. I know when they have tragedies in other cities they call our doctor in, because he's the best. We need to take this excellent department and put it in good quarters. That's my point. Any other questions?

Commissioner Mourdock: I just have one comment I want to make, and echo something you said, Phil, just so it's fully understood that the Health Department does pay their own rent—

Phil Hoy: Yes.

Commissioner Mourdock: —in the sense that it's funded through the bigger grant.

Phil Hoy: That's correct.

President Mosby: Well, I guess, my question to you then, or to Councilman Hoy would be then do you intend to pay your rent down there and still pay your rent here through the Health Department?

Phil Hoy: Of course not.

President Mosby: Well, I didn't think so.

Phil Hoy: You know the answer to that question. You know that.

President Mosby: Well, I just want to set the record straight. I mean, you make it sound like that it's not costing anything to the county tax payer, and it is because when you move out of here the county tax payer is going to pick up that money. Somebody is going to pay that rent. That was my point a minute ago is we don't get exempt from that area when you move out.

Phil Hoy: We don't, we're not going to be exempt from anything. We all know that.

President Mosby: Well I understand that, so when you move down here and start paying a lease, we are still paying here regardless if anybody is in that room.

Phil Hoy: But you are going to need the room here—

President Mosby: And I didn't, and you kept making it sound like the Health Department—

Phil Hoy: No.

President Mosby: —was going to go ahead and pick up that part of the money.

Phil Hoy: With all due respect to you, Mr. Mosby, that is your interpretation of what I said. That is not what I said.

President Mosby: And that's why I asked the question, Councilman.

Phil Hoy: Okay.

President Mosby: And you answered it.

Phil Hoy: That's, that's your interpretation. No, this will cost more money. Better government sometimes does cost more money.

President Mosby: And I understand that.

Phil Hoy: It really does.

President Mosby: That's why we have all this on our plate.

Phil Hoy: You'll have space here for the court system. You'll have space here for offices. There are certain departments, let me be just blatantly honest with you, there are certain departments in this building that simply can't function well in that Old Courthouse. Now we made a try with the courts, and they got over there and found out all the difficulties. They found out what it was going to cost to run computer lines over there, \$60,000, and other costs and they backed off. That was before you all became Commissioners. They backed off because it was perceived to be a good idea, but it wasn't. There are a lot of offices that you can put over there and have them function well. This is an office that you can move down the street, it will also give a boost to Main Street, and Lord knows it needs it. It will satisfy a lot of needs. I apologetically say this is going to cost more money, and I intend to run for re-election on that platform. I've always run on what I've done, and in three years I'll run on this, and run on the fact that we spent more money because we did the just, good and right thing for the sake of this community. This is what we need to be about, and then I'm sure, I will guarantee you, you will find offices that will make good use of this building. There are just other offices aching for this space, including the courts. Commissioner Mourdock spoke to us at our last Council meeting and he said, you know, you have one plan for preserving the Courthouse, but you need another plan for space usage. That is going to be a tough plan. There was a reason many years ago that we abandoned that building. It's a gorgeous building. Functionally it's something else. It doesn't function like this building does, and it never will because it is not a modern building designed for modern usage. We are

going to have a time dealing with it. We are going to preserve it. I think the community is fully supportive of that. I think, that is one of the least of your worries, and mine too, is getting it done. We'll get that done.

President Mosby: Councilman, I think that's why we are having space allocation meetings right now. I mean, we've had three or four or five, I'm not sure, but it's so that we don't haphazardly do something that we are going to regret. I think that is what I'm trying to say to you is I don't want to make a decision on a spur of the moment that in the long run I'm going to regret.

Phil Hoy: So your answer is no tonight? Is that it?

President Mosby: I'll let the other—

Commissioner Mourdock: Let me—

President Mosby: —two speak for themselves.

Commissioner Mourdock: —Let me deal with that. Just one second, Dr. Del Rio. The point I would also make, I said that when I started I had two, one was to clarify that thing about the rent. The second is that several of the folks here have come before us several times asking us for a decision. You know, I think they are owed a decision, yes or no on this location. If it's yes, there needs to be a timetable. If it's no, then we need to be able to tell them where we go from here or what direction we have for them after this. So, I do want to bring this to some level of decision tonight. So, as all motions are made in the positive, I will move that we go ahead and approve the lease for 123 Main Street for use by the Health Department.

Commissioner Fanello: I would like to make a couple of comments, if I can have the floor for a minute. I don't think we are in any way undermining the importance of the Health Department, and I don't want either one of you sitting in the front row to think that. That is not what is happening here at all. You do a wonderful job. I hear nothing but glowing reports about everyone in that department. So, that's not the case here, but looking at it from where I'm sitting, I believe it would be irresponsible for us to make the decision on your department without having a plan on what we're doing with the remaining government offices, and if the courthouse will play a role in that. I would like to approach this with one comprehensive plan, because I believe doing one thing has a domino effect and it affects all of the other departments. All I'm asking is that you please give us some time to take a look at it. I believe we asked Steve Utley for some information about the other government offices, and we are possibly looking at moving some of those over to the Old Courthouse. All I'm asking is for a little more time.

Maria Del Rio: I would appreciate it if you could give us a time line of how much time you need, because it's very devastating to our employees. We are constantly dealing with other issues, and it would help them know at least that there is a light at the end of the tunnel. I also would like to refer you to something we sent to you about reasons to move the Health Department, and in regards to the questions about, yes, we are losing money, and yes we are not serving all of the people we should because of our location here. It was stated in that, that we are funding...there are more women eligible to get provisions in some of our programs than are getting the services because of our location. Last year this led to a \$16,000 loss in funding for the Health Department which is savings for you because it's state funding, and thousands of dollars on sales to local grocers. Along with that, there is an issue of

the tuberculosis clinic. We need to have a special area for that. We decided to go with a short term fix it because we didn't want to spend a lot of money short term for \$16,000. A long term fix it is going to cost \$110,000 or more. We are running out of time. We've got to do something one way or another. So, there are other issues related to this, and I just wanted to clarify that, yes, we are under serving our community right now because of our location.

Commissioner Fanello: I did read all of your statements in there, and all I would like to say is if, if we do move government offices over to the Old Courthouse and we end up letting the courts, possibly, have the second floor, I mean, we are also talking about freeing up space on the first floor with Voters Registration. I'm just not convinced that we couldn't, this is our building, we are not going to get rid of it. We are not selling it. We are not getting rid of it. I'm not convinced that we can't remodel spaces for you and renovate them to fit your needs. Also, with parking, I would be more than happy to give up my parking space for any pregnant woman that needs it. So, I'm not convinced that we can't work out something in this building if we end up moving all of those offices out. All I'm asking is just for a little time for us to make that decision.

John Pulcini: I would like to make a couple of observations. There has been a lot of time. There has been a lot of discussion, and a lot of, we think, relevant and important data given to you. The, seems like there's been an evolution of focus here as to what is the primary concern. First, whether or not there was a need. We established there was a need for more space and better location. We've established that the department is an appropriate and important department for this county. Then there were questions about how many sites that we evaluated. That was brought to our attention, so we provided information on the nine to three sites that we finally went down to, and then down to two. When it went down to two, it seems like the big debate was you didn't like our number one choice. It was number two that you were really interested in. It was very obvious.

Commissioner Fanello: I'm going to stop you right there—

President Mosby: Yeah.

Commissioner Fanello: —because I don't have any preference on where you go.

John Pulcini: You don't?

Commissioner Fanello: I also don't have, I am not party to this theory that I don't want "those people" down there. I don't look at any one—

John Pulcini: I didn't say anything about—

Commissioner Fanello: —I know, but I am just going to clarify that. I don't look at any one person any different than the other. You put your pants on just like I put mine on.

John Pulcini: I don't think so.

Commissioner Fanello: Well, maybe a little different, but you know what I'm saying, I don't discriminate between any one person versus the other, so I don't want to hear that.

John Pulcini: My point is, the evolution of the debate goes from one notch to another. We seem to be dancing around the mulberry tree. It's time to fess up. I think you have a public responsibility to accept a non-political, non-elected board, which is appointed for it's good faith contribution, we think, and I hope you think that, and let's get it out of an arena that seems a little muddled.

Commissioner Fanello: All I'm saying is that I don't disagree with what you are saying. All I'm saying is that I would like to have a clear plan when we decide to move all these offices, whatever we do with them, I would like to make that decision cohesively so it looks like it's a plan.

John Pulcini: That's another thing. We go from the choice of building, to the need, to now a space allocation plan. My point is, we keep coming up with road blocks because we don't want to make a decision. It's almost as if because we are not going to selection two, we won't go anywhere.

President Mosby: Where do you—

John Pulcini: If that's your will, we'll have it that way, and let the record show that you went against, if that's what you are going to do, against a board which had the county interest at stake. Not any other interest.

President Mosby: It sounds to me like you've got a special interest and you're trying to put it off on me. I have no interest in either one of these proposals.

Phil Hoy: Mr. Mosby—

President Mosby: I don't where you're coming from on that, but if you've got an allegation to make, then make it.

Phil Hoy: You know, my late wife said to me one time, she said, Phil, if there's a hundred acre field and a little pile of manure in the middle, you would step in it, and I'm going to step in it, because you told me, Mr. Mosby, you, yourself told me that Second and Main wouldn't go, and you wanted us to go over into Walnut Center. That is exactly what you told me. That is where the other building is. Now you had a preference then in our telephone conversation. You had a preference out in this hallway, and now in public you suddenly don't have any preferences.

President Mosby: No, I want to air this is public with you.

Commissioner Fanello: Downtown Evansville has a preference, we just got a letter dropped on our desk today—

President Mosby: I was going to say, I just got that letter—

Commissioner Fanello: —but that doesn't have...I'm sorry.

President Mosby: Let me finish. I'm going to answer your question. I did tell you that right out here. You know why? It's because the Mayor and about four other people has told me, that is not the place for the Health Department. That is what they told me. I told you you were looking at opposition, and that was not going to be the best place, and that your other alternative, the only one that you presented to me, not 12 or 13, one, was down here in Walnut Center. You're the one that made that comment, not me.

Phil Hoy: No, you made it.

President Mosby: No, I didn't.

Phil Hoy: Yes, you did.

President Mosby: I'm going to tell you to the mike, you're wrong, Councilman.

Phil Hoy: I'm going to say—

President Mosby: There's a motion on the floor.

Phil Hoy: —to the mike, you're wrong.

President Mosby: Is there a second? For lack of a second, it dies.

Commissioner Mourdock: Okay, then I have a second motion, and again it comes back with what I've heard Catherine say this evening and what I've heard several of the doctors here say this evening. We're talking about needing that plan, probably nobody on this board uses that word more than I do. If we are going to have this plan, which I fully support, then I think we need to give these folks a date to tell them when we will have that plan completed. I think, that even before we do anything long term, which is to say permanent solutions, I think several of Dr. Del Rio's responses in the, how you referred to it a moment ago, Maria—

Maria Del Rio: The women and children's program, or the—

Commissioner Mourdock: Yeah, the things that you had sent to us in regards to my specific questions the last time you were here. I think several of those, I mean, all of those things break down to two issues; space and parking. I think the parking we can deal with fairly immediately at this building to give you some relief for pregnant women or whatever—

Commissioner Fanello: I agree.

Commissioner Mourdock: —so we can ease that. The second part of that was space, that is going to be a little bit tougher, but I think as part of the plan we need to be able to say to these folks tonight, that on date certain, whatever that is, we will have a plan to present. The first part of establishing any plan is knowing what the dates are.

Commissioner Fanello: I agree with that. When we got dropped on our desks the information from Steve Utley, I don't know if you've reviewed it yet or not, and I say we go ahead and set another space allocation meeting and go over it and make some decisions. I'm ready to do that whenever.

Commissioner Mourdock: Okay. Then, and perhaps this is broader than this specific subject, but as you said, David, we've got the jail to talk about, we've got the Old Courthouse to talk about, we've got the courts to talk about, we've got the Health Department to talk about. I would move that by the first meeting of next year, which seems far off, but it's barely more than 60 days, that we have a plan that all three of us will sign off on as to where the space will be and also that we begin to work with Council as to what the budget will be and how we have a long term plan for funding those developments. We've got to put it on paper people. We can't keep talking

about it. You've got to put it on a page.

Commissioner Fanello: I agree with that. I've got to have some commitment from Council that they are going to go renovate that Old Courthouse. You know, I've looked at the other old courthouses across the state, talked to people about them, you know, their counties have committed to restoring them, most of them are being used by courts. You know, we've got to have a commitment from them that they are going to go out and restore the Old Courthouse and make it into a building. If we decide to move government offices over there, that building has to be restored properly.

Commissioner Mourdock: Part of that restoration needs to be the establishment, in my opinion, of the Courthouse Cumulative Fund, as we talked about once before. I mean, you need to have something that you are starting with, and I think setting up such a fund would be a big step in that direction.

Commissioner Fanello: I agree, but I'm not giving up my bridge money, and not having enough money to do bridges to do that. I mean, I'm all for the Council setting up something, but I'm not going to rob Peter to pay Paul, and I'm going to keep on saying that. I'm not going to do it.

Maria Del Rio: I just wanted to ask the Commissioners. I have a request, a small request from you. When you discuss whether we stay here or we go, cost is a third issue that we are all worried about. Renovation costs of any building here is going to be pretty major, and right now our cost in both of the buildings that we looked at, all of them were underwritten 50% or partly by the people that were going to lease the building to us. We won't have any underwriting here, and I think that is an important issue that you need to address if and when you look at your decision of expanding space here. Because that is going to be an issue. Also in our budget, our rent is set aside separately and our rent will be a lot higher, so cost is going to be an issue. I would like also to extend an invitation to all of you to come to the Health Department, walk around and see where we are, who we are, and how we are working right now, and under what conditions. Because I think that is going to help you more than anything understand what's happening, and why, I think, my colleagues are so anxious. This has been going on for a long time. It's, I know that a lot of people aren't working under good conditions also, and I realize it, but I think when you prioritize, I hope that you will put us in the priority of making that decision soon.

Commissioner Mourdock: Let me try to say maybe with better clarity what I said a moment ago, and I will formalize this in a motion. I'll move that by the first meeting of 2002, this board issue to all department heads a ten year plan for space usage and allocation. Do I need to clarify that?

Commissioner Fanello: Yeah, why don't you clarify ten year plan.

President Mosby: Yeah, clarify that, ten years.

Commissioner Mourdock: Since we're talking about—

Commissioner Fanello: Five years might seem reasonable.

Commissioner Mourdock: Well, we're here speaking specifically to the Health Department, but as you said, Catherine, quite correctly, this is all about dominoes.

Once one moves, everybody else starts to move. I think we need to look at this in something like a ten year plan, and then report that back to all the various people who will be affected. Not just simply the Health Department, because if they do something it affects everyone else. So, I think we need to look at it cumulatively, for all the office holders and for all the department heads.

Commissioner Fanello: I don't have a problem doing that. That's only proper planning. I'll second that motion.

President Mosby: I don't have a problem with that part. Did you have another motion?

Commissioner Mourdock: No, that was it.

Commissioner Fanello: That was it? I second.

President Mosby: I have a motion and a second to come up with a five year plan—

Commissioner Fanello: Ten year.

President Mosby: —ten year plan by the first meeting in 2002. A motion and a second. So ordered.

Commissioner Fanello: I will take you up on your invitation to come down there and look around, Dr. Del Rio.

Maria Del Rio: Thank you, I appreciate that.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Changed)

Commissioner Mourdock: So we can start working on that parking situation right away. As you said, Catherine, you know, whether it's making space available down here, I wondered if in the parking down on that side of the building, occasionally you see at grocery stores the little signs—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —you know, these spots reserved for—

Commissioner Fanello: I don't know why we couldn't—

Commissioner Mourdock: —mothers and—

Commissioner Fanello: —reserve some spots for the Health Department.

Commissioner Mourdock: So, I can, if you like, I can direct something, Catherine or Maria, if you can give me an idea as to how many spaces you think might be needed?

Maria Del Rio: Let me talk with our Nursing Department, Nursing Division, and look

at the WIC clinics which are the one's that really use it. Those are the women and the babies that come under weather and walk so far away. Give you an idea, and I would say reserved for WIC clinic or specifically for that group of people–

Commissioner Mourdock: Right.

Maria Del Rio: –that need it the most.

Commissioner Mourdock: Yeah.

Maria Del Rio: At least that. Even if we move, it will still take time to remodel, and that would be a great help to the people that we serve right now.

Commissioner Fanello: So just let us know.

Maria Del Rio: Yeah, I sure will.

Commissioner Mourdock: Yeah, let us know how many spaces you need, and then we can formally do something to get it down–

Maria Del Rio: That's great.

Commissioner Mourdock: –to Steve Utley so we can see what he can come up with.

Maria Del Rio: Thank you. I appreciate that.

Commissioner Fanello: Thanks for your input.

Tammy McKinney: Permission to Advertise Sale of Surplus Items
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President Mosby: Tammy McKinney.

Tammy McKinney: I'm requesting permission to advertise the sale of the tax surplus properties and permission, oh–

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Tammy McKinney: Permission to Advertise Hiring of Auctioneer

President Mosby: Tammy McKinney.

Tammy McKinney: Then the permission to advertise the hiring of the auctioneer to auction the properties.

Commissioner Fanello: So moved.

Commissioner Mourdock: Which properties are you referring to, Tammy?

Tammy McKinney: Those are the tax properties.

Commissioner Mourdock: Okay.

Tammy McKinney: That have been through the tax sale.

Commissioner Mourdock: Okay. I'll second the motion.

President Mosby: I have a motion and a second. So ordered.

Contract for United Consulting and James Shireman LLC
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President Mosby: Commissioners, contract for United Consulting and James Shireman LLC.

Commissioner Fanello: I think everyone has those copies of contracts, and I'll just say that I have spent numerous hours going over these contracts with the appropriate individuals at United and at Shireman. Last meeting I had probably lasted about four and a half, five hours going over everything line by line, so I'm in full agreement with these two contracts, and I would like to move approval on them.

Commissioner Mourdock: I've got a bunch of questions. I presume, Jay, were you involved with this?

Commissioner Fanello: No, he was not.

Commissioner Mourdock: Or I presume Phil was.

Jay Ziemer: No, Phil was involved in that.

Commissioner Fanello: But I can probably help answer your questions, since I did go over it line by line.

Commissioner Mourdock: Okay. This is going—

Commissioner Fanello: I mean, I don't know if I can or not, but if it's legal.

Commissioner Mourdock: Yeah, most of this isn't under the strictest term legal. I'll just leaf through it here with the questions I've got. On page three the first reference paragraph;

Consequently, no Civil or Site Design Engineering Services are included in this Agreement. At the time the site(s) is/are chosen, this Agreement shall be amended to include Civil Site Design Services, and the compensation amended to include Site Engineering Consultant's fees for these services.

Commissioner Fanello: Yes.

Commissioner Mourdock: Are those site services included within the \$30 million? In other words, the construction of those \$30 million? It would seem to me that it probably is not. So, that would suggest a construction budget of less than \$30 million.

Commissioner Fanello: Well, I wouldn't say that quite...I mean, we've been given

\$35 million. United's fee here is what, \$3 million and \$80 thousand, could possibly be because there are still soft costs that, I mean, if everybody is going to wake up here, \$35 million is not going to be enough money, because there are soft costs, there is furniture that needs to be budgeted for, there is everything in the building that needs to be budgeted for, and that hasn't been told to us by Council that that's included in the \$35 million. As far as site, it's \$15,000 per a site evaluation. I've been told that we need to budget about \$65,000 to \$75,000 for those extra services.

Commissioner Mourdock: How many sites are under consideration at this point?

Commissioner Fanello: If you want to know my personal opinion, I've got about five top sites that I am considering. I don't know what you guys are—

Commissioner Mourdock: How are we going...let me kind of wrap—

Commissioner Fanello: Well—

Commissioner Mourdock: —this up in a big ball here for a second—

Commissioner Fanello: Okay.

Commissioner Mourdock: —then I will come back to the parts. I said when United was chosen I would do everything I could to make this work. I have a concern that there are so many ambiguities in this contract that this is in the end going to be grossly unfair to United.

Commissioner Fanello: I don't think so. I never got that indication from them. The only thing that we are lacking—

Commissioner Mourdock: No, I feel that way because there are so many unknowns. The day will come when they will come back in here wanting some adjustment, because we have a number of things in here that give them reason for adjustment. I still have the concern, that I've expressed before, that unless we give them something fairly definite to work from, we are kind of throwing them in a pond and it's going to be awfully cold water. I'm not sure that they are not going to get beat up really bad trying to meet demands that at this point aren't clarified.

Commissioner Fanello: Well, the site, as you know, they chose Bernardin and Lochmueller as part of their team to do this site work.

Commissioner Mourdock: Uh-huh.

Commissioner Fanello: I mean, I know I've talked to Eric and Brad about forming a committee of, you know, a couple of us to get together and start looking at the specifics on some sites. I don't know that, you know, leaving that part out is not impeding this contract. I never got that indication from them. I mean, like I said, we've worked numerous hours on this. I think it's the most fair contract that we can come up with. I guess, I just don't agree with your statement.

Commissioner Mourdock: Okay, on page four;

Amount of Owner's overall budget for the Project, including the Architect's compensation is not established at the time of execution of this Agreement. The overall budget shall be determined at a later date

by mutual discussion and agreement.

There will be arguments there, I'll guarantee you, and, I mean, that's not terribly unusual. Let me jump to another one, page five;

Completed Building Program—

Can you define what that means for me?

Commissioner Fanello: The Completed Building Program as I understand it, and I know that Paul Summers, I believe, is the one that has been working with Brad and Eric on coming up with all the details of the, I guess—

Commissioner Mourdock: I can't see who is behind the podium. Is there someone here from United that wants to deal with this?

Commissioner Fanello: No, I asked, there is nobody here from United tonight, because, quite frankly, this really kind of ticks me off a little bit because we've had all these months, you've had this contract and not once have you asked any questions until tonight.

Commissioner Mourdock: I had this contract, I've said to you several times, and we've swapped e-mails on this, Catherine—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —that as you progress with this you would send it to me. You asked me should I give you my clarifications or my points, and you said well why don't you, and we agreed, you would do it first and send it to me. I got this in my box today.

Commissioner Fanello: Because you notice the last date is October 11th. That was when we finished revising it.

Commissioner Mourdock: Okay, and that's fine, so—

Commissioner Fanello: I mean, these are the kind of questions, those questions should have already been answered because, or asked because those things were already in the contract. Those are things that haven't been changed.

Commissioner Mourdock: Let me go back, what does Completed Building Program mean? The reason I ask, it says;

shall be delivered no later than November 1, 2001.

Is that something we are delivering to them?

Commissioner Fanello: No, they are delivering to us.

Commissioner Mourdock: What is it then?

Commissioner Fanello: As far as I, as far as I understand it, it is the program for the building. The amount of square footage. I've got copies of some of the things that they, and they sent you minutes on those as well.

Commissioner Mourdock: It's been a long time since I've—

Commissioner Fanello: I mean, these are the meetings that they've been having with Eric and Brad on the specifics of what's needed in the building.

Commissioner Mourdock: It's been several months since I've seen minutes of their meetings.

Commissioner Fanello: Oh, well I just got one—

Commissioner Mourdock: I haven't had anything sent to me, and I did get them initially, but I haven't seen any in a couple of months.

Commissioner Fanello: —probably about two or three weeks ago.

Commissioner Mourdock: The next one down, 1.1.2.5.4, Design, I'm sorry the next one down;

Contract Documents shall be completed no later than One Hundred Seventy (170) calendar days following approval of Design Development.

Is that to mean the two bid documents? I presume.

Commissioner Fanello: What page are you on?

Commissioner Mourdock: I'm still on page five.

Commissioner Fanello: Do you have yours with you? Contract document shall...okay, and what's your?

Commissioner Mourdock: What I'm asking is what is contract documents? Does that mean the two bid documents?

Commissioner Fanello: I don't think that's—

Commissioner Mourdock: That we will be putting out to bid?

Commissioner Fanello: No, that's not the bid documents.

Commissioner Mourdock: Okay, let's go down to about the fourth line from the bottom on that same page, in fact, that whole last paragraph on that page.

The preceding dates are based on the following assumptions: that this Agreement shall be signed by all necessary parties by October 8, 2001;

last Monday—

Commissioner Fanello: Well, yeah, we haven't signed off.

Commissioner Mourdock: —and, obviously, David wasn't here, so we decided not to do that.

That a final project scope shall be established and a site selected no

later than November 1, 2001.

Are we that close to having those sites? I mean—

Commissioner Fanello: I don't see why we can't start narrowing down sites.

Commissioner Mourdock: But this is saying, this isn't narrowing down, this is final project.

Commissioner Fanello: Well, I mean, and they are willing to amend this if we don't pick a site by November 1st, we can amend the project time line. This was their original one that was given, you know, two, three or four months ago.

Commissioner Mourdock: Yeah, I think this was originally given as part of the getting the jail suit resolved here. I'll skip that one. Have we gotten any indication, page seven, the last paragraph;

Unless otherwise provided in this Agreement, the Owner (that's us) shall furnish tests, inspections and reports required by law or the Contract Documents, such as chemical tests, tests for air and water pollution, and tests for hazardous materials.

Commissioner Fanello: Which is standard, yes.

Commissioner Mourdock: It is, that's true, it is standard, but again, that very much comes into it with the site. I think we ended up spending something like \$200,000 across the street at the Auditorium and the Centre for that. So, my point is, that may not be a small amount of money, depending on which site—

Commissioner Fanello: It may not, I mean, you are not seeing the budget, the whole budget for the project in this contract. You are seeing United's design fee, but, you know, the Council has dumped in our lap one figure that we are supposed to work with. You know, they didn't even take the time to take into consideration all the costs associated with a project of this magnitude. So, I mean, I agree with you, there is going to be some soft costs there.

Commissioner Mourdock: Uh-huh.

Commissioner Fanello: But that comes with, once we pick the site, you know, and we have everything completed, you know, we are coming up with a budget. You know, like I said, they told me to budget about \$65,000 to \$75,000 for surveying, geo-technical, kitchen design, and environmental studies. You know, that is just a rough guess right at this time that they had from previous projects.

Commissioner Mourdock: So, that would be a green field site then? I mean, if you are going to have it that low, that would be a green field site.

Commissioner Fanello: Okay.

President Mosby: Did you want to hold this till next week, so you can call them and get your questions answered?

Commissioner Mourdock: Sure. I either talk to them or talk to Phil. You know, the one last one here is just about the compensation. Three parts to it; the reimbursable

expenses that are capped at \$190,000, I'm not necessarily adverse to that, I just don't know where that number came from. If that's got—

Commissioner Fanello: That's just an estimate of theirs. I've looked at previous contracts and felt like that was a fair estimate from them.

Commissioner Mourdock: Okay, and you quoted a moment ago, Catherine, that the fixed fee is \$3 million \$80 thousand —

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —plus \$15,000 for each site they look at.

Commissioner Fanello: Well, each site that Bernardin looks at, yeah.

Commissioner Mourdock: Okay, yeah. Then the next paragraph talks about \$2 million \$500 thousand, or \$2 million \$550 thousand.

Commissioner Fanello: Well, the \$3 thousand, the \$3 million and \$80 thousand is the \$2.55 million plus the...what page are you on?

Commissioner Mourdock: 25. So, that includes the \$530,000—

Commissioner Fanello: Yes.

Commissioner Mourdock: —added value services?

Commissioner Fanello: Yes, yes. You add those two together.

Commissioner Mourdock: Okay, so based on the construction budget of \$30 million, we are still looking at something over ten percent—

Commissioner Fanello: 10.3 percent, to be exact. The range for other jail projects, which I have copies from the State Board of Tax Commissioners on other projects that have been done across the state, range has been between 5.8 percent and 11.2 to 11.34 percent, of course, depending on the magnitude of the project. This is quite a reasonable fee with a \$35 million budget.

Commissioner Mourdock: For the magnitude of the project, probably the larger the project, the smaller the percentage in fees?

Commissioner Fanello: I, you can look at these, I didn't see that, no.

Commissioner Mourdock: Logic would dictate that. Well, yeah, if you will allow me to talk to Phil about this this week and others as we need to, I will be glad to come back next week.

President Mosby: I need a motion.

Commissioner Mourdock: I'll move we defer it one week.

Commissioner Fanello: Like I said, I really have a problem doing that, because I've spent so much time on this. Everybody has had these. I really have a problem holding it off. I feel like, you know, everybody has had ample enough time to ask

questions. I feel like I spent my 60 to 70 hours, which I did not get paid at my real job to do this, somebody else could have done the same thing. So, no, I won't second that motion.

President Mosby: I'll second it just so you can make your phone call.

<p>Collective Bargaining Agreement for Sheriff's Civilian Support Employees</p>
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President Mosby: Collective bargaining agreement.

Commissioner Mourdock: There's the other part of that, there's the Shireman—

Commissioner Fanello: There's the Shireman contract.

Commissioner Mourdock: —unless you are including both of them, which is fine with me.

President Mosby: Well, what did your motion—

Commissioner Mourdock: Well, that's true, I made the motion. My motion would have included both, since they logically go together.

President Mosby: Do you have questions on Shireman's too?

Commissioner Mourdock: Not at this point. I mean, I don't want to bore anybody here.

President Mosby: Okay. Jay, I guess, is there anything to say?

Jay Ziemer: I have nothing to say regarding the collective bargaining agreement.

President Mosby: Okay.

Jay Ziemer: In relation to the second and final reading of the Emergency Management Agency Ordinance, Mr. Hayes informed me that he spoke to Mr. Ahlers, who is the attorney, obviously, for the Council, and that he would, basically, based upon that, he would recommend it's passage. At least as far as those logistics are concerned.

President Mosby: Okay. So, are there any questions on collective bargaining agreement for the Sheriff's civilians?

Commissioner Fanello: Motion to approve.

Commissioner Mourdock: I will second the motion with the request for a roll call vote.

President Mosby: I have a motion by Commissioner Fanello, and a second by Commissioner Mourdock with a request for a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: I will vote no, and the reason for voting no and let the record show when I've sat at this chair before when these issues have come before

us I have voted yes, but in this particular case, it seems to me there are quite a number of folks, maybe that is saying it incorrectly, there are several folks who are involved with this who feel strongly about it, and I don't know that we are necessarily solving a problem that really exists here. I think when we do these types of things we need to be solving a clear problem. I don't know that there is a management problem in any way, manner, shape or form here, so I don't think this is necessarily warranted, so I will vote no.

President Mosby: Commissioner Fanello.

Commissioner Fanello: I'll vote yes. I believe, are there a total of 14 people involved? Or 11? 11 people, and I think there were three people who disagreed, but as these things go, our country is based on democracy and a majority of people got together and decided this is what they wanted to do, so I support them and I vote yes.

President Mosby: I will vote yes. Being two ayes and one nay, the collective bargaining agreement passes.

<p>Second and Final Reading of the Emergency Management Agency Ordinance</p>

President Mosby: Second and final reading of the Emergency Management.

Commissioner Fanello: I'll make a motion—

President Mosby: Any questions?

Commissioner Mourdock: Any one here to comment on it? Seeing none.

President Mosby: Seeing none.

Commissioner Mourdock: I'll go ahead, did you make the motion, Catherine? Or did you stop?

Commissioner Fanello: Yeah, so moved.

Commissioner Mourdock: Okay, I'll second.

President Mosby: I have a motion and a second. So ordered.

<p>Any Other Group or Individual Wishing to Address the Board</p>
--

President Mosby: Any other group or individual wishing to address the board? Yes, sir.

Commissioner Mourdock: I bet this is about a fire hydrant.

Norman "Red" Mosby: Right. My name is Norman "Red" Mosby. I'm here and I received the letter from Mrs. Craig over at the Corpus Christi Church. I think I sent you the copy of the letter with a note on it. I am here tonight to ask you to support that fire hydrant, because of the safety of the kids out there. There is about 300 to

400 people who goes to that school. Our children goes to that school out there. I think we should, you, as County Commissioners should see that there is a hydrant put out there for them. Because that is the only school in Perry Township that I know of that hasn't got a fire hydrant by it. So, I would like for you all to consider seeing that a fire hydrant is put out there on Hogue Road for Corpus Christi Church.

Commissioner Mourdock: Do you know, Red, if they've contacted the City Water Utility?

President Mosby: I, I—

Norman "Red" Mosby: Yeah, I contacted the City Fire Department and they've contacted Shawn over at the Waterworks Department. I think, but there is a pressure line out there.

Commissioner Mourdock: Uh-huh.

Norman "Red" Mosby: That is why there is no hydrant, they are sprinkler heads.

President Mosby: Sprinkler heads?

Norman "Red" Mosby: Sprinklers, yeah. The new building has got them, but the old building hasn't. The old school and the old church and that hasn't got nothing. The fire hydrant on Nunning Lane, they can't get to it. There is a fire hydrant on Nunning Lane down there, but the other one is down towards Perry Heights School.

Commissioner Mourdock: Uh-huh.

Norman "Red" Mosby: It isn't near Corpus Christi. I'm along with them asking, because the Perry Township Volunteer Fire Department, which I deal with all the time, and they are the one's that said it is unsafe. It is in the county, so I'm here by the, for Ms. Craig, I talked to her at noon, asking you all to see that there is a fire hydrant put out there, and I don't think they should have to pay for it.

Commissioner Mourdock: Yeah.

President Mosby: I didn't have a chance to go out there today. I was going to, but, and I told my father that I would be glad to contact the Water Department once I see what we've got. I mean—

Commissioner Mourdock: Yeah, I think, the most we can do, in my time on the board I don't know that we've ever gotten this request before, not that it's a bad request, I think we can certainly as a group send the letter to the city utility asking them to do it, but it's their jurisdiction, not ours. Even though it is out in the county.

President Mosby: Yeah. I explained that to Jim.

Norman "Red" Mosby: Like I was saying, Mayor Lloyd got a letter too. I got his letter right here too. He got a letter on it.

Commissioner Mourdock: Okay.

Norman "Red" Mosby: It's right here, and I got one. But I think you all should consider it, but I don't, the line is there and everything, it cost nothing but just for a

fire hydrant. A fire plug. It ain't going to cost that much. \$5,000 to \$6,000, shouldn't cost over that. There is a pressure line there. That's why I'm here tonight. I'm not here on account of him or you or her either one. I'm here for the children out there.

President Mosby: I would be the first to be in agreement of putting a fire hydrant out there.

Commissioner Mourdock: Yeah, I'll make a motion to draft a letter to send to the Water Utility urging them to put in a hydrant and making them known of this request.

Commissioner Fanello: Second.

Norman "Red" Mosby: Thank you.

President Mosby: Tammy, did you get that down? Draft a letter. I will be glad to sign it. I'll be glad to call Jim Cameron. Any other group or individual wishing to address the board Yes, sir.

Roger Madden: Roger Madden, Fathers United. I've talked to you all since you were elected last year. Like Phil Hoy brought up with the terrorist attack, with the bio-chemical, with the Anthrax and all this kind of stuff, it is just another example of our government ignoring the problems in the state, county and city, etcetera. As I brought up there is about 316,000 kids being denied visitation rights in Indiana. As Phil brought up, prevention whether it be lead poisoning, health care, whatever it's been proven for 20 years that those kids are the one's that turn into 70 percent of our juvenile delinquents. So, if you don't want to have to build a big jail, maybe you should start finding a way to enforce the visitation rights that the courts have ordered that the prosecuting attorney says isn't necessary, and it would solve a whole lot of the problems; safety, prevent rapes, murders, robberies and everything else. Just like what happened with the terrorist bombing, America's had for 20 or 30 years America has had 50 skirmishes stirred up around the world. The terrorist bombings, what happened is it came back and it bit us in the ass. So, if you all don't want this stuff to come back and bite you in the ass, maybe you will find a way to enforce the laws of Indiana. Now, Sheriff Ellsworth said at the Crime and Punishment back in main, or back in May, that if there is a law in the book he is going to enforce it. Brad, did you get that package that I sent through your secretary? It showed you that the Indiana Supreme Court said in March three years, or three months before Levco's statement that denying visitation wasn't a crime. The Indiana Supreme Court says it is a crime, under Indiana Code 35-42-3-4b?

Brad Ellsworth: (Inaudible. Not at mike.)

Roger Madden: Have you had (Inaudible) yet?

Brad Ellsworth: He decides on what to prosecute.

Roger Madden: Yeah, but you said you enforce the laws right? And I indicated to you that he is violating a law. The Indiana Supreme Court says he's violating a law. But nothing is being done right?

Brad Ellsworth: Right.

Roger Madden: Well, like I said, when it comes around and bites you all in the ass, don't say you weren't warned. I would like to submit this into the record. Who—

President Mosby: Please, down here on the end.

Roger Madden: Do you have something, can I have a date stamp or something? Signature or whatever.

Suzanne Crouch: Do you have one, Tammy, in your office. We don't have ours up here.

Roger Madden: So, it's in the record. Proof that it's been given to you.

Madelyn Grayson: He wants his date stamped.

Roger Madden: Yeah, just mine. That way I've got proof that I gave it to you. Dick, I've been telling you since '92. When we tried to get Mc Closkey thrown out, so,

President Mosby: Okay, while we are waiting to stamp that, was there anybody else or group or individual wanting to address the board? Seeing none. Thank you. Department heads.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First item I have is a street acceptance request for Pearl Court in Eagle Plaza West Subdivision. This is 370 linear feet of street. It is located off of Boehne Camp Road. This is the little cul-de-sac street that runs west off Boehne Camp just south of the Lloyd. It is recommend this be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a supplemental agreement with Bernardin Lochmueller and Associates for the Fulton Avenue Bridge. This is for an additional \$12,035, and this is the final supplemental agreement to cover the remainder of their costs due to the additional inspection they had to do because of the problems with the bridge. It is recommended that it be signed.

President Mosby: So, do we really owe that?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

John Stoll: Yes we do, unfortunately.

President Mosby: Is there anybody we can go after? I mean, I am going to ask that question seriously.

John Stoll: That is for the lawyers to figure out. I know Phil has mentioned it in the past, but whether or not there is due grounds or not, I do not know.

Commissioner Mourdock: Ironie term, good grounds, right?

President Mosby: Yeah, not much good ground over there.

John Stoll: No pun intended there.

President Mosby: Go ahead, John.

John Stoll: The last item I've got is an agreement with Bernardin Lochmueller and Associates for the University Parkway Road Project. This is for an amount not to exceed \$10,000 for trying to determine where we can put a sanitary sewer out there to serve three parcels of right-of-way where we have right-of-way takes that eliminate the septic fields for these three parcels. Basically, they are on the east side of the existing Eickhoff Road south of West Terrace Drive. What we have found, because we are taking their septic beds they have no good location where those septic can be re-located on their properties. Therefore, it results in a total take of their property and our right-of-way costs get excessive. So, what we are looking at is the possibility of putting in a sanitary sewer out there to serve those properties and that would be cheaper than putting, than having to totally acquire those properties. Basically, we put the sanitary sewer in the ground, they could then tap the sewer and we don't have to totally take their property. The plan is if we can get it worked out, we would like to put it in the construction contract for the project and if that is the case then it would be 80 percent Federally funded. We don't have a final word from INDOT as of yet on whether or not that would be allowed, but in either case whether it's 100 percent local funds or whether it's an 80-20 split, this will be cheaper than totally acquiring those properties. So, in conjunction with that in order to try and determine where the sewer is located, Bernardin Lochmueller has put together this agreement. This agreement does not provide the design, it just provides the location studies to try and figure out where the sewer needs to go. Because we are also working with a developer on the west side of Eickhoff Road who wants to put in a subdivision. We are going to try to make our sewer work with his sewer is what it amounts to.

Commissioner Mourdock: Is it gravity? Probably not out there.

John Stoll: There will have to be one pump station out there. What we are looking at would be gravity sewer coming down from West Terrace and then eventually tying in to the developers proposed subdivision, and then a lift station would be located somewhere on his property. So, this agreement would cover figuring out where to locate the sewer, and then once we know where the sewer needs to go then they would prepare a supplemental agreement to cover the actual design costs of the known sewer.

Commissioner Mourdock: I'll move approval of the sewer study.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Any member of the Commission have a question.

Commissioner Mourdock: Just have you done anything or heard anything more on

the lake without a bottom out there, John?

John Stoll: No, I haven't. I've spoken to, I can't remember her last name. Juanita, I can't remember what the ladies last name is. She was, seemed to be more concerned than anything about where Kolb Ditch ties into the lake, because there was a pretty substantial hole that is scoured out right there where Kolb Ditch comes into the lake. I told her that was a legal drain issue and I had really no involvement in that.

Commissioner Mourdock: So did you put her in contact with Bill Jeffers then?

John Stoll: Yes.

Commissioner Mourdock: Okay.

John Stoll: Also she was asking about the pipes that had, the erosion where the storm sewers and streets dropped into the lake. She was concerned about that, and I said well, that's kind of a chicken and the egg thing, because if the lake continues to lose water we can go out there and fix the pipe now, but we will be doing it again.

Commissioner Mourdock: Uh-huh.

John Stoll: So, do we fix the pipes now, or does the lake get fixed first. So, I haven't really given her any firm answers. Likewise, I'm not sure what direction they are going with the lake either since we are not involved in that.

Commissioner Mourdock: Okay.

John Stoll: Thanks.

Ralph Kissinger: County Highway
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President Mosby: County Highway. I just had to sign it.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly reports. The only thing I have to add, on the request from Tammy McKinney for quotes on the boiler repair, or not the boiler repair, but actually the radiator repairs for the boiler, I invited four contractors to bid, two declined, one has sent me a price quote and the other has yet to send it. So, I gave Tammy the information that I had on hand at the time, and as soon as I get that second quote, I'll send those quote to her. Another thing, before we start our paving meetings next year, I would like, if it pleases the Commissioners, for John Stoll and myself and the three Commissioners to get together. I've gotten some information from Purdue and Notre Dame University that I think could probably in the long run save us a lot of money on our roads. I would like to review it with you before I try to do anything with it.

President Mosby: Okay.

Ralph Kissinger: Any questions?

Commissioner Mourdock: Just a reminder since you haven't been through this, but normally it's about the second week of March that we do our annual road meeting,

so—

Ralph Kissinger: Yeah.

Commissioner Mourdock: —everything you just said, we need to make decisions before that meeting.

Ralph Kissinger: Right, and that's why I brought it up now. I know you've got a lot on your agendas for the first of the year, but I thought maybe late in February maybe we could go over a few things. I'll be reviewing it with John between now and then. There was something else that was brought to my attention. A traffic hazard on Harmony Way, but I think that the Engineering Department and myself are going to take care of that. So other than that, if there are no other questions.

President Mosby: I don't have any questions.

Ralph Kissinger: Thank you.

County Attorney

President Mosby: County Attorney. Do you have anything?

Jay Ziemer: I don't have anything.

President Mosby: Okay.

Commissioner Fanello: Wait—

Commissioner Mourdock: Yeah.

Commissioner Fanello: —we need to make a motion to take the RFP's under advisement. So motion to take RFP's under advisement.

Commissioner Mourdock: How many did we receive?

Jay Ziemer: We received two. We received one from St. Mary's Health Care Service and the other from Deaconess Comp Center.

Commissioner Mourdock: Okay. The motion, I'll make the second.

President Mosby: I have a motion and a second to take Request for Proposals for Occupational Medicine Services under advisement.

Tammy McKinney: Superintendent of Buildings
--

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything.

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Burdette Park and I don't have anything other than my worksheets.

President Mosby: Thank you. Questions?

Commissioner Mourdock: (Inaudible. Mike not on.)

President Mosby: Yes.

Steve Craig: It was a surprise to me too. We like to be in those things.

President Mosby: Don't blame you. Chair will entertain a motion.

SWCD & Ozone Officer Reports

Commissioner Mourdock: With the Soil and Water Conservation reports in the packets and also the Ozone Officers report, I will move to put those reports in the record.

Commissioner Fanello: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: On the Consent Items, I'm sorry.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: On the Consent Items there is a cleaning contract for the Health Department in there, and after reading through the contract I noticed there was a finance charge. I don't know that we approve contracts with finance charges. I know I haven't in the past, so I don't know what the—

Commissioner Mourdock: You are talking about the one for the Fulton Clinic?

Commissioner Fanello: I think so, yeah.

Commissioner Mourdock: We certainly have done contracts in the past where if we were delinquent in payment, we were subject to a finance charge, is that what you are referring to?

Commissioner Fanello: I guess so, I'm not accustomed to doing that. I would be against it.

Commissioner Mourdock: Do you want to pull it out and argue it out of the contract.

Commissioner Fanello: I would like to see if Phil could have it taken out of the contract.

Commissioner Mourdock: Okay, so you're—

Commissioner Fanello: Defer it for one week, at least.

Commissioner Mourdock: Okay.

Commissioner Fanello: Motion to defer the Health Department.

Commissioner Mourdock: Second. Then for the rest of the Consent Items as filed, I would move approval.

Commissioner Fanello: Second.

President Mosby: Okay, I have, first I had a motion to pull out (d) the cleaning service contract. So ordered. Then I had a motion to okay the Consent Items. You made that motion, right? Motion, so ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings.

Suzanne Crouch: David, did you want to schedule an Executive Session?

President Mosby: Yes, we are going to schedule an Executive Session for Friday at noon. Yes, this Friday at noon. So, we will need to send out a notice, we don't have to advertise that. So, we will notify the news media and then Commissioner Mourdock is going to call in by phone, so—

Commissioner Mourdock: Right, so if you'll get me the number of wherever it's going to be.

President Mosby: Yeah, we'll get your phone, I guess, it's the only one that's got a microphone. Yeah.

Commissioner Fanello: Is this going to be for one specific employment issue?

President Mosby: One specific item, yes.

Commissioner Fanello: Ms. Musgrave has a request for an Executive Session also.

Commissioner Mourdock: If we can wrap several of them together, it's fine with me. I mean, we don't need to advertise it specifically what we are doing it for other than we are having an Executive Session.

Commissioner Fanello: I just don't know if that time is convenient for her.

Commissioner Mourdock: Okay, well, if she can be there, we can do it that way. If she isn't, she isn't.

Commissioner Fanello: Well, I didn't know if we needed to go ahead and schedule another one for Monday just in case—

Commissioner Mourdock: Ah, I'm sorry.

¹Consent items listed on Page 35.

Commissioner Fanello: –she can’t be there.

Commissioner Mourdock: Why don’t we do that and then if it doesn’t need to take place–

Commissioner Fanello: I don’t’ think it’s going to take very long, so we could probably just do it a half hour before our regular meeting.

President Mosby: We’ll try to get her in on the Friday deal, and if we can’t then we’ll leave the Monday on. If we do, we’ll just cancel the Monday.

Commissioner Mourdock: Okay. Sure.

President Mosby: No problem. Friday, that’s all I had on meetings. Any other meetings?

Old Business

President Mosby: Old Business.

New Business

President Mosby: New Business. Motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 7:27 p.m.

CONSENT ITEMS:

Employment Changes:		
Health Department	Sheriff Department	County Council
VCCC		
Travel Requests:		
SWCD	County Engineer	Health Dept.
Sheriff:		
Community Corrections DOC Grant Agreement.		
Grant Application for DUI Task Force Indiana.		
Declaration of Surplus Car.		
Application for Reimbursement from the EPA.		
Weekly Jail Information and Reports.		
Those in Attendance:		
David W. Mosby	Catherine Fanello	Richard E. Mourdock
Jay Ziemer	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Cheryl Musgrave	Alan Teeple

Bill Jeffers	Maria Del Rio	Phil Hoy
John Pulcini	Norman Mosby	Roger Madden
John Stoll	Ralph Kissinger	Steve Craig
Brad Ellsworth	Others Unidentified	Members of Media

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
October 22, 2001**

The Vanderburgh County Board of Commissioners met in session this 22nd of October, 2001 at 6:02 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for October 22, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Superintendent of County Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If we could, please stand, we are going to have a moment of silence for a minute before we do the Pledge of Allegiance for Vanderburgh County office holder, Center Township Assessor, Alvin Stucki, who passed away this morning.

(A moment of silence was observed.)

(The Pledge was given.)

Approval of Minutes

President Mosby: Thank you. I have a motion to approve the minutes of the October 15th meeting?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. Phil Lawrence.

Certification of October 19, 2001 Executive Session

Commissioner Mourdock: Before you go to the first item there, we also had an Executive Session on October 19th, on Friday. It began at 12:15 p.m. and present were David Mosby, Catherine Fanello, myself and the County Attorney. The meeting took place regarding the initiation or litigation, I'm sorry, the initiation of litigation or pending or threatened litigation and also included county personnel matters. That meeting was adjourned at 2:16 p.m. I would move that these summary minutes be added to the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

**Phil Lawrence: Permission to Advertise VC2001-13:
(Two) 1 ½ Ton Trucks and (One) SUV**

President Mosby: Phil Lawrence.

Phil Lawrence: How you doing? I would like to have permission to advertise VC2001-13, two one and one half ton trucks and one SUV. This is for the County Highway Department.

Commissioner Fanello: So moved.

Commissioner Mourdock: Just to be sure, we always seem to ask the question and, Ralph, you're here. Were these budgeted for? You thus have funds appropriated?

Ralph Kissinger: Yes. I budgeted for, I have them under Capital Improvements and I took some informal quotes just to get an idea of what we had. Then I was coming here tonight with a request for the formal quotes.

Commissioner Mourdock: Okay. With the funding in place, I will second the motion.

President Mosby: I have a motion and a second. So ordered.

<p>Opening of Bids: APA02-2002: Crushed Stone, APA03-2002: Sand and Gravel, APA08-2002: Batteries APA017-2002: Guard Rails, and APA018-2002: Timber Materials</p>
--

Phil Lawrence: The second thing is the opening of the bids, and here's the composite for the five that were listed on sheet. They were opened at the Board of Public Works. The Timber award bids are only used by the county, therefore they will be opened, Phil Hayes has that one bid to be opened. That is the Timber APA017-2002.

Commissioner Mourdock: Do you need to take these under consideration then, Phil, at this point?

Philip Hayes: (Inaudible. Mike not on.) already opened, yes, they (Inaudible) taken into consideration. Then there is a single bid for timber on APA018—

Phil Lawrence: Yes.

Philip Hayes: —2002. The next item then—

Commissioner Mourdock: You need to turn your mike on, Phil.

Philip Hayes: Thank you. The next item then would be for permission to open the bids on APA018-2002, which is Timber.

Commissioner Mourdock: I'll move the opening of the Timber Bid.

Commissioner Fanello: Second.

President Mosby: A motion and a second to open bids for Timber Materials. So ordered.

Commissioner Mourdock: Then I would also move that the Crushed Stone, Sand and Gravel, Batteries and Guard Rail bids be taken under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion to take bids under advisement. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

Open RFP's for Grant Writer for Old Courthouse

President Mosby: Do we want to open the bids for RFP? Next we have Phil Hayes, RFP for Grant Writer.

Commissioner Fanello: I have a comment on that. We received a fax...did this come in Friday? Today. From Community Solutions in Indianapolis. They had a problem with their Federal Express and it will not be arriving until tomorrow. So, I am going to make a motion that we extend this for one week.

Commissioner Mourdock: I'm fine with seconding the motion, but I understand that was the only response we received?

Commissioner Fanello: That was the only response.

Commissioner Mourdock: It begs the question do we want to advertise it somehow differently? Obviously, before we open the package that would otherwise—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —be the one you referred to, is there more we can do here to get a better response?

Commissioner Fanello: I've had Tammy call the Association of Counties and the one person she got in touch with...was it this person, or the one that was on vacation?

Tammy McKinney: The one that was on vacation.

Commissioner Fanello: Okay, there was one other one who was on vacation, but we've also talked, or she's also talked to Dennis Au down in historic preservation—

Commissioner Mourdock: Uh-huh.

Commissioner Fanello: —and the name he gave, was that Community Solutions? I know you talked to—

Tammy McKinney: No, it was a different name. I don't recall who it was.

Commissioner Fanello: But they haven't responded.

Tammy McKinney: They haven't responded.

Commissioner Mourdock: Okay. Well, obviously, when we advertise those bids, we always have some wiggle room so that even with one bid we may choose to do something different, so. I think you moved to defer for one week, and I will second

that.

Commissioner Fanello: Okay.

President Mosby: I have a motion for extension of one week for the opening. So ordered.

**Shirley James: Presentation of Public Safety Master Plan
for the Pigeon Creek Greenway**

President Mosby: Shirley James.

Shirley James: I'm Shirley James, and I'm the chair of the Pigeon Creek Greenway Passage Advisory Board. I would like to introduce our two VISTA workers that were given to us as, from United Way. That's Rebecca Chandly and Jane Schmadel. They will be helping with the program that you have in front of you. I left with you the Master Plan for the Public Safety and Security Program for the Greenway. It was all done in-house. It's a co-partnering project with 13 different agencies, all who have signed memorandums of understanding as to what their role will be. It includes such things as; procedures for water rescue from the creek, health advisories for contamination issues on the creek, it also includes police surveillance, park ranger surveillance, the establishment of neighborhood monitoring groups for the CHAIN, Jacobsville and STAR neighborhood associations. It will also include a junior park rangers trying to get a coordination package with the students and train and teach young people. We've found that most of our vandalism, which we've really figured out has been about \$60,000 cost to us on the Greenway to date. It has really been terrible. In fact, we even had to put out a fire there. We have problems with hunters and so forth, so what, it's all from latch key children. So, we are going to orient projects tied in with school programs for education efforts. Programs with high school students for skits on making it uncool to vandalize. We also are working with two universities to work with major pollution problems on the creek. The University of Evansville, we give a talk to them on Wednesday. They are looking at using their science departments for helping us to accrue all of the data on the Pigeon Creek. You know, we have a lot of data, but we don't have any of it assembled so that we can read it. So, I mean, it's all here, tither and yon. The state has done some, we've done some, the Soil and Water Conservation District has done some, Audubon Society has done some. So, what we want to do is get a good data base on the creek and the entire water shed, because we are working with two other counties to clean up the Pigeon Creek throughout it's entire water shed, a distance of 392 square miles. Since the Commissioners are major appointees to the Advisory Board, we thought we needed to have your approval on this plan. So, this is my way of introducing it to you. Hope you like it, and I guess we don't vote on it today, I guess, I really have to give you a chance to read it. So, that's all I have to say.

President Mosby: Are there any...hold on just a second, Shirley. Are there any questions of Ms. James? Also, you talked to me before the meeting.

Shirley James: Uh-huh.

President Mosby: Give me them two names, if you would in writing, so, or—

Shirley James: The Commissioners have two appointments that are vacant. You have eight appointments to the Advisory Board. What we have done in the past, and

this is no indication that you have to do it now, I mean, this is just how we have done it, originally we have made suggestions. Then Commissioners took it under advisement and whether or not they did or didn't like the suggestion, they appointed whom they thought would best suit the Advisory Board. Right now we have a real need for someone from Vectren, because we are getting ready to do the high rail piece. We'll be coming across a lot of SIGECO's lines and easements. So, Vectren has said that they would put a Mr. Ron Jordan on for us, and he is the Lands Manager. If the Commissioners approve. Also, we're getting ready to work with Mulzer's on the general waste site, and they have indicated that they would put Brett Mulzer if the Commissioners approved or had no one else that they wanted.

President Mosby: We will take that under advisement probably until the next week or two.

Shirley James: Right.

President Mosby: I just wanted to get them names. Thank you very much.

Shirley James: Sure.

President Mosby: Any other questions?

Commissioner Mourdock: Shirley, one other question, and, obviously, I skimmed this while you were speaking, that's all I've seen of it. With this one page where you talk about specifically Public Safety and Security Program, it's dated 26 June 2001, there are several of the issues you mentioned and then a budget down at the bottom that looks to total \$211,000?

Shirley James: Right.

Commissioner Mourdock: Is that the sum total of what this package is?

Shirley James: We had an unfortunate piece of news when we started this, we had appealed to the Welborn Foundation for grant monies. Our appeal was rejected just two days ago. This is unfortunate, because what we had hoped to do was finish the coal mine museum, which we had hoped to use as a training center for bicycle safety classes, (Inaudible) studies done by the school and several other, and we also had an idea that the Convention and Visitors Bureau could bring tours there and they would be able to be, get lectures on the history of Evansville and what the Greenway is about and so forth. So, we wanted to finish that because it's in close alignment with our field office and we thought if we had classes there then if it rained or anything they could adjourn to the field office. So, I think that we, that was the \$71,000 for that. The rest of the grant was for call boxes, for improved ramps to the Pigeon Creek. You know, if we don't rescue a person off of the creek before they hit the Ohio Street Bridge, they are dead. I mean, when the water is high, you can't rescue them after they reach that bridge. So, we wanted improved ramps, call boxes for just 911, and vehicles that would carry emergency medical supplies, because we are now getting doctors who are indicating that their patients should use the Greenway for exercise and so forth, and, you know, they could have a heart attack or something like that. We want to have a means of rescuing them.

Commissioner Mourdock: Okay, but all that said, the \$211,000 that you are looking for here—

Shirley James: Right.

Commissioner Mourdock: –that is the sum total of what this program is about?

Shirley James: Right.

Commissioner Mourdock: You are not coming to us for all \$211,000, are you?

Shirley James: Actually, if you want to give us some money, we will be very happy to accept it.

Commissioner Mourdock: You've been here before, come on.

Shirley James: Actually, I wasn't coming to you for any. I may change my mind on that if you don't mind?

Commissioner Mourdock: Well, okay.

Shirley James: No. I mean, never lose an opportunity. No, we are not going to ask you for any of that. We are going to start searching grants.

Commissioner Mourdock: Okay, very good.

Shirley James: We had hoped to conclude this program within one year. Evaluate it, see if it was a success. If it was a success, we planned to move it to other parks and to other areas of the Greenway, but now we will have...if you want to give us some money for the call boxes though, I'm not going to say no. Thanks.

Commissioner Mourdock: Okay, thank you.

Madelyn Grayson: Ms. James, do you have an extra packet for the record?

Shirley James: Yes, but I don't have it with me, but I will be sure I get it to you.

Commissioner Mourdock: Just send the extra to me.

Shirley James: Okay. Thanks very much.

President Mosby: Thank you. Okay, we'll go back to, I'm sorry, let's go back to the bids for just a second.

APA018-2002 Timber Material Bid- Revisited

Philip Hayes: Reporting the opening of APA018-2002. There is one bid from American Timber Bridge and Culvert Incorporated of Fishers, Indiana. There is a \$5,000 bid bond that's in apparent appropriate order. The total bid cost omitting the itemization of all ten items in the bid is \$285,508.75. In the event that a performance bond is required, there is an additional \$3,550 premium for that amount.

President Mosby: Say that figure again, Phil.

Philip Hayes: \$285,508.75.

President Mosby: Okay.

Philip Hayes: That is the only bid received? A single bid, is that correct?

Phil Lawrence: Yes.

President Mosby: Okay.

Philip Hayes: Okay. I'll let you for the record have that, Phil. Take it under advisement.

Phil Lawrence: Out of that one thing, we did get a salt bid. So we will have salt for this coming Fall.

President Mosby: Okay. Okay, we have a bid in now, then? We just have one?

Contract for United Consulting/DLZ and James Shireman LLC
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President Mosby: Commissioners, contract for United Consulting and James Shireman. Are there any questions?

Commissioner Mourdock: Yes, I'm going to take a couple of minutes on this issue, and I thought I saw Craig. Yeah, there he is. Craig Burgess and I had a lengthy discussion today, in fact, I don't know that I've ever sent in my phone bill for reimbursement, but after our Executive Session on Friday and today, I think I am going to start doing that. I reviewed the contract with United, at least by my terminology, at length and I sent some comments to Phil earlier in the week—

Philip Hayes: Right.

Commissioner Mourdock: —and today I went over those comments with Craig and, I guess, Craig, if I could ask you to go to the microphone here and just state your name and everything, we will kind of work through these.

Craig Burgess: My name is Craig Burgess. I'm a Vice President and the Architecture Department Manager for United Consulting Engineers and Architects in Indianapolis.

Commissioner Mourdock: Okay, and I just want to say for the record that during the discussion I had with Craig, Steve Jones was also on the call. Steve is in the audience as well. We kicked around a number of different issues, obviously, we don't have anything put down in text. Steve called me this afternoon and said, and I think, quite correctly, that before any modifications would be made to the draft, that it's been floated through, that all three of us are aware of it and agree to it. I certainly concur with that. The issues that I brought up I'm going to go through very briefly, but just to make sure these do get some public discussion. One of the first points I had, and I won't reference all the subparagraphs, one of the first points I had was to make sure that if, in fact, for whatever reason, instead of building a jail plus a community corrections facility and a pole barn, that if budgets cause us to drop one of those from the project, that we were not otherwise committing to United/DLZ, and same would apply to Shireman, for those projects. I think that we came to the agreement that the language was already present that would cause that to be stripped out if, in fact, that happened.

Craig Burgess: That's correct.

Commissioner Mourdock: Okay. The Completed Building Program that I asked about last week, in the original draft that came through, I believe, we were to have that done November 1st?

Craig Burgess: 1st. That's been modified to the 12th.

Commissioner Mourdock: Yeah. The new draft says that that will be the 12th. That Completed Building Program is an obligation of this board, which means we need to...well, correct, let me correct that. They will be forwarding to us the sum total of the work done under the Value Added clause in the contract, and then this board will need to approve that. It's your expectation that would be done on November 12th? Or by November 12th? Is that correct?

Craig Burgess: We will get the finished product to you by or on November 12th, and then it will be up to you to review it and approve it or suggest changes.

Commissioner Mourdock: Okay, and, again, as I stated last week, that becomes the critical item that kicks off a lot of these other dates. So, we would need to make a timely turn around on that one.

Craig Burgess: Correct.

Commissioner Mourdock: One of the things that is very critical here is location. Any of you argue with me if I'm wrong on this, but it seems that what we would do under the Completed Building Program, we are going to have a hard time getting that fully done until we know what the location is. Until a location is finalized. Is that correct in your read?

Craig Burgess: I'm not sure I understand exactly what you mean by the work of the Completed Building Program.

Commissioner Mourdock: Can we...let me state it differently. Can this board make a decision on the final Completed Building Program, in other words hand it back to you—

Craig Burgess: Uh-huh.

Commissioner Mourdock: —without knowing what the location is?

Craig Burgess: I believe you can.

Commissioner Mourdock: But if we do that we are, if we do that we are, in fact, saying that a given business, or a given building design is in place to fit a piece of property.

Craig Burgess: Not necessarily. The, when we provide you with the Completed Building Program we will have the beginnings of an understanding of what the entire project is likely to encompass. Designed to meet your complete, total needs without regard to budgetary limitations. Once we have that in place, with a rough idea of approximate square footage that a facility like that would cover, then we can take that information and begin to pare it back as the budget dictates, which will then give us an idea of what likely square footage we will end up with in the project as it's

finally designed. With that information, you should be able to begin looking at appropriate sites.

Commissioner Mourdock: Do you have something, Catherine?

Commissioner Fanello: I think Craig said it, though. I don't think this has anything to do with site specific. It has to do with the square footage and kind of everything you do before you go into schematic design. Is that?

Craig Burgess: That's right.

Commissioner Mourdock: Okay, but before you do schematic design, the schematic design will be the product of the Completed Building Program.

Craig Burgess: The Completed Building Program is what we will design to arrive at a schematic design.

Commissioner Mourdock: Okay. If the design site is a total open field of 40 acres versus, by way of example, the courts parking lot—

Craig Burgess: Uh-huh.

Commissioner Mourdock: —that's going to cause you to do two different things.

Craig Burgess: As a worst case scenario that is probably accurate. I believe that we can design to, I guess, a generic standard, for lack of a better term. Lay out a building that functions in the best way, and meets your needs in terms of square footage and bed count and all of that, with the understanding that the site that a building like that would require would be the type of property that you would in turn acquire for the project.

Commissioner Mourdock: Let me try to say it this way and see if you'll agree. If today we knew what the site was, regardless of what the site, I mean, wherever it is, if we said today, we want to use this property, is it going to save us time and save us money from this point forward?

Craig Burgess: It would probably allow us to proceed with design a little more quickly than we would otherwise, but I don't know that it would involve any monetary savings to the county, at least in terms of our work. It would make our job easier—

Commissioner Mourdock: Uh-huh.

Craig Burgess: —and quicker, but it's not something that would be reflected in the fee. I mean, the fee proposal that we have come up with really was done without any consideration to the difficulty or relative difficulty of acquiring a site, whether that is going to be a long process or not. If we had a site that we knew for certain was going to be the site today, we could proceed more quickly than we would otherwise, but it wouldn't have an appreciable affect, really any affect, in terms of our cost to the county.

Commissioner Mourdock: I'll turn this to the two of you, do either of you two choose, at this point, to say anything about the site? I keep hearing numbers from it's a finalized deal to last week, Catherine, you said, I think, four or five or five or six possibilities. I've heard as many today as many as ten sites are being looked at.

How can we make this more correctly, or maybe that's not the right word. I just heard Craig say that it would make their job smoother, it would give them an easier way to go, may not be reflected in the fee, but it would still make it an easier process. How can we make that happen? It seems we owe that to them.

Commissioner Fanello: Well, when you are looking at a site, I mean, you've got to find out who owns the site, how many acres there are, and that's all preliminary information, and I think, I mean, I have some in mind that I'm getting that information on, but I don't know, there is no need to talk about a specific site unless that person is not willing to sell the land, or it has a lot of environmental issues to it or anything like that. I mean, I think that's up to each of us to come to the table with some, kind of some firm site locations.

Commissioner Mourdock: With the knowledge that we will have from November 12th, obviously, again the faster we can react to this, ultimately, it will be a savings in dollars and make us more quickly reach compliance with the ICLU. Can we set a date to have that site, at least announced—

Commissioner Fanello: Well, I thinks, that's, that--

Commissioner Mourdock: —or somehow get that rolling?

Commissioner Fanello: —in here in the contract that by February 1st we are going to have a site, so. Are you saying that we have a different date than that?

Commissioner Mourdock: Well, I don't think that if we knew what the site was today, I don't think, unless it's on this property with the Building Authority, I don't think we will have the site closed by February 1st. Do you read that date to mean we will be ready to turn that site over to somebody on February 1st?

Commissioner Fanello: You don't know, because you don't...it might be very...the site we end up choosing may be very, acquired very quickly or easily, so.

Commissioner Mourdock: But I, you would be hard pressed today on October 22nd to be ready to close on a site by February 1st.

Commissioner Fanello: Well, but they may know the specifics about the site though. If you don't actually go into the attorney's office and close on the site that day, if we have a firm site selected and the person is willing to sell the site, and we are willing to buy it, then they are going to know the specifics about it. I guess I'm not understanding your question about the Building Program, because the way I understand the Building Program is I'll stick to the square, the county gives us the total square footage that we are looking for, so I don't understand kind of where you are coming from on the site. It doesn't matter if site one—

Commissioner Mourdock: Well—

Commissioner Fanello: —or site two. If you need this much square foot, feet, you need that much square feet, so.

Commissioner Mourdock: That's true, but the configuration ultimately is site dependent, because if, again, and as I used the example this morning speaking to Craig, two different examples, if the courts parking lot is one site, you might have a three story building. If in fact it's out at the Sheriff's training center, you will have,

probably a one story building. All those things quickly get reflected in cost of construction. Also, I presume, to some level, and I think this is what Craig said, design time.

Commissioner Fanello: Uh-huh.

Craig Burgess: That's true, but again let me go back to the notion of, well, we are planning to proceed, assuming that the contract is signed and everything moves ahead, with the notion that we will design a building that is non site specific as we can. Ultimately, I mean, there is no question the site will have to be selected and it probably poses more of a danger to the schedule overall than anything else we have ahead of us right now, but I don't see that there is an immediate concern for the work that we have to do initially with the production of the finished Building Program and the very basics of the preliminary design so we can start to understand the budget. As we start to develop that plan we will make sure that you are kept fully informed about the status of it and it's relative, the relative point in the overall time line and how important it is to make a site selection.

Commissioner Mourdock: Uh-huh.

Craig Burgess: I don't personally anticipate that there is going to be any difficulty.

Commissioner Mourdock: Again, just for the record here, I'm not going to flip to the page, \$530,000, is that the number? For the Value Added?

Craig Burgess: Yeah.

Commissioner Mourdock: That's \$530,000 for the Value Added Services is essentially what we were, oops, what we were also working , what we started with PMSI doing, which is added valuation of needs—

Craig Burgess: Right.

Commissioner Mourdock: —and so that is where that money is going for, so all that money will effectively be expended when you deliver to us that Completed Building Program. Is that safe to say?

Craig Burgess: Most of it will be. There is work that is going to continue through the course of the entire project from Bennett Associates and Correctional Concepts. They are working from start to finish, but you are right, the majority of that will be expended at the time the Building Program is completed and approved.

Commissioner Mourdock: Okay. So, we are saying again by the definition that Catherine just used of February 1st for the site, and if that's the date we have the final Completed Building Program done, that's one of the first checks we are going to write is for something like 75% or 80% of that money then.

Craig Burgess: That's right.

Commissioner Mourdock: One of the things that you and I spoke of today was the designated owner from the, or designated representative of the owners side, and I didn't make a note of this in our earlier discussions. Is it in that Completed Building Program that you are going to put forth a letter and basically some conditions for responsiveness? Is that where that is going to come in?

Craig Burgess: As part of that package we will have an initial preliminary schedule for the entire project. We will also create a more detailed one very shortly after the Building Program is submitted. When we do that, and at the time that we make submittals at the completion of each phase, the schematic design, design development, and contract documents, we will provide you with what we would suggest is an appropriate turn around time for each of those times for your review and approval or modification.

Commissioner Mourdock: Okay.

Craig Burgess: And while you, and I mentioned this to Steve when we spoke earlier, while you have those materials, we'll hound you to get--

Commissioner Mourdock: That's why I've mentioned it here, because Catherine has written this burden falls on your back and there will be a time table put in where if you don't respond by a certain--

Commissioner Fanello: I'm not responding for anything personally. This board will approve everything that goes into this project.

Commissioner Mourdock: That wasn't the point of my question, but that's, I'm okay with that. I just want to make sure that we all understand that as the owners if we don't get timely response on a number of these issues, and you used the term a minute ago the nightmare scenario, this is where I can see it happening. Not because we have a political disagreement, but just because there is some technical issue that we have to work through. So, it puts the burden on the back of all of us to make sure we get quick turn around. One of the things that, just to make a point of reference that comes back again under the Value Added Services, it's the environmental state of the property. I told Craig this and I think I put this in e-mail to Phil, we need to make sure, this board needs to make sure, environmental issues are fully on the shoulders of whomever we might be buying the property from. In other words, it's a condition of sale that that property is cleaned up before we ever take it on. Probably the issue that we discussed that took the most time, and let me set the stage with this. This project is technically a fixed fee project for United. It's \$3 million \$80 thousand dollars, and that includes the \$530,000 of the Value Added Fee.

Craig Burgess: Correct.

Commissioner Mourdock: However, that is set on a \$30 million project. The moment that the project goes above \$30 million, for any sum above \$30 million, we have to re-negotiate in some term with United/DLZ. Having said that, and I understand there are legalities, and again Craig, Steve and I talked about this at length, we cannot simply say we are going to pay 7% or 8.5% for these services. There are state statute that prohibits us from using simply a percentage, but I think it is only fair to give the consultants, the architects some feeling as to what we are going to be looking for for those fees above \$30 million, or inverse if it's less than \$30 million. Craig said to United's credit, if, in fact, the project came in at less than \$30 million, that he feels the fee that they have in there now is overstated, and that would have to be reduced by some way. Now, I don't think any of us expect it to go below \$30 million.

Craig Burgess: Let me make one clarification to that.

Commissioner Mourdock: Sure.

Craig Burgess: If the budget is reduced, is the point that I was making. If for any reason instead of an assumed \$30 million construction cost, we were instructed by the Commissioners that we were now looking at \$25 million, then our fees would come down correspondingly.

Commissioner Mourdock: Okay.

Craig Burgess: I didn't mean to imply, you know, that we are designing a \$30 million structure and if bids come in at \$25 million we would need to re-examine our fee. That is something that we don't like to consider.

Commissioner Mourdock: Okay. That's a fair clarification. Coming back to the point though, let's just play what if for a minute, and this is a big decision for this board. Can we come up with some language now that is more fitting for any cost in excess of \$30 million so that we are not either driven by the passions of the moment just to agree to something, or otherwise placed over a barrel to sign on to some (Inaudible). I mean, that's a real concern I have

Commissioner Fanello: My problem with that is how do you know what the scope of service, how the scope of services is going to change? I mean, you're, from what I'm understanding, and correct me if I'm wrong, you are wanting us to commit to a flat fee of some sort, or put a cap on it at something, at some amount, and I don't know how you could do that when you don't know to what degree the scope of services would change. Either higher or lower.

Commissioner Mourdock: You understand it correctly. That is exactly what I want to do. The scope of services, certainly, that we are contracting for at this point are based on a \$30 million dollar, hard dollar, project, but as this is written with the assumption that I think all of us are carrying, that this is going to be something other than \$30 million, it seems to me we are wide open for costs in excess of \$30 million, and I don't think we are serving the taxpayers well if we don't try to come up with some way to fix that.

Commissioner Fanello: Well, are you saying that we should pay them the same amount for a \$30 million project as we would for a \$100 million project?

Commissioner Mourdock: I could live with that.

Commissioner Fanello: I don't think anybody in this audience who does work in a private service business would probably relate to that—

Commissioner Mourdock: Okay, well let me ask you this—

Commissioner Fanello: —I don't as an accountant. I charge different based on the scope of services.

Commissioner Mourdock: Okay, let me ask you this question. If it's a \$35 million project instead of a \$30 million project, with their fee currently at 8.5%, do you think 8.5% should be applied to any amount above \$30 million?

Commissioner Fanello: I can't say that, because that would be against the law. I

don't think you can, you can't talk in terms of percentages. Percentages given, you know, when we talk their fee is 8.5% of construction costs, that's okay to go ahead and relate it to percentages like that, but you can't say, as far as I understand the statute, that we can agree to a certain percentage based on construction costs.

Commissioner Mourdock: I wasn't saying that in the sense of writing it in the contract that way, because, again, I think your assumption of the law is correct, but my point is that the cost and overhead that any company does for business, there are fixed costs that are in the \$30 million fee that shouldn't be in fees above \$30 million. We've already covered substantially a number of things in that first \$30 million and if we pay at the same rate, and this is still, even though you can't put percentage in there, this is based on that rate. I think it needs to be something different.

Craig Burgess: May I—

Commissioner Mourdock: And something less.

Craig Burgess: May I offer something? If this particular situation plays out, and we find that our construction budget is more than \$30 million, say, for example, \$35 or even \$40, I feel safe in saying that whatever additional fee we would request for that change in scope when added to the original base fee would work out to something less than 8.5% of that total construction estimate. How much less would depend on how much larger the budget is, and the nature of the work, but it would be, it would work out to a smaller percentage than the 8.5% had been based on.

Commissioner Mourdock: Typically when those things happen, what type percentage reduction do you see?

Craig Burgess: I'm not sure that I could offer a typical example, again, like I said it depends on how much larger the budget becomes, if it's simply a \$5 million addition, assuming that it isn't for any work that has become, that adds to the complexity of the project, let's say it's an increase in bed count, just off the top of my head if I were forced to hazard a guess I would say rather than working out to a total of 8.5%, it would probably be something just slightly under 8%, maybe as low as 7.5%.

President Mosby: No, I'm listening to your questions here.

Commissioner Mourdock: Have you, Craig, in the past I know you do a lot of work for the state, had a situation similar to this that you found some, found some basis of text in a contract that deals with the question I have? I know you understand the question fully.

Craig Burgess: Right. The only time that I've seen it addressed at the contractual level is if there is a very well thought out and detailed scope of work that's already been decided on at that point. I know that in a lot of ways getting an architectural project is very much, to quite a number of degrees, very much like putting a cart before the horse. Sometimes you just have to make some assumptions and go with it and see how the project develops. Occasionally, there are projects where an owner has very thoroughly prepared and well defined scope of work, and in those instances we can define compensation levels and talk about changes in scope in much more concrete terms, but that is really the only circumstances in

which that ever happens in my experience.

President Mosby: I guess my one question is how have you done this in the past?

Commissioner Mourdock: In the past we've pretty well had it, the only agreement in the past that I can relate to that we've done here is we had a very strict set on the Centre where we went in at essentially 7% on \$35 million. While it wasn't a percentage it was the same type thing, we looked at what the industry average is and came up with a fee and fixed it at that. The difference between that and this is dramatic, however, in the sense that at that project we knew very specifically what it is we wanted. Council was fully on board as to what we were going to do. As I told Craig earlier today, I am not envious of their position on this, because from my years in the construction business, the worst thing you can have is what's considered to be a non-knowledgeable owner. Which is to say an owner who is doing a project they're really not familiar with and really don't know what they want. In many ways I see that's what we are here as a group, because I think we are still somewhat putting the cart before the horse even with this Completed Building Plan. The Centre was dramatically different, and as Craig would tell you it is a simpler bit of architecture, even though attaching to an existing building is harder than going green field, it's cheaper construction than what a jail would be. Cheaper design work. So, in answer to your question, David, this is new ground for me too.

President Mosby: Well, and I just wondered cause, I mean, I knew the cost of the Centre went up as the project went on, and I didn't know how you negotiated your fees.

Commissioner Mourdock: Yeah, the fees did not change.

President Mosby: So, it was 7%--

Commissioner Mourdock: To my recollection.

President Mosby: --of the total contract?

Commissioner Mourdock: No, no. The fee was fixed.

President Mosby: It was fixed.

Commissioner Mourdock: The extra work, there was some extra work done, but it was done under that fee. To Craig's credit, he has also said to me today that for incidental changes to the plan, if it's stuff within the major budget and there is changes, they would not be coming back to us to look for increased fees. Don't let me misstate that, if I'm saying it incorrectly.

Craig Burgess: That's accurate.

Commissioner Mourdock: Okay.

Commissioner Fanello: I really don't think it's fair to us to compare this project to a convention center project, because this, I'm sure is about ten times more complex than building a convention center.

Commissioner Mourdock: That's arguable in the sense again between tying into

existing architecture and old, but I will agree with you it's not a relevant point in what we do with this contract. I see us, and maybe this is the only way I can end this part of the discussion. Excuse me, but I see us at the point where we are going to have some incredible argument down the line if this project goes up in scope as far as what we had intended under original fees. I hope I'm wrong. I truly hope I'm wrong. I think there is enough flexibility in this project that neither side here can be too secure.

Craig Burgess: I know that feel good assurances don't really matter much in harsh legalities, but there is no question that we want to continue the working relationship that we have with the county. We are very concerned as a firm about repeat business, making sure that the clients needs are satisfied. If you aren't completely happy with the work that we do and the price that you pay for it, it's just going to reflect badly on us. So, I guess, that is the stance that we will be negotiating from.

Commissioner Mourdock: Uh-huh. The next issue that I had was, I really don't want to go back to that one, next issue I had, and Craig and I agreed to this on the phone, which is there is a provision in 1.3.83 for annual escalation clauses. I told him I view that as totally unacceptable given the size of this contract. I won't put words in your mouth, but I think what we came to an agreement was we would use only the price sheet that was attached for their services to the original, and that that would not be updated annually with any form of escalation.

Craig Burgess: The only thing that I would add to that is, I don't want to characterize our conversation this morning as an intent to modify the contract as it is written, but we are amenable to that should the Commissioners as a body decide that that is what they would like us to do.

Commissioner Fanello: Where exactly is that?

Commissioner Mourdock: The, it's section 1.3.8.2 is how I, oh, I'm sorry, that's incorrect. 1.3.8.3.

President Mosby: Page 23.

Commissioner Fanello: Okay.

Commissioner Mourdock: Where it talks about consulting billing rates and annual adjustments.

Commissioner Fanello: Yeah, but, did you say page 23?

President Mosby: 1.3.8.3, yeah. You are talking about reimbursable expenses?

Commissioner Mourdock: No, it's the annual escalation for the hourly rates. I think it's in that same paragraph unless they referenced it elsewhere.

Commissioner Fanello: No, I don't think it's in that paragraph.

President Mosby: Based on hourly rates.

Commissioner Fanello: I don't see anything about escalation.

Craig Burgess: If it isn't that particular paragraph, it's one right—

Commissioner Mourdock: It's in there. Yeah, it's very close to that.

Craig Burgess: Basically it just says that hourly work will be at the rates established on the attached exhibit A subject to an annual review.

Commissioner Mourdock: Subject to annual review, that's the phrase.

Commissioner Fanello: Okay.

Commissioner Mourdock: We are saying that we would just use that one that is attached period. Not subject to annual review.

Commissioner Fanello: Okay. Is that agreeable?

Craig Burgess: Yeah. Rather than let that delay the contract any longer, we will be very happy to offer that in the form of a letter.

Commissioner Fanello: Okay.

Commissioner Mourdock: I would say my last point here, and again it comes back to the site. The language that I sent your way and sent, Phil, to your office as well today, basically is trying to say that until we know what site we are going to, United will not be putting design costs in place that would otherwise be costs we would have to eat should the site be changed. Now, again, I don't know if my language is correct to do that, but I want to make sure everybody understands that is my concern.

Commissioner Fanello: Are you saying not do any design work until we have a site?

Commissioner Mourdock: No. No, I'm not saying that at all.

Commissioner Fanello: Okay.

Commissioner Mourdock: But I'm saying not do design work that is going to be impacted by the selection of the site, because should they do that...and I, you know, I can see this scenario, you pick site A and they start down the road, assuming it's site A, and then for whatever reason we can't acquire that site through a willing land owner or we have an environmental problem or something...pardon?

Philip Hayes: Zoning.

Commissioner Mourdock: Zoning, exactly, and I don't want to have us lose money by having them start that effort until we have absolutely, totally got that site ready for them. So, I think language like that would be pertinent.

Craig Burgess: I think we can do our part for that effort as well in keeping you well informed of our progress through the design process. Make sure that you have plenty of heads up if it looks like we are going (Inaudible. Tape changed sides.) Where we could start doing work that could conceivably be redone.

Commissioner Mourdock: Yeah, and I would be, I'm perfectly willing to say if you

notify us at a given date that this work commencing on date A is somewhat site dependent, if we don't call off the dogs at that point, then we would be obligated to pay you for that should we end up going to another site. That is only fair, but I just don't want them trudging forward, expending money that we have to pay for only to find out we tear those ten pages out of the book and come back and have to pay for them all over again. So, does that not make sense?

President Mosby: I know what you are saying.

Commissioner Fanello: Are you saying we need some language in there? Or is this something that we understand without adding additional language to the contract?

Craig Burgess: I'm happy with the way things stand now. If the Commissioners or the Council feel it needs to be changed or added by amendment.

Commissioner Mourdock: Well, yeah, and go ahead, Phil.

Philip Hayes: I was going to suggest that if your handling other matters on this record and on the basis of a letter, it occurs to me that we, you are yet to consider the Construction Management aspect of this and then also the Owners Rep. aspect, so I think that a letter of intent or other clarification could be done—

Commissioner Mourdock: Uh-huh.

Philip Hayes: —that would be satisfactory. There is nowhere in the contract really where we get down to the kind of discussion of throw away items or not. Everything is presumed in the contract to be useful and required. That's the fundamental premise of the contract, and I think you would agree with that. So, that being the case it's a point of clarification that Commissioner wants and I think you could do that with a letter addendum, just as you are doing with the exhibit A on reimbursables.

Commissioner Mourdock: I can live with a letter of addendum, that's fine.

Craig Burgess: Okay.

Philip Hayes: I think that would be—

Commissioner Mourdock: I just want both parties to be signing off on that.

Philip Hayes: I think that would be clearly, I think that would be clearly a, a contractual item, but it doesn't rise, I think, to the point where we have to make those kinds of changes.

Commissioner Mourdock: Okay.

Philip Hayes: I feel comfortable with that.

Commissioner Mourdock: I think this is the third time I've said this, this is my last item, but one last item. I just want to make sure we all understand what's not included in the services here. Specifically, that 2.2.3.1, I think, but the, where you are talking about your Value Added Services—

Craig Burgess: Right.

Commissioner Mourdock: –there were some things specifically excluded, such as; the kitchen equipment–

Craig Burgess: Kitchen design.

Commissioner Mourdock: –telecommunications information–

Craig Burgess: Right. Any environmental studies, which–

Commissioner Mourdock: I had raised, yeah.

Philip Hayes: Health.

Craig Burgess: Geo-technical investigation.

Philip Hayes: Oh, site.

Craig Burgess: Site. Site engineering–

Commissioner Mourdock: Site surveying, not site engineering.

Craig Burgess: Both. Site surveying and site engineering.

Commissioner Mourdock: What is the \$15,000 per site going? I thought that–

Craig Burgess: That is if we get to the point where we agree to spend that, that provide Bernardin Lochmueller's services in evaluating whatever site or sites that you narrow your search to. They will look at it and make some determinations on suitability for any number of reasons, from topography to utilities to drainage, things like that.

Commissioner Mourdock: Again to clarify, that \$15,000 per site is not part of this fee?

Craig Burgess: Correct.

Commissioner Mourdock: It's not part of what you said would, in your estimation, would be about \$65,000?

Craig Burgess: Correct.

Commissioner Mourdock: Okay. You mentioned in there that the kitchen stuff is not included and we didn't talk about this this morning, but I often hear the Sheriff's department refer to the two together which is kitchen and laundry type services. Is laundry stuff excluded?

Craig Burgess: Laundry is included.

Commissioner Mourdock: It is included.

Craig Burgess: Kitchen, especially for a project of this size and nature, tends to get

into much more specialized equipment than we deal with on a day-to-day basis.

Commissioner Mourdock: Okay.

Craig Burgess: Laundry is really much simpler.

Commissioner Mourdock: Okay. Alright.

Commissioner Fanello: As I understand it, is that typical on projects of this nature?

Craig Burgess: Yes.

Commissioner Fanello: That there are other people who perform those services other than the architect—

Craig Burgess: Yes.

Commissioner Fanello: —in general.

Commissioner Mourdock: That's a valid point, but again what they did in lumping together some of these consultants that we are paying 530 for...that's a bunch of independents were included, but I just want to make it specific—

Craig Burgess: Right.

Commissioner Mourdock: —that some were excluded. For whatever reason.

Craig Burgess: The thinking that produced those divisions of fee that I spell out in the contract really for the Added Value Services they are primarily those things that are necessary to program and plan a detention specific facility. Something like the kitchen is just a typical additional cost consultant that would have for any kind of facility that would have a large scale commercial grade kitchen in it.

President Mosby: (Inaudible. Mike not on.) other questions?

Commissioner Mourdock: Those were my 21 points, which I would otherwise nail on the door here, so.

Commissioner Fanello: So, if I'm to understand correctly, or maybe incorrectly, are we to go ahead and sign this contract and does the letter—

Craig Burgess: Yes. Yes, please.

Commissioner Fanello: —of intent, letter of intent take care of some of your issues? I know it doesn't take care of—

Philip Hayes: Two issues.

Commissioner Fanello: —all of your issues.

Commissioner Mourdock: The letter of intent takes care of the several issues we discussed. I'm certainly agreeable and amenable to the letter of intent, yes. But as far as signing the contract, that raises the other issue that has come up a

number of times and that is having the funding in place to do this. So, where are we with that? Because we can't sign the contract until we have the funding in place to do that.

Commissioner Fanello: So you'd already issue your...what do you mean funding in place for the whole jail project?

Commissioner Mourdock: No, no. No, no. For the sum total of this contract. We have to have—

Commissioner Fanello: That is part of the bond issue, as I understand it.

Commissioner Mourdock: But it's not in place at this point.

Philip Hayes: (Inaudible) Soft costs.

Commissioner Fanello: No, but was the Centre's in place?

Commissioner Mourdock: Yes. Because we had the Food and Beverage Tax that was already in place.

President Mosby: I guess we'll take the \$2.7 million.

Commissioner Fanello: Yeah, maybe we could take the \$1.8 that Council stole from us from the Riverboat.

Commissioner Mourdock: The \$2.7 that's out there certainly is dedicated to this—

Commissioner Fanello: Yeah.

Commissioner Mourdock: —and that's part of it, but the way—

Commissioner Fanello: As I understand it, there is \$2.7 this year, and \$2.7 in the budget next year. So, if I add correctly, that is \$5.4 which—

Suzanne Crouch: They did not, excuse me, they did not set money aside for next year. They talked about doing that, but there is nothing in the budget. So, currently there is \$2.7 million.

Commissioner Fanello: Oh, so we don't—

Suzanne Crouch: Their intent is to do that, but they hadn't done it during the budget process.

Commissioner Fanello: Wouldn't you do that at budget time?

Suzanne Crouch: Not necessarily. You might do it after the first—

Commissioner Fanello: Oh, yeah, after. Okay, that's basically how it happens around here, after the fact.

Philip Hayes: These are, these are soft costs, Catherine.

President Mosby: So, what I think what Suzanne is saying that they are going to wait and see if there is any money turned back in. If they've got money, then they are going to set it aside. Is that what you are saying?

Suzanne Crouch: Well, they will probably look to see if revenues came in stronger than had anticipated and, you know, a number of factors, but they did not set money aside in the budget this year for the jail project.

President Mosby: What kind of cash balance do they have right now?

Suzanne Crouch: Off the top of my head, I think it's about \$1.6 or \$1.8 in the General Fund, and \$600,000 in Riverboat, \$1.4 in CCD.

President Mosby: So, if we don't get our big return of money there is nothing really there?

Commissioner Fanello: This is the first I've heard of this and why?

Commissioner Mourdock: Well, you've asked the questions. David has asked the questions frequently about having the money in place for these things—

Commissioner Fanello: Exactly, and I thought that's what Council did. That's what they told us at the beginning of the year that they were going to set aside \$2.7 million every year for the jail project.

Commissioner Mourdock: That's right, but the \$2.7 you can only sign a contract, under state statute for the amounts that you have on hand. Which and you brought up the Centre, and you are exactly right, it's the right question. That's why we had worked forward with the Food and Beverage Tax. The state legislature had changed what they did to put that in place.

Commissioner Fanello: Would you like to clarify for us Councilman Tornatta what in the world is going on with the budget?

Troy Tornatta: Troy Tornatta, County Council. It is not set, \$2.7 set every year. It was set last year, and I do understand where you are going with where did that money come from. It was encumbered money from the year before. However, it was not promised every year, and I do know that for a fact. It was looked upon as a possibility to bring that on, but I was not a proponent of that, encumbering that money for that project without knowing that we were going to try and do it every year, we had the capability to do it every year. So, that is probably why I know a little bit about it wasn't a year after year thing. It was just for this one year and that was it. Which was last year.

Commissioner Fanello: Can we not add a clause like we used to, contracts subject to appropriation?

President Mosby: We can add it if we want.

Commissioner Fanello: That's what we did in the city, subject to appropriation.

Troy Tornatta: I would like to (Inaudible). I kind of agree with Mr. Mourdock in the fact that it would be nice to have something set on the table if we could, whether it

be...I don't know if you write a different contract over \$30 million, if you write it for \$35 million and have a separate contract or something of that nature. In order, at the time that this thing goes down, that you aren't stuck in an issue on what some kind of fee is to be. Obviously, you try to set as much of that up front as you can, so you are not in a situation where you are fighting against...not fighting, going back and forth with one another over what kind of fee you want to come up with.

Commissioner Fanello: We are going off your budget of \$30 million. Or, well, \$35 million with \$30 million construction costs.

Troy Tornatta: And I'm the minority, so it's not necessarily my budget, so—

Commissioner Mourdock: I know the feeling.

Commissioner Fanello: Well, the Council's budget. The Council's budget of \$35 million.

President Mosby: Don't let it bother you, Troy. We're only going off what we keep hearing everyday.

Troy Tornatta: I know.

President Mosby: And really we are kind of at a minority to what they keep telling us. We can't spend over \$35 million, so, I mean, we are putting together the best we can. Now we get here tonight and the next thing we hear is we can't do this because we have no money set aside. I can recall going to the County Council back in January, February, March and ask them to sign on to a resolution where the State Representatives and the State Senators was going to give us a way to fund this bill. All I heard was we can do this, we can do this, we can do this. We are going to set aside \$2.7 million, Commissioner Mosby, and we are going to set aside \$2.7 million more next year, and we'll have \$5.4, and we are going to continue to do this and let a bond (Inaudible) and we're going to be able to pay it off. Now I hear, today, October 22nd, ten months later, well, we've got \$2.7 million. You've got an estimated maybe \$2 million cash balance over all, and you are going to have to hope and bet on a come that you're going to get another \$700,000 back at the end of the year out of revenue not spent, and if you put all that together you can leave yourself with zero, but we could have another \$2.7 million. Now that is real financially sound, if you ask me.

Troy Tornatta: Well, you are preaching to the choir here.

President Mosby: I know.

Commissioner Fanello: I can answer the question where the money can come from. I believe we need to just reorganize the CCD money and go ahead with this project. I mean, I guess we'll have to put Burdette Park on hold, and put the Old Courthouse on hold. We're just going to let the whole county fall apart until we can move forward.

Troy Tornatta: Well, anyway.

President Mosby: You know, I'm not going to blame you, Councilman Tornatta, but this is exactly out of the ten months that I've been sitting in this chair that I have

found out. We have put everything on hold over the last five years. We don't deal with anything. That is exactly what I have found out.

Troy Tornatta: Well, and let me just say—

President Mosby: And you will probably find that out too. I mean we have an Old Courthouse without a roof. We have a building, we have land at Burdette Park that has had a half a million dollars sitting in the ground for two years and we can't build a building on it because we don't have the money. We know the courts need space. We've known we need a jail for twenty years. We don't have anything.

Commissioner Fanello: I'm going to ask Commissioner—

President Mosby: That's the problem.

Commissioner Fanello: —Commissioner Mosby a question since he was on City Council for 13 years, whenever you did the Victory project, and that's the biggest one that comes to mind—

President Mosby: Never once, and I know your question, did we ever do anything without having funding in place.

Commissioner Fanello: I mean had you already issued the bond?

Commissioner Mourdock: That's the point.

President Mosby: No. Well, yeah, we issued bonds.

Commissioner Mourdock: That is the point. David, you have made the point here before regarding the—

President Mosby: I can show you where we'd prepped the land for the ice skating rink before we knew we had the money to build it, and that's why that wasn't bonded until this year, and that's why it wasn't let go of until this year. I mean, we could have, I guess, over the past 12 years went out and spent a couple million dollars on the land out there, but we didn't do it.

Troy Tornatta: I just—

President Mosby: I mean, we made sure.

Commissioner Fanello: Are we not going to issue a bond or is this all new information?

Troy Tornatta: I can't really answer that question—

Commissioner Fanello: I mean, I was under the—

Troy Tornatta: —right now.

Commissioner Fanello: I mean, all of this, doesn't all of this come out of the bond issue?

Commissioner Mourdock: It could easily, but, again, I'm simply saying that if you are going to go the bonding route, you have to have it in place. Let me go back one step to make sure we are all understanding it. Pardon, Phil?

Philip Hayes: No, go ahead. I didn't want to interrupt you.

Commissioner Mourdock: The money that is in place now, you can spend. But under statute, and it's simply stated that the County Executive cannot enter into contracts for which there is not funding in place. Arguing the point that you made several weeks ago, David, regarding the Discovery Lodge, you know, your comment then was you don't want to do this until you know where all the funding is coming from, in a sense, we are back to that same story. Your comment that nothing has happened in five years, I would beg to disagree with things like Lynch Road, the Lynch Road extension, Burkhardt Road, the University Parkway. You know, we have systematically worked through those things. The situation we have here now, is whatever money the county has set aside and whatever funds be it from CCD or elsewhere that you wish to appropriate towards this project, certainly can be assigned there. The other option I would suggest would be if, in fact, the contracts that you are considering tonight, Shireman and this contract, if they are somehow broken into parts to fit the budget for money that is currently on hand.

Commissioner Fanello: Well, we have \$2.7 million on hand, so I would move that we approve the contract subject to further appropriation.

Commissioner Mourdock: I'm not the attorney here, but, Phil, you can state your comments on that one, but I don't think you can do that under the statute.

Commissioner Fanello: Oh, we did it several times over in—

Commissioner Mourdock: All, all contracts are subject to specific funding from the Council—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and they have to vote on them, but they are funding monies that are appropriated. In this case, the money is not yet appropriated, so we cannot act beyond the limit of the money that is appropriated.

Commissioner Fanello: So are you, well, we don't have the whole Council here, so I guess we're not doing a jail project.

Troy Tornatta: Well, I mean, let's don't get flippant in conversation. Let's just look at it first off that we have to work through this no matter what. So, if we have to, if we have to go back to the Council and talk about something, then that's what needs to do. You are not going to, obviously, make the determination and get the other four members off the Republican side to just jump on the band wagon just because you are—

Commissioner Fanello: I thought you all had agreed to do a jail project based on \$35 million.

Troy Tornatta: I understand. I understand, and that's a fact, but the way that they appropriate that money—

Commissioner Fanello: Is the \$2.7 million appropriated? Or is it sitting aside on a piece of paper like the last time I saw it?

Troy Tornatta: The \$2.7, to my knowledge, is in a separate account set aside, and I think we talked about it, it's been set aside in an account approved by the state? Is this correct?

Suzanne Crouch: Yes. The Commissioners would have to submit an appropriation for that money.

Commissioner Fanello: Oh, I was under the impression that had been appropriated. That is why I asked you if it had been appropriated or set aside in a line item.

Suzanne Crouch: It's set aside in a fund account.

Commissioner Fanello: That's a new way of doing it to me. I am going to have to talk to the State Board of Accounts on that. I've not heard of that before, but that's why I asked before if it was in a line item for the jail project.

Suzanne Crouch: That was with State Board of Accounts and State Board of Tax Commissioners approval.

Troy Tornatta: Then I asked that question and that's why, that's why I'm saying that it is not going to be as easy as just calling that number out, because that has to be approved.

Commissioner Fanello: I can't go and ask for the \$2.7 million—

Troy Tornatta: No, no.

Commissioner Fanello: —to be appropriated?

Troy Tornatta: You can ask for it. Whether you get it is a separate—

Commissioner Fanello: So you guys are not going to cooperate on the jail project?

Troy Tornatta: No, no, no, no, no. I'm not saying that either. I'm not saying that either, but trying to get the...you can approve it and try and get the money and that's fine, and I'm not saying that there is any lack of support there. I'm just saying that you know how it has gone so far that you might want to see exactly, make sure that's the route you want to go.

Commissioner Mourdock: My suspicion on that one is, and you used the word Republican, let me just add to the record there was also one Democrat at least that voted for that, but my suspicion is, I don't think they are going to disagree at all with you, Catherine, on the \$2.7 million. It's the sums above \$2.7 million that are the subject, I think—

Commissioner Fanello: I thought we were talking about \$35 million, and \$35 million only. That was what was agreed by the Council. Every meeting I've been to this year, \$35 million cap.

Commissioner Mourdock: And they are agreeing to that. That is not the issue.

Commissioner Fanello: Okay.

Commissioner Mourdock: That is not the issue. The issue isn't how much the Council has said we ought to spend, the issue here is, is there money appropriated that this county, that this board has specifically—

Commissioner Fanello: And you just waited five months to ask this question?

Commissioner Mourdock: Well, I haven't heard yet where the first one of these five sites or the ten sites are. I wasn't given this document that we just went over until the Friday before the meeting—

Commissioner Fanello: No, and that is a lie right there, because you were given a boiler plate document by United Consulting five months ago.

Commissioner Mourdock: That is correct.

Commissioner Fanello: You were given Shireman's contract five months ago.

Commissioner Mourdock: And you and I swapped e-mails that said you would make your revisions first and then send it to me. We agreed that it didn't make sense for both of us—

Commissioner Fanello: And, well, I don't think that is appropriate for me to send you my revisions.

Commissioner Mourdock: Why not? We are all going to vote on one document.

Commissioner Fanello: Isn't that violating the Open Door Law if I e-mail you all my revisions?

Commissioner Mourdock: Certainly not. The Open Door Law only applies to us sitting down at the same place at the same time. We can have discussions on the phone, we can swap e-mails until the cows come home.

Commissioner Fanello: So we can negotiate everything behind closed doors through e-mail?

President Mosby: I hadn't heard that one.

Commissioner Mourdock: Yes.

Commissioner Fanello: That's a new one on me.

Philip Hayes: (Inaudible. Talking over each other.) If I could (Inaudible) with the other—

Commissioner Fanello: We'll have to start that.

Philip Hayes: If I'm not mistaken, the presumption of this contract, the presumption that I've gone on hasn't had anything to do with anything except for the notion that there will be an assumption that there is a total construction cost budget of \$30 million. So, zero money is in place for this contract. There is no check, if it's

signed, there is no check going to be written. Once it is signed, it is my understanding is, that would then trigger going to—

Commissioner Fanello: Exactly. Doing the bond issue.

Philip Hayes: —well, going to the County Council for those soft costs, or appropriating them yourselves. Up to 20% of the soft, so called soft costs, are then absorbed, that's the limitation for absorption into the bond issue, as I was instructed. So, my presumption had been that there is zero money for this contract, and until you have a contract in place that you could then go to the fiscal body with that...nothing happens anyway. If there is, if indeed then there is zero money, then there is no jail, there is no architect, there is no nothing. Whatever costs that you've incurred in seeking the contract to this point are not recoup able, basically. That is the presumption of the agreement. So, I mean, if the contract is inked, then the next thing to do is to get it funded. The way, this is an unusual contract in that it is all configured on the premise that if come \$30 million, then this is the scope of services and this is what will occur. Am I that far off base? Because I didn't think we were hiring them to do anything until we—

Commissioner Mourdock: I think we would all agree—

Philip Hayes: —got this done.

Commissioner Mourdock: —at this table right now, if we were saying, I think we would all agree, if someone walked in the door right now and said we'll build this jail for you, the hard dollar cost, for \$30 million, I think all of us agree, right now, we couldn't vote to do that. Because the money is not appropriated.

President Mosby: You can vote subject to approval by the County Council.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Well, (Inaudible. Talking over each other.) it's not accurate.

President Mosby: I guess did we give a false impression to the ICLU when we said we were moving forward on this project? I mean, now I understand everything is funding. It's not what we say.

Philip Hayes: The documents were signed by both bodies—

President Mosby: I was going to say, the County Council and the County Commissioners both signed these—

Philip Hayes: —that in setting up that—

President Mosby: —documents saying we were going to move forward, we were going to give time lines, and we were not, I mean, we are subject, you know, to Federal mandate here if we decide not to move forward.

Commissioner Mourdock: And we are subject to state law.

President Mosby: I mean, you know—

Commissioner Mourdock: The document that was signed with the ICLU said we were certainly going to be moving—

President Mosby: And now at the (Inaudible)--

Commissioner Mourdock: —forward, and I think we still are.

President Mosby: And now at the last minute all of a sudden it becomes a big issue now of whether, you know, funding is in place—

Commissioner Mourdock: I don't know that I'm doing anything different than what each of you has done at different times during the past year—

Commissioner Fanello: Richard, don't play the politics.

Commissioner Mourdock: I'm not playing politics.

Commissioner Fanello: Don't play the politics here. This is so huge here with the politics being played tonight is just ridiculous. I'm sorry. I think we, I think the public...have you not read in the newspaper that we were moving forward with a jail project, and that the Council had, you know, figured a \$35 million cap on the project?--

Commissioner Mourdock: And both of those things are true—

Commissioner Fanello: —I don't think that is news to anybody.

Commissioner Mourdock: —but you still need to go through all the hoops. You know, we hired Crowe Chizek at one point, I believe, to help us with some of these issues and I'm surprised that they haven't clarified that. Certainly, when we did the Centre project we were getting advice from folks as far as how the funding and the financing and all that happened. Look, I'm not trying to play obstructionist. I've offered you a suggestion here, two of them as far as how we can continue to move this thing forward. I'm certainly willing to do that. But I'm also making a point that is one vote here, state statute matters. The state statute says that you have to have funding in place. You know, David, again, your point several weeks ago with the Discover Lodge, it's no different.

Commissioner Fanello: I don't disagree with that but—

Commissioner Mourdock: It's the question tonight on the couple trucks we're buying, did we have money in the line item? Yes, we did. So, we are fine to go ahead with that.

Commissioner Fanello: But I don't know that you can go issue a bond before you have all the information in—

Unidentified: (Inaudible. Not at mike.)

Commissioner Fanello: Exactly. I don't think you can go issue a bond without a plan in place.

President Mosby: Counselor, can we pass this contract and they don't start any

work and we're not subject to any financial burdens if the County Council decides not to pass the money?

Philip Hayes: My understanding of the premise of the contract, and tell me what yours is, Craig and Steve, but my understanding is that it is all a contingent engagement based on a bonafide financial commitment in the amount of \$30 million, and further my understanding is that the engagement of the designer and such other personnel as are necessary, for example, you've engaged, you've engaged attorneys for the preliminary attorney work, I'm among those. There has been some work done, and all of those costs are the so called soft costs up to the 20% of the total project limitation.

President Mosby: Okay.

Philip Hayes: So as...if you engage these architects and the amount that is premised in the contract is not authorized by the fiscal body, then you have no contract. If zero is authorized.

President Mosby: But what I am saying can we get our job done, can we get a contract here tonight—

Philip Hayes: Yes.

President Mosby: —subject to approval and financially our fiscal responsibility from the County Council?

Philip Hayes: And it has to—

President Mosby: Appropriation?

Philip Hayes: —and certainly the County Council then would have to follow through and make appropriate funding for those phases of it.

President Mosby: That is what I'm asking.

Philip Hayes: That can be paid for, but as far as engaging the architect to carry out any of the agreement, you would want the money in place.

President Mosby: Okay, that is what's I'm asking.

Philip Hayes: So, this is like a retention.

President Mosby: I'm not telling them to start tomorrow. All I want to do is sign a contract with them—

Philip Hayes: Well—

President Mosby: —and have them on board—

Philip Hayes: —you retain attorneys and you have, I mean, I want to make it very clear that my understanding is that we don't owe these people anything until there is work done pursuant to it and they're well aware there is no money.

President Mosby: Okay.

Philip Hayes: The \$30 thousand, the \$30 million includes the architects fees, I think.

Commissioner Fanello: \$35 million.

Commissioner Mourdock: No, it does not. It's \$35 million.

President Mosby: \$30 million is what they are counting on for the building. The other \$5 million is fees.

Philip Hayes: I understand. Okay.

President Mosby: They are talking a total of \$35 million.

Philip Hayes: I understand, but at least that's clarified here that we understand that.

Commissioner Mourdock: Yeah, clearly the document says that the \$30 million is for construction.

Philip Hayes: It does.

Commissioner Mourdock: Hard costs.

Philip Hayes: It certainly does. Okay. Hard costs that are in.

President Mosby: But I'm saying that we pass this contract subject to financial appropriations from the County Council, is what I'm asking.

Philip Hayes: Well, frankly I also thought there was over \$2 million set aside for the current period for, the current budget period for whatever payment would be necessary.

President Mosby: Do you understand what I am saying, Steve?

Steve Jones: Yes. Yes, I do.

President Mosby: Is that any problem with you?

Steve Jones: Well, our concern is, actually we have met with I think every board. We've met with the Judges, we've met—

President Mosby: The Sheriff.

Steve Jones: — had some invitations with the Council, we've met with the Sheriff, we've met exhaustively trying to work on a contract, and I don't think in any of those meetings it ever came out that we weren't going to go ahead with this project or that the funding was an issue. I mean, just the fact that everyone has been willing to meet from the county to try and get things in order. We've actually been working, been working ahead on this.

Craig Burgess: That extends to issues other than just the contract itself. I mean we've done the lion's share of the preliminary planning programming which Richard

eluded to a minute ago—

Commissioner Mourdock: Right, and I understand that, and again the question, and I would agree with what you said, Steve, the question isn't the overall financing of this thing, I think, Council has made their commitment and I think, certainly, this board has made it's commitment in several different venues. The question right here is simply one of how we do this procedurally.

Steve Jones: We understand that, and I just would like for each of you to know that we have worked exhaustively to try and get this all worked out and again worked with all the different Judges and have had meetings. So anything that we can do to help, we would be more than willing to do.

President Mosby: So procedurally, would you have a problem if we attach a verbal agreement to this right now saying that this is subject to County Council approval and funding? I mean, that's the only way I know to move forward.

Craig Burgess: The choices are we don't move ahead or we move ahead with that provision, the net result for us isn't going to be any different. We are talking about not invoicing for what we've done so far, which we wouldn't be able to do if the contract wasn't signed anyway.

President Mosby: I mean, I'm just trying to move forward.

Steve Jones: Yeah, sure.

President Mosby: We've told the courts and the Federal Judges and everybody else that we are going to move forward so this county does not get mandated and have to build a \$100 million jail that we don't want. I mean, I want to show somewhere along the lines that the two of us are trying to move forward on this deal and not drag it on for another 20 years like we have in the past.

Craig Burgess: My point was just with the net result being the same for us, either way, obviously, is acceptable to us.

President Mosby: So, I mean, we wouldn't be signing a contract with you tonight, but we would be formally, verbally approving your contract with us subject to approval and funding from the County Council. That's what I'm asking.

Steve Jones: Yeah, I think that's, that's fine and that's acceptable. I think there may come a point in time though where it gets questionable on how much we proceed without having—

President Mosby: Well, and it would be my intent, the Council meets this Wednesday.

Steve Jones: Okay.

President Mosby: And I know it's closed now and you have to submit, I think, what 13 days in advance to get something on the agenda?

Commissioner Fanello: Unless, I believe, you can—

President Mosby: But—

Commissioner Fanello: —is there an emergency procedure or something?

President Mosby: Well, that's what I was going to ask.

Commissioner Mourdock: Surely there must be something.

President Mosby: If there is an emergency procedure that we can ask them Wednesday to consider this and formally pass it at their next meeting next Wednesday, then maybe we can have this all lined out, and if not, you know, maybe we can get a verbal—

Steve Jones: That would, that would be great.

President Mosby: —agreement. But, I mean, I would be willing to take this to them Wednesday.

Steve Jones: Okay.

President Mosby: And, I mean, they have a meeting this Wednesday. I think we've got a couple other things on the agenda over there, so.

Steve Jones: Okay.

President Mosby: I would be willing to do that.

Steve Jones: Well, we appreciate the efforts put into reviewing this and there were a lot of good questions and I think we worked together very well to try and get this resolved, so if we can get it signed with that, with that limitation and move forward, that would be great. We are willing to help however we can.

President Mosby: Okay.

Troy Tornatta: Are you going to file, file an appropriation?

Commissioner Fanello: Well, it's too late to file. When your cut off is what the 14th or 15th?

President Mosby: Yeah.

Commissioner Fanello: Can we have an emergency—

Troy Tornatta: I think we can get an emergency—

Commissioner Fanello: —situation?

Troy Tornatta: Sure.

President Mosby: I mean, we'll be more than happy to file it tomorrow and give it to Sandie—

Troy Tornatta: Yeah.

President Mosby: –if you guys are willing to accept it?

Commissioner Fanello: I mean, I'm–

Troy Tornatta: I mean, I will lobby to accept that.

Commissioner Fanello: I mean, I am just going to ask that the \$2.7 million be appropriated.

Troy Tornatta: It's of county importance–

President Mosby: Right.

Troy Tornatta: –and an emergency situation that we need to get handled, and I don't see any reason why that is not acceptable.

President Mosby: Okay. We'll file one tomorrow.

Troy Tornatta: Richard, I'm sure, will put through a good word to make sure that works as well.

Commissioner Mourdock: I'll put through the word that we deal with the statutes as written, certainly, and if there is a way the Council can deal with it quickly under that basis, then I'm okay.

Troy Tornatta: Thank you.

Commissioner Mourdock: Thank you for agreeing with me on one tonight, Troy. That was unusual.

President Mosby: Are you going to make a motion?

Commissioner Fanello: Yes, motion to approve the United Consulting contract with the subject to approval, funding approval by the County Council.

Commissioner Mourdock: For the–

Commissioner Fanello: And appropriation.

Commissioner Mourdock: –yeah, for the purpose of a roll call vote, I will second.

President Mosby: I have a motion and a second. You want a roll call?

Commissioner Mourdock: Yes.

President Mosby: Okay. Roll call vote. Commissioner Fanello.

Commissioner Fanello: Yes.

President Mosby: Commissioner Mourdock.

Commissioner Mourdock: No.

President Mosby: Commissioner Mosby. Yes. Two yes' and one nay.

Commissioner Fanello: And I am going to assume that that means, Richard, that you are not in favor of moving forward on the jail project and keeping this, Vanderburgh County taxpayers safe from a Federal mandate.

Commissioner Mourdock: Well, you can assume whatever you like, I suppose, but my purpose in casting that vote is to stay within the mandates of the state statute as I understand them, and as Troy suggested in his comment there at the end, I will do my best to see that we can get within the guidelines of that statute, and then, hopefully, the revisions that I've suggested here can keep this thing moving forward.

President Mosby: And I guess I wish I would say you would have took that approach six months ago and maybe helped us along here a little bit in knowing where we should have been, considering that this is the two of our ten months on this Commission, and we keep asking for opinions at all times, but I understand you are busy running for Secretary of State, so, I don't need any help.

Commissioner Mourdock: The other point of this is that the first meeting of this year I said to both of you, there are a lot of resources in this building. Not everyone on that Council is a Republican, there are Democrats there. Certainly they have been through this before and I think there needs to be communication that is totally irrespective of party lines to make this happen.

President Mosby: They don't attend these meetings every week.

Contract for James Shireman LLC: Construction Manager
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President Mosby: Next issue up Shireman's LL...I'm sorry, are you guys done? Contract for James Shireman LLC. Cause we got Drainage Board yet too. Is there any questions? Besides, and I guess we have the same problem with this contract, and under the same, I guess, verbal language I would accept a motion.

Commissioner Fanello: Motion to approve James L. Shireman LLC agreement for Construction Management on the jail project subject to appropriation by the County Council.

Commissioner Mourdock: Phil, do you have any comments regarding the issues in question I sent to you on this contract?

Philip Hayes: My, my understanding, Commissioner, is that those have pretty well been worked out. As far as the legality of the matter is concerned, I'm satisfied with the remedy sections that are imposed and we've made changes to go to mediation rather than mandatory arbitration. That is something that I felt was in the best interest of the county to do, considering the enormous costs of arbitration that we are experiencing right now. With regard to the other material changes that were, I think, negotiated between you and your...actually those were items that I talked to the attorney about, because I don't think you had any direct contact with Mr. Shireman or with—

Commissioner Mourdock: No. So are—

Philip Hayes: –Krista Lockyear, the attorney?

Commissioner Mourdock: –you saying you passed on my comments to Ms. Lockyear? Is that–

Philip Hayes: I didn't pass them on. I summarized those verbally and each one was addressed. If you would like for me to comment, I can.

Commissioner Mourdock: Let me make it very narrow here in scope just to move us along. The one that was of the greatest concern to me was paragraph 2.3.11.4, and let me just read it quickly, and, Mark, I don't expect that you know that one off the top of your head.

The issuance of the certificate of payment shall not be a representation that the Construction Manager has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the work. (2) Review construction means, methods, techniques, sequences for the contractors own work or procedures. (3) Reviewed copies of requisitions received from subcontractors and material suppliers and other data requested by the owner to substantiate the contractors right to payment. (4) Ascertain how or for what purpose the contractor has used money previously paid on account of the contract sum.

My suggestion to Phil was, and I don't know if this one made it back to Krista through you, but rather than state that as a negative, I know there have been some pretty big cases where people have argued over if that isn't what you are doing, what the heck are you doing? Is there some agreement on making that one in the positive?

Philip Hayes: Go ahead.

Mark Shireman: (Inaudible) find it, Phil.

Philip Hayes: Yeah, if you, I'm looking for the note from Richard. Take a look yeah, right there. I've got too many marked up copies, Commissioner.

Commissioner Mourdock: I understand.

Philip Hayes: And I'm hunting around for them, but–

Mark Shireman: Okay, where was that 2. what?

Commissioner Mourdock: 2.3.11.4.

Philip Hayes: Yeah, that one I didn't, well.

Mark Shireman: I have it. If I can just find it. Let me see if I can find it for you real quick.

Philip Hayes: It's on page 4–

Commissioner Mourdock: Right.

Philip Hayes: –of the contract. Is that the right page, Commissioner?

Commissioner Mourdock: That's correct.

Mark Shireman: Do you have the latest here?

Philip Hayes: Yeah, it's this, this is a draft that I think is the way it is, and that remains–

Mark Shireman: Thats 2.

Philip Hayes: No.

Mark Shireman: Yeah.

Philip Hayes: 2.3–

Mark Shireman: Yeah.

Commissioner Mourdock: Okay.

Mark Shireman: Is 14.2 here, Phil. It's right there. (Inaudible. Away from mike.)

Philip Hayes: Sure.

Commissioner Mourdock: Is this re-written language?

Mark Shireman: It's an addition.

Philip Hayes: It's an addition there.

Commissioner Mourdock: In response to my question, okay.

Philip Hayes: It's the additional language.

Commissioner Mourdock: Okay.

Mark Shireman: How's that sound.

Commissioner Mourdock: That's fine. I just, as you know, there have been several celebrated cases in this industry–

Philip Hayes: (Inaudible. Talking over each other.) they are referring to.

Commissioner Mourdock: –where–

President Mosby: We don't have what you are referring to.

Philip Hayes: Yeah, you do here in–

Mark Shireman: (Inaudible. Away from mike.) read that to you.

Commissioner Fanello: Oh, you've got a copy.

President Mosby: It's not a part of this contract though.

Mark Shireman: (Inaudible. Away from mike.) the answer to that question.

Commissioner Mourdock: Do you all understand the question?

Commissioner Fanello: Yes. So, you did change it accordingly to...that's fine.

Commissioner Mourdock: That's fine with me too.

President Mosby: So we are going to insert this in a contract?

Mark Shireman: I mean, it's already in.

Philip Hayes: It's already in and that's an original.

Commissioner Fanello: He's got four copies here, I think. Is that what you said?

Commissioner Mourdock: And in the—

Mark Shireman: It's there.

Commissioner Mourdock: —excuse me, Mark. In the standard AIA Agreement here, under 2.3.9, it says:

The Construction Manager shall develop cash flow reports and forecast for the project and advise the owner and architect as to variances between actual and budgeted.

Are you okay on doing that on a weekly basis?

Mark Shireman: Well, I thought about that, and you know, the payments are on a monthly schedule, and I thought weekly was too often because, I mean, I don't see anything changing. I could see that monthly, but I couldn't really see that weekly.

Commissioner Mourdock: Okay, so here on the record you will agree—

Mark Shireman: We can bill monthly.

Commissioner Mourdock: —(Inaudible. Talking over each other.) I just wanted some periodicity to it.

Mark Shireman: Yes, no problem.

Philip Hayes: And that's been inserted in this draft. The monthly, it's inserted in mine—

Mark Shireman: Okay.

Philip Hayes: —that I show here.

Mark Shireman: Monthly, I think so, yes.

Philip Hayes: Okay, we will take a look in this copy, but I'm sure that was.

Commissioner Mourdock: That will do.

Mark Shireman: Okay.

President Mosby: Okay. Now, I have a motion on the floor—

Commissioner Mourdock: Oh—

President Mosby: —I guess to accept the Shireman contract with the same language and that will be pending funding by the County Council.

Philip Hayes: It's subject to...subject to appropriation.

President Mosby: Yeah, subject to appropriation of funding by the County Council.

Philip Hayes: Correct.

Commissioner Mourdock: Again, with the same concern, I will second the motion and ask for the roll call.

President Mosby: And I will ask you the same question we asked United do you understand what we are saying?--

Mark Shireman: Yes.

President Mosby: —that—

Mark Shireman: Perfectly.

President Mosby: —yeah, we're not agreeing to anything, just verbally to let the state know that we are trying to move things along here and due to funding reasons we can't. I need a roll call vote. Commissioner Fanello.

Commissioner Fanello: Yes.

President Mosby: Commissioner Mourdock.

Commissioner Mourdock: No, again for the same reason.

President Mosby: Commissioner Mosby. Yes. Two aye's, one nay. Motion passes.

Mark Shireman: Thank you.

President Mosby: Thank you, Mr. Shireman.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Changed)

Phil Hayes: – don't mean to be provocative, but I'm puzzled and I want to try to get a legal record here for this process. Are you saying that the approval of the body cannot be given subject to the action by the fiscal body?

Commissioner Mourdock: No. No, I am not saying that. Certainly anything we do, any contract that we would issue is subject to what the Council might ultimately do by way of –

Phil Hayes: Or, or they've already done it and have it in place for you and you go ahead.

Commissioner Mourdock: My perspective on this is simply the understanding that I perceive, that this board cannot issue a contract in excess of amounts for monies otherwise assigned by line item or by (inaudible). And please check the statute and if I'm wrong, I'll eat one pound of –

Phil Hayes: I don't see it as – I guess maybe my viewpoint, again, I don't see it as issuance of the contract, I see it as a way to lay before the fiscal body what has – the bargain, that is, what has been contracted and bargained for. They may chose not to fund this or to – for the reason that they either object to the values or they object to the term, but nevertheless, I has to be some mechanism to get it there. So I'm going back to the issues of, for example, the settlement, any kind of a settlement or any other terms requiring fiscal action. I don't want to get it wrong. I don't want to do it wrong here and I want to be sure that we're on the same page. I think that this –

President Mosby: We have to move along here.

Phil Hayes: And it's what I had, again, my presumption is there is no money for this with the exception that I was laboring under the same presumption that there was this over \$2 million dollars set aside. But again, obviously, I'll accept the Auditor's word for that, that it's not there.

Suzanne Crouch: There's money there, it hasn't been appropriated yet.

Phil Hayes: Not appropriated, and subject to appropriation and I stand corrected on that. And I think we were in agreement. So it is there and that would cover the soft costs on this. In any event, I wanted that clarification on the record for that reason. I think I understand what you're discussing in the way of the other budget item. Thank you.

Phil Hayes - Order on Determination of Poor Relief Appeal
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President Mosby: Next on the agenda, order of determination of poor relief appeal. Phil, this is yours.

Phil Hayes: The matter of towns and petitioner versus Pigeon Township Trustee is a matter that was requested and entered for determination of this body having appointed Phillip H. Hayes as the hearing officer. And this report is a determination has been made after hearing in writing as required by statute and it's to be entered upon the records of this body and ordered by me on the 16th day of October, 2001 as the result, rejecting in part the appeal and upholding in part the appeal by

stipulation of the officer. And I'll – all that's required is for that to be ordered into the minutes of the body.

Catherine Fanello: I will make that motion.

Commissioner Mourdock: Second.

President Mosby: Yes. So ordered.

President Mosby: Suzanne Crouch.

Phil Hayes: I had one other - there is one other like matter if I can, and that is simply to announce that there is a withdrawal of the previous assignment and that was in the matter of the Perry Township Trustee and it was the appeal of Glenko, and that matter has been withdrawn.

President Mosby: So we need to –

Phil Hayes: For the record, that's I need –

President Mosby: Motion to –

Phil Hayes: No motion is required – my report.

President Mosby: Suzanne?

Suzanne Crouch - Presentation of the County Council Redistricting Maps

Suzanne Crouch: Last Friday, Commissioner Mosby and I had the good fortune of being part of a Close Up program along with several other officeholders and Counselor Hayes also of this body. And the Close Up program is comprised of mainly senior government and economics students in the Evansville-Vanderburgh School Corporation. And the subject matter that we were dealing with was redistricting. And so what we did with the students is that we presented them with the County Council, current County Council districts with a population in each of the districts, and asked them to make those districts equal as required by law according to population. And it was a pretty informative exercise, wouldn't you say, Commissioner Mosby?

President Mosby: Uh-huh.

Suzanne Crouch: The students were pretty excited about it, and not knowing which precincts were Republican and which precincts were Democrat and which districts were Republican and which districts were Democrat, they merely drew the lines to reflect the population and to try to balance it out. And so we have eight maps that we want to present for the record. All the students signed the maps and we also have pictures that Commissioner Mosby was so good to have someone take and we want to present for the record also. And we will take those down in our office and they'll be available for the Commissioners to review when they're drawing their districts later this year.

Catherine Fanello: Is there any of them we can use right now?

Suzanne Crouch: Any you can use? I think you can pick any of them and you'll probably be alright.

President Mosby: Are you going to leave them in your office or the Commissioner's Office?

Suzanne Crouch: Well, as a matter of the record, we would leave them in our office but we can bring them up tomorrow and – if anybody would like them.

Commissioner Mourdock: Is it these that are posted here?

President Mosby: No, it's this whole bunch over here. There's probably nine different maps because we had three different sessions.

Suzanne Crouch: I think the last session had just two – yeah, there are eight different maps, but why don't we bring them up tomorrow and you can take a look at them and maybe gain some insight.

President Mosby: And Paul Hatfield's office was nice enough to bring up a camera immediately and start taking the pictures.

Suzanne Crouch: That's right.

President Mosby: Thank you, Suzanne.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any group or individual wishing to address the board under the Commissioner's agenda? Yes sir.

Larry Goble: Good evening. My name is Larry Goble, I live at 1649 Felstead Road. I have here a petition about a spot shoot right behind my house. The petition reads:

“We, the property owners and residents of the neighborhood surrounding the property of 5911 Broadway Avenue, are concerned with the spot shoot events scheduled for the Sundays of November the 4th and 11th will be a hazard to the area. The property where the spot shoot is scheduled is directly in the middle of a residential area with children present. We, the undersigned property owners and residents, do protest the scheduling of the spot shoot November the 4th at 11th at 5911 Broadway Avenue.”

And I have 30 people that signed this and to be – every person that's property abuts to this, mine included, has signed this petition. I've taken some pictures of the property, my property, this gentleman's property, this gentleman's property, and we're talking about this spot shoot, where they have the rope set up, which they set up last weekend, is less than 100 yards from the back door of my house. It's less than 75 yards from my pool. I just can't understand how we can have this in a resident – this, we're only 3/4 of a mile into the county. The city, on in to the city on Broadway, is less residential than where we are and I just don't understand how we can have this. And, I guess, the reason I'm here is because Brad Ellsworth signed this letter, David Mosby signed this letter and we're here wondering why?

President Mosby: Okay, let me refer to the letter you've got 'cause I've had several phone calls on that.

Larry Goble: I know you have.

President Mosby: And that is not a letter of permission.

Larry Goble: Right. It states right here that –

President Mosby: Upon request, and it was requested of myself as President of the Commission and Brad Ellsworth as the Sheriff, and the state law strictly states you can discharge a firearm in the county in a safe manner.

Larry Goble: Sir, I understand that.

President Mosby: So we went out, we were requested to go out and look at the property, and the property that they showed us and the direction they would be shooting was into a dirt hillside. And even Chief Deputy Williams was with us, too, so there was really three of us out there and they did not show us in any way that they were going to be shooting in an unsafe manner towards any house. That is the only way so that we, as Commissioners, have in this. And that's the state statute. So I've tried to tell different ones that I've talked to and they've showed me that same letter, and it is the letter that I signed. But that is not giving permission. They didn't have to ask me for permission. All they did was said, would you go out and look at this and see if you think it's safe if we shoot that direction. And that's what me and the Sheriff did.

Larry Goble: Okay, and, you know, I mean, six months ago this was the quietest neighborhood that I've ever lived in and I'm 50 years old. In six months, these people have moved in at 5911 Broadway, they have a motorcycle track behind my house, I mean, it's incredible.

President Mosby: I did go down Saturday and had a very long discussion with the person that owns this property and this will probably be the first and only one he'll do. And it's like I told him, I couldn't stop him from doing this because, I mean, I don't own that property. He has a right to do with it what he wants. And they have a right to discharge a firearm in the county. I mean, if he wanted to sit back there all day Sunday and just shoot his own gun up in the air, he could.

Larry Goble: I understand and I can do the same thing on my property with his kids out there riding a motorcycle up and down –

President Mosby: But I did have a long discussion with him about this and about the motorcycles and about the four-wheelers and other things that are happening in that area, and that I had talked to the Sheriff about it.

Larry Goble: Commissioner, we have a lot of children. This gentleman right here has three and, I mean, they were setting up their rope Saturday and they shot six, seven times. Our dogs are going crazy. I mean, we feel hostage. I mean, for six months since they started this motorcycle stuff and now the spot shoot, what's next?

Commissioner Mourdock: Excuse me, sir. Let me ask you a question. Both of you

have referred to they. Are we talking about some –

Larry Goble: Amvets, sir.

President Mosby: Amvets, American Veterans Post 84.

Larry Goble: And I have no problem whatsoever with the Amvets, I have no problem with spot shoots, I've been to many myself, but this is not a location for a spot shoot. Dogtown, spot shoot. Campbell Township, spot shoot. But, I mean, their letter reads that, their letter reads that they:

“Amvets Post 84 is a veterans organization located at the corner of Broadway and Barker Avenue. Our post has been in existence since 1982. For ten years, we have held spot shoots in Posey County.”

Go back. I mean, that's my, that's my feeling.

“Due to the distance and monetary reasons, we have decided to look at other locations. In ten years, we have not had a single incident that harmed someone. On Sunday, November the 4th...”

Da, da, da, they're going to have it at this location. That is the letter that was given to all of the, not all, but the residents on our neighborhood. And I have two people in Carroll Subdivision where we live, that did not sign this petition, and they were not home. So, I mean, I would think that that would stand for something. I mean, we're totally against it.

Commissioner Mourdock: Let me, –

President Mosby: And really, I mean, it's like I said and I've told several people, we don't have a vote here tonight. I mean, it's not something that we get to vote on. So, I mean, I took it upon myself to go down and have a discussion with them. Truthfully, you received that letter because it was on the advice of me and the Sheriff. They did not have to send that letter out. They did not have to walk around and knock on any doors. We asked them to do that as a PR thing to them, because, I mean, it reflects back on them.

Larry Goble: Would these pictures matter, Commissioner? That I can show you that they're –

President Mosby: I still can't take a vote, but –

Larry Goble: See this house right here? That's on Broadway Avenue. And right there is – I'm standing at post 23 or 22 this morning with my camera, right up the hill at Broadway Avenue. I have another picture that they're going to shoot right toward their neighbors house, one of those with the arrow on it, that's their neighbors, the roof line of their neighbors house, that lives to the left of them.

President Mosby: If they're not shooting in a direction or a manner that they showed me or the Chief Deputy or the Sheriff, then somebody would have a right to call, because the state statute does say “in a safe manner.”

Commissioner Mourdock: But let me jump in on that one, David. And Phil, please

jump in, too. Amvets just recently acquired this property.

Larry Goble: No, no sir. This is a privately owned nine acres, I understand, nine acres privately owned by a member of the Amvets.

Commissioner Mourdock: Okay, so the Amvets is using it, and they're going to use it for a fund raiser, I presume. It seems to me the greater question you have, and David is exactly right, this is not something we can sit here and vote on tonight, but it seems the greater question, to me, is one of land use, not necessarily second amendment rights of shooting a gun on your own property. Certainly, we all have that right, but the question I would put to you, have you spoken to anybody in the Area Plan Commission about this?

Larry Goble: No sir.

Commissioner Mourdock: Okay, I would suggest you talk to them because depending on what land uses are out there, it may, underline the word may, preclude them from doing something on a fund raising basis like this on that particular piece of property.

Larry Goble: I mean, our concern is not the fact that they're going to have a fund raiser, I mean, if they had it at Dogtown, I might go to it. But my problem is the safety factor, the noise, we have a grandson. I mean, I'm sure he'll be able to take -- he's four months old -- I'm sure he'll be able to take a nap Sunday afternoon if he comes over.

Commissioner Mourdock: And those are the issues that the Area Plan Commission deals with, which is why I'm why I'm saying, I think you need to go to them. And I don't know what their answer is going to be, but it seems to me, that's the only real, that's the strongest argument you have at this point.

President Mosby: And I did ask a couple of people that had called me to do that. I gave them the name of Barb Cunningham and Bev Behme, and I said, you know, if there is something there under the Area Plan that I don't know about, and I'm not saying that I know everything, so I mean, there easily could be something there that I've never been familiar with. I asked them to call Barb or Bev, either one, and ask them about this whole situation. The comment that I made is, you know, that the three of us could not.

Commissioner Mourdock: Right.

Larry Goble: Well, you know, I mean, I've lived in Evansville for 25 years and this is, I mean, I've been to County Council meetings or City Council meetings and I've just, you know, had to come voice my opinion. I don't know where to go. I've called everybody, Dave's called everybody that we can think of to get this stopped.

President Mosby: And the ones that I talked to the other day, I told them they had a right to come here tonight and they could speak under, you know, the last thing on the agenda here, so I mean, it's not a problem that you're here.

Larry Goble: -- my good friend, Ron Pike, --

President Mosby: And Ron come down and had a long conversation with me.

Larry Goble: – the guy that he was talking about was, you know, Ron comes to my house a lot –

President Mosby: He told me that, and so, I mean, I told him, I said, you know, he can come down Monday night. And Ron understood what I was saying.

Larry Goble: Sure, and I understand that we have a right, but I mean, and I have a gun permit, I have pistols and these kids are out there riding, and the last thing I would ever do was discharge a firearm in my backyard because of these kids, you know. And they're going to do the same thing to us.

Commissioner Mourdock: Yeah, and again, the firing of the gun isn't the issue in the sense of what this board can do, but it may be under what APC can do. Sir, did you want to – state your name.

David Kitzsinger: My name is David Kitzsinger, I live at 5816 Sarabeth Lane, next door to Larry Goble here. I did talk to the people down at the Area Plan Commission, they told me that they could not move any quicker than November the 15th. These two spot shoots are going to occur on November the 4th and November the 11th. So this would be after the fact. And it's not going to do us a bit of good to try to stop it if it's on the 15th, the meeting, that is. And we were just hoping we could get a little satisfaction here. Like Larry said, this is a highly residential area, lots of kids. Kids are going to be held hostage on that street. And Larry also made a mistake about the yardage. It is 95' from my back door to that guys' property. Not yards, but feet.

Larry Goble: I said it was a hundred yards, Dave, from my back door to their first post where they're going to shoot. That's what I said.

David Kitzsinger: Well, the target.

Commissioner Mourdock: Would you restate the address for the property where this is going to go on?

Larry Goble: It's 5911 Broadway Avenue.

David Kitzsinger: Like I say, it's 95' from my back door to their property and it's approximately another 30' to the shooting line.

Larry Goble: You know, the other concern I have, where are all these people going to park?

David Kitzsinger: Yeah, there's no parking over there. The way they've got this set up, –

President Mosby: And that is something we refer to in the letter. I mean, that's their responsibility. The Sheriff explained very thoroughly to them that if they were blocking the street on Feldstead or Broadway. They he would have to remove the cars. So it's in that letter that they need to come up with their own parking plan. That's, you know, not for us to do. So that's why it was specified to them when we looked at this, you know, we tried to specify everything that we possibly could when they requested us to come up and see if this was a safe matter, not that they needed our permission, but you know, would you look at this. So, we looked at the

direction, we said yes. We asked them, where are you going to park, we told them it had to be off the street, we would not tolerate Feldstead Road being blocked –

David Kitzsinger: Or Sarabeth Lane.

President Mosby: Or Sarabeth Lane or Broadway. We immediately said that. You need to get them off the – that's going to be your responsibility. If they violate that, the Sheriff can go out there Sunday at 1:00, and I mean, he can tag a car and tell them to tow it, if they can't find an owner. But that is expressed in that letter that you've got that –

Larry Goble: Isn't that a hassle that I should never have to go through?

President Mosby: Well, it's a hassle we shouldn't have to go through either, but, I mean, we do at times.

David Kitzsinger: Well, what is the state statute you're talking about? I haven't seen it.

President Mosby: State statute says you can discharge a firearm in the county.

(Inaudible – several speaking at once)

David Kitzsinger: – we could all go out in our backyards with a gun –

President Mosby: If you read it, it says "in a safe manner." So, I mean, that's where you have to return to.

Larry Goble: Don't you think that it's time for the world or whatever to grow up to this? Because like I said, where we live is more residential than where Kuester Field is, which is in the city limits.

David Kitzsinger: Technically, we're in the county, but it's a residential area, and it's probably more residential than a lot of the city neighborhoods are. I can see people in the city shooting guns, just like out in our neighborhood. It doesn't make any sense.

President Mosby: Well, it doesn't state anything but city or county. So, I mean, we have no other way of making a determination. I mean, we could –

Commissioner Mourdock: Let me add one thing to that, though, with the word determination, the answer that you received, Mr., is it –

David Kitzsinger: Kitzsinger.

Commissioner Mourdock: Kitzsinger. The answer you received is, forgive me, kind of a bureaucratic answer, in that what Barbara was telling you is, the next meeting of that board will be on whatever the date was. The followup question that I will ask her and I suspect the other two Commissions may do as well, is what are the current zoning issues for that particular property? And we'll try to at least figure that out. And if, underline the word if, if, in fact, the current zoning out there might preclude this, then I'm certainly willing to, again, try to put my name on something and send it out there.

David Kitzsinger: And we're also concerned about the noise, we're also concerned about the environment, their pumping lead into the hillside, the rain is going to cause the draining, it's going to come down into the creek that runs across the property line, there's got to be an environmental impact.

President Mosby: And I tell you the reason I referred to this, Commissioner, the only reason I refer to this and I don't know of anything available, is because when we went through this over in the City Council when the Haymakers, Riverbend Association, was trying to buy the ground on Tekoppel Avenue, it was part in the city and part in the county.

Larry Goble: And they tried to have a shoot there?

President Mosby: Well, and the one thing that the neighbors up there said is, we don't want any spot shooting. There is nothing under County law that forbid them to do that, so through negotiations with the attorney for the Riverbend, we negotiated that in a UD, Use and Development. And that's the only reason that they couldn't do it. If it hadn't been for the Use and Development Commitment, Riverbend Association could have bought the ground and the 2.3 acres that was in the county down by the railroad tracks, they could have had spot shoots. And there was nothing to forbid it. That's the only reason I'm saying, to my knowledge, because I had that scenario hit me over in the City Council and we negotiated with all the neighbors over at St. Agnes School when their attorney was (inaudible). So I don't believe there is anything, and if there had of been, I believe the Area Plan would have stepped forward at that time and said –

Larry Goble: I'm going to call everybody I know because I'm going to fight this thing to the end to get it stopped because I don't think, I don't agree with you that this will be the only two that they have.

President Mosby: I just had a long conversation with them and told them it was in their best interest that they didn't do it, and I believe since probably what they kind of stated is they had some advertisement out that it would probably be the first and last one they did. And that was just Saturday around noon when I had a conversation with them.

David Kitzsinger: It says a west side organization –

President Mosby: I went up to express your interests –

David Kitzsinger: – westsiders, and I know for a fact that you know a lot of the people that's going to attend this shoot –

President Mosby: I know quite a few of them.

David Kitzsinger: I know a lot of them, too.

President Mosby: And I went up and expressed your interests and the two or three other people and explained to them that Ron had come down and talked to me about it. So they are very aware of your feelings.

David Kitzsinger: Do you personally plan to attend this spot shoot?

President Mosby: I don't think so. I mean, I haven't to this point.

Larry Goble: Well, anything that you can do to help us out would be greatly appreciated.

Commissioner Mourdock: Can I get your phone number?

Larry Goble: 421-8786 and my work number, which you can call me at any time is 838-0370 and just ask for Larry Goble. My name is spelled G-O-B-L-E.

President Mosby: No E?

Larry Goble: G-O-B-L-E.

President Mosby: G-O-B-L-E, okay I work with (inaudible).

David Kitzsinger: Okay, my telephone number is 423-2406 and let me make a correction on that. I did not personally talk to Barb Cunningham. I talked to somebody else in the office.

President Mosby: Okay.

Larry Goble: (Inaudible)

President Mosby: If you would, present it to her for the record, so we have it as part of the record for this meeting. Thank you.

Catherine Fanello: So is someone here going to follow up with a call to Area Plan?

President Mosby: Is there any other group or individual wishing to address the board?

John Stoll: County Engineer

President Mosby: Department head reports, is the County Engineer in? There he is.

John Stoll: The first item I've got is a request to reject two counter-offers we have received on two right-of-way parcels for the University Parkway project. The first is on the Hartig parcel. Bernardin Lochmueller has informed me that the counter-offer that we have received on that parcel is \$65,934 and the original offer was \$40,300. And with that much of a discrepancy between the two, it's recommended that that counter-offer be rejected.

Catherine Fanello: Counter offer was rejected?

John Stoll: For the Hartig parcel.

Catherine Fanello: Is that the one we talked about the other day?

John Stoll: That's one of them and the Waters parcel is the other one. On the Waters parcel, the offer was \$83,600 and the counter offer was \$133,500, and it's

recommended that one also be rejected.

Catherine Fanello: I'll make a motion to reject.

Commissioner Mourdock: Second.

President Mosby: Motion and a second to reject. So ordered.

John Stoll: The next item I've got is also on the University Parkway project. This is on parcel #36.

Commissioner Mourdock: Excuse me, John.

President Mosby: We're going to have to – can we ask you all to step out in the hall? We can't hear him.

Unidentified: I'm sorry.

President Mosby: That's okay. No, we don't mind you talking.

Commissioner Mourdock: The acoustics in this room have never been very good and we can't do two conversations at once. So, thank you.

President Mosby: Okay, what was you on now?

John Stoll: The second item is also on University Parkway. This is parcel #36 owned by Jordan. The original offer on this parcel was \$500, and doing the right-of-way research, it was found that there was no document of right-of-way, so to correct that, the offer has to be upped by \$261 for a grand total of \$761. It's recommended this administrative settlement on that parcel be approved.

Catherine Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is in regard to the Vanderburgh Industrial Park Railroad Spur Project. On the plans that we had out for bid, it showed several runs of pipe all being done by others. The pipe totals up to be about 800' of pipe. In every case, it shows that the pipe was to be done by others and you can see the note repeatedly shows up here. The ones that are highlighted in yellow are the ones that are actually going to be required underneath the railroad spur and then the one that is highlighted in green actually runs parallel to the railroad spur. The recommendation I would have is, in order to keep the project progressing, hopefully on schedule, that we change order the pipes underneath the tracks into our contract and that amount is \$18,386. And then the Industrial Foundation would need to be responsible for the run of pipe shown over here in the green, and that would be based on the price that the contractor on the job gave us. It would be \$20,253. I would recommend that we even do the ones underneath the tracks, but I think that's probably about the only way it's going to get done in a timely manner and try to keep our project on schedule to get done by January 31st.

Catherine Fanello: Should we really be paying for the –

John Stoll: No, the way it was drawn up, it was supposed to be done by others, whether others meant the Industrial Foundation or the developer of the plant, I'm not real sure. But I talked to –

Catherine Fanello: I was going to say, did you talk to the Industrial Foundation?

John Stoll: I talked to Evan Beck with Woodward, and he said that was not part of their contract. I left a message with Bruce Stallings at the Industrial Foundation and he – I've never had to talk to him. He called back and left a message saying he was aware of the pipe situation. They were supposed to have a meeting to discuss it and that's kind of where it stands from the Foundation side of things. The only problem we've got is, since these are all underneath the railroad is that it's class 5 pipe, which M & W does not keep on hand, so there's a lead time in getting that pipe made and that's the biggest concern I'm trying to make sure the project stays on schedule.

Catherine Fanello: Are you saying we eat all this cost?

John Stoll: Since the change order, the way the change orders are set up, it would be a third county, a third the Foundation and a third Graham Packaging. So we wouldn't have all of it but we would have \$6,000 of that \$18,000.

Catherine Fanello: Is there any way to approve this subject to you – I think the Industrial Foundation should pay for all that, personally.

John Stoll: I would agree. Could we approve it, –

Catherine Fanello: We could maybe approve it. I don't know how you feel about it but,...

Commissioner Mourdock: I don't disagree with your thought there, I just don't know if we're going to tell them to eat the cost, is there anything for us to do other than to send them a mean-spirited letter saying, eat the cost?

Catherine Fanello: Or ask them politely to eat the cost? Please eat the cost.

John Stoll: I can run that past them. There again, the only concern is trying to keep the project on schedule.

Commissioner Mourdock: But again, state the reason why this is before us tonight. We started out with one project. Something has changed. What has changed?

John Stoll: All these pipes that are highlighted are shown as being done by others.

President Mosby: – rail spur, but these pipes are going underneath of it.

Commissioner Mourdock: But the phrase, to be done by others, obviously, that's where the ambiguity is here, that was never clarified.

John Stoll: Right, and I've got a letter that I'll submit for the record here from Koberstein Trucking that, because of all the unsuitable materials they've already

encountered over there next to the interstate, they're already feeling that they're two weeks behind schedule. So the only reason I brought this here is to try and keep this progressing ahead and I agree with all of you that the bottom line is this is not a cost that's Vanderburgh County's problem. But I don't know how we can keep the project moving ahead without trying to take some sort of action. I don't know if there's any way we could approve it and then retroactively bill them.

President Mosby: That's what I'm thinking.

Catherine Fanello: What, David?

President Mosby: Let's it approve it and bill them for it.

Catherine Fanello: I'm agreeable to that most definitely.

President Mosby: Bill them 100%. I mean, I don't think this is something –

Commissioner Mourdock: Yeah, I'll move that we go ahead and go forward, issue the change order with the stipulation that we turn around and bill our one third cost to the Industrial Foundation.

Catherine Fanello: Second.

President Mosby: I mean, because I worry about our time schedule. We're on a time schedule out there I think tied to that whole project.

John Stoll: And here's the letter from Koberstein Trucking. They state in the letter that they feel that they're about two weeks behind on the basis of all the extra unsuitable topsoil and other things that they've encountered out there that have had to be dug up and they encountered more again last week. So they're already concerned that they're not going to get it done and I was afraid that if we waited on the pipes, we may not have any chance at all of getting it finished.

President Mosby: Aren't we subject to penalties after January 31st or something?

John Stoll: Yes.

President Mosby: That's what I thought.

John Stoll: The way the contract was set up, the contractor would have a penalty of \$650 per day. His concern is that we've added already \$17,000 worth of extra dirt work and now \$18,000 plus of extra pipe work. And he's saying all these things are putting him further behind, whether or not he can even meet the schedule that we've got with the January 31st.

President Mosby: Okay.

John Stoll: The next item I've got is a letter from the Commissioners to INDOT. This is in regard to a project that INDOT is looking at doing at the intersection of Middle Mt. Vernon Road and State Road 62. This would be at the southwest corner of Lloyd and Middle Mt. Vernon. They've got a small embankment slide that they're looking at doing a project to correct. Commissioner Fanello forwarded to me a copy of the letter INDOT sent. Basically, they were asking for any input from

Vanderburgh County in regard to any environmental impacts of this proposed project and this letter basically says that we're not aware of any environmental impacts, but we would like them to keep us informed on the status of the project, so that way we can keep the residents informed. It's recommended the letter be signed and then sent to INDOT.

Catherine Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: And the last item I've got is in regard to a project where it looks like we'll have to put in a, potentially put in a bridge out on Johnson Lane, just south of Broadway. This is downstream from two bridges that we already have: one is on Broadway and the other one was on Rollett Lane. It's an existing culvert that is in poor condition. It's made of concrete block and timber and I'd like approval for hiring a consultant to do a topographic and boundary survey to determine exactly where all this lies relative to the right-of-way lines and also have them provide us with some hydraulic information to give us some design flows to see what kind of structure we could actually fit back in there.

Commissioner Mourdock: So moved.

Catherine Fanello: Second.

President Mosby: So ordered.

John Stoll: I'll get in touch with some of the consultants and then let you know what prices and time frames might be.

President Mosby: Okay.

John Stoll: That's all I have unless you have any questions.

President Mosby: Any questions?

Ralph Kissinger - County Highway

President Mosby: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. First of all, I'd like to thank you for approving the request for quotes for the vehicles. I'd like to explain what they're for. Two of our foremen are driving very old vehicles and the other one is driving one of the deputy's cars that we converted into a highway car. And they need to be replaced. So I appreciate the fact that you let me go ahead and request those quotes. Also, the paving should be 100% completed tomorrow barring rain. We've got one lane left to put surface on on Old Henderson Road and we will have all the paving complete. We need to put shoulders on Old Princeton Road and the outer section of St. Joe Avenue and all the shoulders will be up date for what we've done this year.

President Mosby: Any questions? Was you able to get with the guy on Harmony Way? I gave you his phone number.

Ralph Kissinger: Certainly. We looked at that. We're going to try to work with the Engineer's Office to see if we can put some more directionals on that curve and there's some striping that I think would help on that curve. And also, I talked to Chief Williams about some traffic enforcement there, too.

President Mosby: Thank you. Thank you very much.

Ralph Kissinger: Thank you.

Phil Hayes - County Attorney

President Mosby: County Attorney.

Phil Hayes: I believe that's all the issues that I have. Thank you.

Tammy McKinney - Superintendent of County Buildings

President Mosby: Okay, Superintendent of County Buildings.

Tammy McKinney: I just need to add one item to the Consent Items. I forgot to put in a request for service for telephone lines to be moved for the additional office position.

Catherine Fanello: Motion to add to Consent Items.

Commissioner Mourdock: Second.

President Mosby: Motion and a second to add to Consent. So ordered.

Gary Hohman - Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. We have nothing to add tonight unless you have some questions regarding our work report that you have presented before you.

President Mosby: No? Anything? Thank you, Gary.

SWCD and Ozone Officer Reports

Commissioner Mourdock: I'll move that we approve the Soil & Water Conservation District and the Ozone Officer reports that have been submitted.

Catherine Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent Items.

Suzanne Crouch: If I may, if the Commissioners would amend the Consent Items to reflect two that I am submitting. One is a grant, it's a renewal of a grant for the Safe Community Grant and that is by the Substance Abuse Council. It does not require signatures of the Commissioners. It's mainly for your information, to pass it through. And then the other item is for training for an employee in the Auditor's Office. This individual is a Systems Supervisor. It is for training that is rather substantial and in the past we have not approved these type of claims because they are pretty out of the ordinary, but there are offices that are now requesting additional training for employees because of the increased demands due to technology. I'd like to submit that to you all and you can either take it under advisement or you can act upon it tonight. But we are trying to send these types of claims to the Commissioners so that you're aware of it and may want to provide some direction to the Auditor's Office and to other offices in the future.

Catherine Fanello: I'll make a motion to add to the Consent Items.

President Mosby: Both of them?

Commissioner Mourdock: Add both?

Catherine Fanello: Uh-huh.

Commissioner Mourdock: Okay, I'll second.

President Mosby: Okay, have a motion and a second to add to Consent. I guess, that's training and not education.

Suzanne Crouch: It's training. It comes under our training line item that's it's paid out of. That is correct. It's not college credit. The only office that currently is paid for their college classes would be the Sheriff's Department.

Catherine Fanello: That's similar to the one that we addressed on Friday.

Commissioner Mourdock: And it's my understanding, the employee in this situation, I guess there's several –

President Mosby: This is not the same one?

Catherine Fanello: No.

President Mosby: So that's why I'm questioning it here.

Catherine Fanello: Well, she has money in her own budget.

President Mosby: See, this is a different one than we addressed. I didn't know if you knew that.

Suzanne Crouch: Yes.

Commissioner Mourdock: Ah. No, I thought it was the same one. Okay, for thank you for clarifying it.

President Mosby: I think we need to hold this and deal with it as we did with the other one.

Catherine Fanello: You mean have her come talk about it or...

Commissioner Mourdock: I can't hear you.

President Mosby: I'm saying we need to hold this and deal with it in the same manner we did the other one.

Commissioner Mourdock: Okay.

President Mosby: Under the same guidelines, is what I'm saying.

Catherine Fanello: Oh, I see. I remember. Okay, when we –

Commissioner Mourdock: If you'll amend your motion, Catherine, to withhold the one for training...

Catherine Fanello: Okay. I'll amend my motion to withhold the one for training...if I can get it all out.

Commissioner Mourdock: Okay, that sounded good, so I'll second.

President Mosby: I just have a motion to amend the consent agenda to add for the grant for renewal. Okay.

Commissioner Mourdock: Okay, we have one other item with the consent items that I would like to bring forward and we have one consent item there from the Highway Department regarding a personnel matter and I would like a motion to withdraw that from the Consent Item file and then, it is a disciplinary action and my recommendation would be, if we withdraw it, that instead of following the request for termination, that we instead implement a ten-day suspension. So I'll put that in the form of a motion to see if we can withdraw for that purpose.

Catherine Fanello: Are we going to have a roll call vote on that? Am I seconding your motion to have a roll call vote or...

Commissioner Mourdock: If you want to do it subject to that roll call, sure.

Catherine Fanello: I'll do it subject to roll call.

Commissioner Mourdock: Okay. And with all the other Consent Items, I would move approval of those then.

President Mosby: So we have a roll call vote to remove...

Commissioner Mourdock: The one personnel item from the Highway garage.

President Mosby: Okay. So I would say, Commissioner Fanello?

Catherine Fanello: I vote no to remove.

President Mosby: Commissioner Mourdock?

Commissioner Mourdock: You're voting no to remove it from the packet, to deal with it separately?

Catherine Fanello: Oh, we're going – I'm sorry. I'm getting confused here. We're going to take it out and deal with it separately? Okay. I'm sorry.

Commissioner Mourdock: That's what I thought we were going to do.

Catherine Fanello: Then yes. I vote yes to remove it and deal with it separately.

Commissioner Mourdock: Okay.

Catherine Fanello: Sorry.

Commissioner Mourdock: And again, I will vote yes or say yes, to pull it out to deal with it separately. And I have a motion for it separately in a moment.

President Mosby: Well, I vote no. So being two ayes, one nay, motion passes.

Commissioner Mourdock: Okay, now going to the rest of the Consent Items with the exception of that one, I move approval of the Consent Items.

Catherine Fanello: Second on that.

President Mosby: I have a motion and a second to approve Consent.

Commissioner Mourdock: Now I understand Catherine wants a roll call on this, but I would move instead of having the termination of the employee from the garage as presented, that we instead implement a ten-day suspension.

Catherine Fanello: You're going to do a roll call vote?

Commissioner Mourdock: Right.

Catherine Fanello: Yeah.

President Mosby: You need to second the motion.

Catherine Fanello: Huh? I vote no.

President Mosby: You ain't seconded it yet.

Catherine Fanello: Oh, I'm sorry. Second.

Commissioner Mourdock: Now the roll call.

President Mosby: Okay, roll call vote. Commissioner Fanello?

Catherine Fanello: No.

Commissioner Mourdock: I would vote yes.

President Mosby: Commissioner Mourdock, yes; Commissioner Mosby, no. Now we have to add it back to Consent Items.

Catherine Fanello: No, it just stands as it.¹

Scheduled Meetings

President Mosby: Scheduled meetings. None?

Old Business

President Mosby: Old Business. None.

New Business

President Mosby: New Business.

Catherine Fanello: I had one real short item to bring up. I didn't realize the meeting was going to last this long, but it's going to take two seconds. We have a contract with our computer services department that expires June 30th, 2002, and I have spoken with Cheryl and Suzanne about the contract, and there is a great need to just extend the contract for six months, not only to aid in reassessment and for Suzanne to close out the fiscal year, but also to give us proper time to get together an RFP, a proper RFP to bid out computer services next year. So I guess...

Commissioner Mourdock: Given some of the dates involved, I'm in agreement. Could we extend it to seven months instead of –

Catherine Fanello: Yeah, seven months, I'm sorry. I did talk to Suzanne about that seven months.

Commissioner Mourdock: So with that motion, I'll second that we extend for seven months.

President Mosby: Okay, so we're extending computer contract for seven months. Okay...

Catherine Fanello: Now that's based on them accepting the seven month extension of it.

President Mosby: Any other New Business? Seeing none, well...

Commissioner Mourdock: Which scout troop do you all represent?

(Inaudible)

¹Consent items listed on Page 59.

President Mosby: Corpus Christie? That's what I was wondering.

Commissioner Mourdock: Very good. Thank you for coming tonight. I hope you found it interesting, if not educational.

President Mosby: We will make you a part of the record so you'll be in our printed records next week, and if you need a copy of that, the Auditor will be glad to supply that to you.

Commissioner Mourdock: And if any of you are here waiting for Drainage Board, we'll start that momentarily here, as soon as we adjourn this meeting. And I move adjournment.

Catherine Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

(Meeting adjourned at 8:15 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (Cum Bridge)	The Centre
County Commissioners	Sheriff Department
County Clerk	

Travel Requests:

Health Department	County Engineer
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Request for Service:

County Commissioners

Health Department:

V.I.P. Cleaning Service

Treasurer:

Submit monthly report.

Auditor:

Declaration of Surplus Equipment.

Submittal of Grant Application: Substance Abuse Council for Sheriff

Sheriff:

Submit weekly reports and jail information.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Shirley James
Craig Burgess	Steve Jones	Larry Goble
David Kitzsinger	John Stoll	Ralph Kissinger
Gary Hohman	Others Unidentified	Members of Media

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and Teri Lukeman.

**Vanderburgh County
Board of Commissioners
October 29, 2001**

The Vanderburgh County Board of Commissioners met in session this 29th day of October, 2001 at 6:02 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for October 29, 2001.

Introductions and Pledge of Allegiance

President Mosby: We have with us tonight; Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. Also with us a new employee of the Commissioner’s office as of today, Patty White who is sitting in the front row. So, if you would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of Minutes

President Mosby: Motion to approve the minutes of the October 22nd meeting?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Advertise for Printing of 2002 Tax Bills

President Mosby: Phil Lawrence. Is he with us tonight? Oh, okay. You’ve changed.

Linda Nalley: I’m Linda Nalley, and I would like to get approval for printing of the tax bills for 2002. I need to advertise them on November 2nd, November 8th and opening the bid on November 19th.

President Mosby: Okay.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Linda Nalley: Okay, thank you.

President Mosby: No problem.

Open RFP for Grant Writer for the Old Courthouse

President Mosby: Phil Hayes, open RFP's for the Grant Writer for the Old Courthouse.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: Motion to direct attorney to open RFP's.

Commissioner Mourdock: For the record, we have two more, Tammy, is that right than we had? Or just a total of two?

Tammy McKinney: A total of two. We had one additional from last week.

Commissioner Mourdock: Okay. I'll second.

President Mosby: I have a motion and a second to direct the counselor to open these.

Open Bids for VC01-10-01: Mill Road Bridge #1360 Rehabilitation

President Mosby: John Stoll, open bids for VC01-10-01, Mill Road Bridge #1360 Rehabilitation.

Commissioner Mourdock: I'll move—

John Stoll: They just need to be opened. I don't really have anything.

Commissioner Mourdock: Yeah.

President Mosby: Okay.

Commissioner Mourdock: Yeah, I'll move we direct the County Attorney to open the bids.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to direct to the County Attorney to open the bids also.

**Permission for the Sale of Properties
Acquired through Previous Tax Sales**

President Mosby: Tammy McKinney.

Tammy McKinney: I would like to ask permission from the Commissioners to sell the properties that the County Commissioners have acquired through previous tax sales.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered to sell properties. Okay. Do we want to go back ,or?

Commissioner Fanello: Do you have anything open yet?

Philip Hayes: No, I'm sorry, I don't.

President Mosby: That's okay, let him have time to open—

Commissioner Fanello: We'll come back to you.

President Mosby: —Grant Writers.

Commissioner Mourdock: Before we jump to that, maybe a question for Tammy too, we don't have a list of those properties—

Philip Hayes: Do you have a list of the properties?

Tammy McKinney: I do have a list in the office, and I can get those for you.

Commissioner Mourdock: Okay, I just, we need to add that to the record. It's not here in the packet, and just to make sure we get it into the minutes for tonight. The list of the properties we just moved.

Tammy McKinney: Okay. Sure will.

Jail Project Contract & Funding
--

President Mosby: Okay. The next item on the agenda was the jail project, the contract and funding and where we stand on that. I believe everybody probably received a letter, same as I did, in their packet dated October 24th, citing the Indiana Code 36-1-12-3.5, which does authorize the Commissioners to sign a contract without funding in place, and there was copy of that also attached to the back of the letter when the public works is proposed to perform and the board determines. So, if there is any questions to this, go ahead.

Commissioner Mourdock: Okay, yeah, I do have just a question of interpretation here. That is that the vendor, United, is agreeable to the terms as stated here, because as I read this, and, again, I think each of you probably read this 20 times, this is a very strangely worded document or statute. But when it says payment of fees solely from the proceeds of bond or assessments, when and if issued, that would say to me that they will be paid when that happens, solely from. So, they would not be reimbursed, they would not be paid until those bonds are sold and the bonds are closed. If they are agreeable to that, then obviously this works.

Commissioner Fanello: Well, in essence, if you pay them, if we pay them now, they would be subject to reimbursement from the bond proceeds. So we could actually pay them from our appropriation now, and then we would get reimbursed back from the bond proceeds. I mean, that is how it usually happens in all bond proceeds.

Commissioner Mourdock: I'm not sure you, I mean, I'm not going to have a prolonged argument here, you'll be glad to know—

Commissioner Fanello: Well, I'm just going, I'm just going off the—

Commissioner Mourdock: When the process is further along, as it has been other times, I agree, that is how it's been done. But that was not done under the auspices of this statute. Just looking at this statute where it says solely from the proceeds, it would seem to me that that doesn't allow for the reimbursement type thing that you are speaking of. The second question this raises to me is this, obviously, applies, as it states, engineering, architectural or accounting services. Is it your read of this that that also covers Construction Management? Which is none of those three things.

Commissioner Fanello: Well—

Commissioner Mourdock: I'm not trying to be an obstructionist. I'm just trying to make sure we do this correctly, so we don't have a challenge—

Commissioner Fanello: I would tend to disagree with that, but I think you are giving it a strict interpretation. Whether Construction Management...it says to employ professional engineering or architectural or accounting services, so I don't know if that loosely means professional services. I don't know if Construction Management, I would assume Construction Management falls under professional services.

Commissioner Mourdock: Clearly it is professional services, but, again, that's pretty specific with the engineering, arch, or accounting, so. I think you need to be ready to address that question regarding the word solely, or if the other option is the second part of that sentence which says, from a special fund or funds to be provided. Again, I think, I think, you are talking about doing this through bonding, so that would scratch out that provision. So, again, it would seem to me, it comes back to the when and if issue language.

President Mosby: I would go to the second line, solely from a special fund or funds to be provided, which is the \$2.7 million that we have set aside somewhere in some account that I haven't figured out yet, but we will determine that one Wednesday when we go to Council and ask for funding. But I would say that right now we need \$610,000 through the end of the year, and it could be taken out of the \$2.7 million, which means the funds are there. We can go for that fund, and we can allot that money whenever the Council wishes, and we can pay it out of that.

Commissioner Mourdock: Well—

President Mosby: And I don't see a problem with that the way this reads.

Commissioner Mourdock: Well, I've presented the questions I think you'll be hearing more of, because I think there is some question. It seems to me you're trying to do two ends against the middle here and trying to make it work, and there are three ways we could go about this, this is kind of, it seems, a hybrid of two of them, and I hope that if the letter of the law is pressed, that we can make it work.

President Mosby: I mean, are you saying we can't pay these funds out of the \$2.7 million?

Commissioner Mourdock: I'm saying that if the \$2.7 million is construed under this as the special fund or funds to be provided, I don't know that that fits the reading of this document, because, clearly, the previous part of this document, when it talks about the limitations and restrictions in the general statutes, the general statutes are referring to the monies in those funds already established. So, this is looking

beyond the general statutes and those types of funds, to go to the bonds or something else, the special fund or funds. So, and as you both will be quick to point out, I'm not an attorney—

President Mosby: You, you—

Commissioner Mourdock: —but that reading is totally (Inaudible. Talking over each other.)

President Mosby: —you've totally confused me on that one, but I will live with that. It was my understanding back in February or March when the Council set the \$2.7 million aside, they said this would be to pay for bonds and fees pertaining to the jail project, and I would tend to say reading this that they are the funds that we are talking about, and they are the funds that we are going to ask for, you know, to be committed to this project. Which, I guess, was the second part of contract and funding, because I did submit a change order, I guess, or a transfer or whatever the very next morning after last Monday's meeting, and it was decided by the Council President and the Council's Attorney that this is not an emergency. So, they are willing to hold this until...we missed the deadline date for their meeting this Wednesday and next Wednesday, so they are going to hold it till the end of November, first of December. They don't feel it's an emergency, and that's fine. Any other comments on the contract funding or whatever?

Commissioner Fanello: Yeah, I have a comment.

President Mosby: That's fine.

Commissioner Fanello: I have a prepared statement that I would like to read. It's basically in response to a lot of the rhetoric we read in the newspaper last week, and I would ask that everyone bear with me while I read the statement.

Commissioner Mourdock: I resent your comment that the jail project is on the road to disaster due to lack of planning. The truth is quite the contrary. The only reason this project is on the road at all, is the fact that you have two new Commissioners this year who are dedicated to seeing this project completed. This project has been in the making for 20 years, and it has cost the taxpayers thousands and thousands of dollars in legal fees due to law suits against this county because past elected officials, and present, chose to ignore our overcrowding situation. There is no lack of planning on Commissioner Mosby's part or mine. Commissioner Mosby and I have taken the necessary steps to hire the needed professionals to get this project off the ground. You say we need a plan. How do you propose to have one if we don't move forward and hire the professionals needed to come up with the plan? You can't issue a bond if you don't know what you are issuing a bond for, and you can't know what you are issuing a bond for if you have not hired the professionals to detail the necessary information. A couple of months ago I met with our financial advisor, Mike Claytor, from Crowe Chizek, Suzanne Crouch, Jim Raben, Lloyd Winnecke, and Royce Sutton to go over the financing options available. Sheriff Ellsworth and Deputy Chief Williams have spent countless hours working with the architects over the past several months to detail a Building Program that will give the architects the necessary information to move to schematic design phase. Now that contracts have been negotiated, our

bond counsel can begin to move forward in bringing everything together to issue a bond necessary for this project. One item remains to be completed and that is site selection. I have spoken with Sheriff Ellsworth and Deputy Chief Williams several times over the past few weeks regarding site selection. This does not mean we have conspired to pick a site without the public's knowledge, as you so suggested to the media this past week. It means that we have begun the process to narrow down possible sites that might be acquirable. It is my full intent to inform the public once we have something to inform them of. At this point there is no news. You have stated that we should not discuss acquiring land in an Executive Session. Discussion of acquiring land in an Executive Session is provided for in the Indiana Code. If we do not initially discuss potential sites in Executive Session, we could lose a substantial amount of control over price negotiation. This is a disservice to the public, because it could unnecessarily cost some additional tax dollars. My desire is to keep the public informed as well as protect the taxpayer's investment in this project. In all of these discussions I have had with the numerous individuals, both county employees and professionals involved in this project, not once have you called our financial advisors, not once have you called our bond counsel, and not once did you call the architects or Construction Manager until the day we were to sign their contracts. One thing remains consistent, you're not putting forth the effort to ask questions of the professionals, you are only criticizing those who are. My call to you is this, work with this Commission and not against it.

Commissioner Mourdock: Well. I don't have the benefit of a written statement, but I will respond to several of those points, Catherine. First of all, regarding the discussion of property in an Executive Session, I think, you misinterpreted what I've stated. Clearly, one of the issues under which Indiana Code can be discussed in an Executive Session, is possible purchase or leasing of land. It is appropriate to do it there, but my greater point is these are public dollars and I think there needs to be some discussion publicly about where the potential sites might be. As far as involvement as the minority member with the discussions with counsel, the other professionals that have been involved with this, I'll simply say once before I've been involved with a process like this, where there was a large building property or project going on. Ironically perhaps, at that time I was also the minority member of this council, and at that time I was actually given documents ahead of time, something more than the day before a vote was to be taken, so that my input was solicited and readily accepted. So, you have kind of a tight rope to walk when you are the minority member, because you don't want to be seen as the obstructionist, and yet you do have the role to play to continue to challenge everyone around you to make sure the best decisions are made, and consistently made with the public's total interest at heart. So, that is what I've done. That is what I'm going to continue to do. My comments regarding the plan come back to...I mean that's a big issue, the word plan. You know, we have a bulletin board that is sitting behind you that on the first meeting of this year, I suggested that this board do what we have done for the last four years, which is to have each Commissioner put his name on the top of the board and decide what those goals and objectives are for that Commissioner for the year. It was said that would happen. Three weeks later I brought it up again, at this point the board is no longer in a prominent position, it is hidden behind some others, but my name is the only one on there with any goals and objectives for the year. You know, I think we need to state what our plans are, and make them public. When you do that, it isn't just about risking that something will change along the way, it's

about putting the plan out there so everyone can take a shot at it, and that's a good thing, it's not a bad thing. It's not a bad thing for people to criticize what the plan is, because that is how we bring more thinking into the process. It gives the Council a chance to do it, it would, hopefully, fill this room a couple of times with the public with the chance to do it. So, absolutely, we need a plan, and whenever I see any kind of process proceeding without the lack of a clearly defined plan, I do worry. In that sense, I see that we haven't built the coalitions across county government that we need to make this the kind of project that I would like it to be. I would hope that would change. I intend to keep working to get as much information out there as we can. I am not an obstructionist. Your comments about this thing that, oh, this has gone on and nothing has happened, hey, we were working on this project a long time ago, we had a process in place, we were working forward, you inherited much of it, you decided not to go with the recommendations that I made and the Sheriff made last Spring, that's your choice. But to suggest there was nothing happening is totally inaccurate.

President Mosby: Any other comments?

Commissioner Fanello: I would have a couple, but I won't drag it out and keep on dragging it out. I appreciate your comments, but, yes we did inherit this problem, and if there had been a lot of work done on it before, I wouldn't be sitting here doing it right now. So, we are at a point where things are coming to a head and we have to move forward, and it's necessary for everybody to work together. I don't see that happening right now, because people don't want to take the initiative to work together. So, I am just asking that everybody come together. I don't mind, you have a perfect right to criticize, we all can criticize each other at any given point, but there are different degrees of criticism and there is a difference when you are criticizing or you are playing politics, and I saw a lot of politics being played last week and I just want to say it is time to move forward.

Commissioner Mourdock: Disagreement is not about politics as far as I'm concerned. Disagreement is about what it takes to make this board function the best we can function. You know, I, yeah I can criticize, but I've also been known, excuse me, I've also been known when sitting at this board to offer some compliments. I've taken a lot of heat within the Republican Party at times for complimenting Democrats as I've sat at this board. So, I can do both. Whatever it takes to make this project move forward, I will do, I will continue to do, and the idea that this is "about politics", I think, is ill-centered, to put it mildly. This is about getting the best we can for the taxpayers.

Commissioner Fanello: And that's my whole goal.

President Mosby: I will reiterate, it's my goal to work with the County Council, but I also think it's the County Council's goal to work with us. I took offense to, I guess, Chuck Leach's article, and he said he gets his reporting from Susan Taylor, you know, on what he writes, but when it was said that we do not work with the County Council, we do not inform the County Council, and we do not keep you informed, I totally disagree with that. Earlier in the year, I believe, back about January or February when we went to the County Council and tried to give them a mechanism for funding, it was the County Council that voted along party lines to deny that. And Dennis, Representative Avery, had the bill written that would have given this county the funding for all they needed to pay this jail off probably in about ten to 12 years, but that was not accepted, and that's fine. The County Council also sits in here the day we talk about we are going to take proposals on the jail, and they will have an

input, and there is three or four Council members in the audience that night when we said the Council would have input, then the Council President steps up the night we are going to do proposals, or narrow them, and says we know nothing about it. Now if three or four of them can't relay messages back and they can't get the word, but they want to blame us for not working with them, so be it. But I still think a lot of that is politics, and I will stand by that too, but that's not a problem. Any other questions or comments? If not, we can move on.

Revisit RFP for Grant Writer for Old Courthouse

Philip Hayes: (Inaudible. Mike not on.)

President Mosby: Okay. Let's go back and do the RFP Grant Writer.

Philip Hayes: There were two submissions--

Madelyn Grayson: Phil, will you put your mike on, please?

Philip Hayes: There were two submissions received on the proposal to the Commissioners on Grant Writing for the Old Courthouse preservation thereof. One is a proposal submitted in multiple copies by Visions LLC, and the second is by Community Solutions, by it's President, Lena Hackett. There are no sums of money that are set forth in either of those proposals.

Commissioner Mourdock: I'll move that we take them under, oh, I'm sorry.

President Mosby: What was the second one?

Philip Hayes: The second one is Community Solutions, by it's President, Lena Hackett.

Commissioner Mourdock: Move that we take them under advisement.

Commissioner Fanello: Second.

President Mosby: Okay. Motion and a second, so ordered.

Revisit the Opening of Bids for VC01-10-01:
Mill Road Bridge #1360 Rehabilitation

Philip Hayes: We've completed the bid opening on VC01-10-01, which is Mill Road Bridge #1360 Rehabilitation. The bids received are:

CCC of Evansville, Incorporated	\$163,865.17
Gomen Asphalt and Construction, Inc.	\$210,207.00
J.H. Rudolph and Company	\$196,263.28
Deig Brothers Lumber & Construction	\$183,462.00
Southwest Engineering, Inc.	\$155,682.50

Commissioner Mourdock: Could you read the figure again please?

Philip Hayes: Yes. That's \$155,682.50. Southwest Engineering, Inc., yeah. That's the total of bids responding on that project.

Commissioner Mourdock: I'll move we take bids under advisement for review by the County Engineer.

Commissioner Fanello: Second.

President Mosby: Okay. Oh, Okay, yeah. Okay, so I have a motion and a second to take bids under advisement. So ordered. Do board appointments now?

PTBOA and Pigeon Creek Greenway Board Appointments

Commissioner Fanello: Yes, I have one—

President Mosby: I think she has a couple of board appointments.

Commissioner Fanello: —to make. This is for the Property Tax Board, Jim Knauff of Gore, Knauff Research and Associates. I would like to make a motion to appoint him.

Commissioner Mourdock: Which position is he filling? Or who?

Commissioner Fanello: That was Ossenberg—

President Mosby: Yeah, Tom Ossenberg.

Commissioner Mourdock: Alright, I'll second.

President Mosby: I have a motion and a second to do Jim Noss?

Commissioner Fanello: Knauff.

President Mosby: Knauff.

Commissioner Mourdock: K-n-o-f-f, I think.

Commissioner Fanello: K-n-a-u-f-f.

President Mosby: Did we want to do Greenway?

Commissioner Fanello: Did you have recommend...anybody have any recommendations on that? I was fine with Shirley's recommendations—

President Mosby: Yeah, Shirley had two recommendations.

Commissioner Fanello: —last week.

Commissioner Mourdock: One from Vectren, one from Mulzer, I think.

Commissioner Fanello: Ken Mulzer, wasn't it?

President Mosby: I had it wrote down last week, and I forgot to bring it with me. I can't think of the names.

Commissioner Fanello: I think, I think it was Ken Mulzer, from Mulzer–

President Mosby: Ken Mulzer and somebody from Vectren.

Commissioner Fanello: –but I don't remember the name from Vectren.

President Mosby: We can do them next week. We'll get the...unless we just want to do it off the record of last week? Go ahead and appoint them. We know the names. Here we go. Brett Mulzer is from Mulzer and I'm still looking for the other name in here.

Madelyn Grayson: Ron Jordan.

Commissioner Mourdock: Yeah, that was it, Ron Jordan.

President Mosby: Yeah, Ron Jordan. Mr. Ron Jordan.

Commissioner Mourdock: Yeah, I'll move the appointment of Ron Jordan from Vectren and Brett Mulzer from Mulzer Materials.

Commissioner Fanello: For the Greenway Board, second.

President Mosby: Okay. I have a motion to put Brett Mulzer and Ron Jordan on the Greenway Committee. Motion and a second, so ordered.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Okay. Any other group or individual wishing to address the board? Okay, I have two. Go ahead, Rob.

Rob Faulkner: I'm Rob Faulkner, the Assistant County Attorney working with Ms. McKinney on the Commissioner Sale. One thing, one more thing we need to do on that, we need to get us an auctioneer to conduct the auction. I've been approached by Don Sohn of Sohn and Associates. He agreed to do it. I think Hugh Miller was doing it for about \$1,000, he's agreed to do it for \$750. We just need to–

Commissioner Fanello: What was his name?

Rob Faulkner: Don Sohn. S-o-h-n. Sohn and Associates. That's less than what we have been paying.

Commissioner Fanello: So, do we need a motion to?

Philip Hayes: A motion is appropriate.

Commissioner Fanello: Motion to hire Don Sohn as auctioneer.

Rob Faulkner: For the price of \$750.

Commissioner Fanello: For the price of \$750.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Rob Faulkner: Thank you.

President Mosby: Yes, ma'am.

Marilee Fowler: Good evening. I'm Marilee Fowler. I am the new Executive Director at the Evansville Convention and Visitors Bureau. I wanted to come by and introduce myself to all of you and let you know that I would be very willing to work with you, get to know all of you, and, hopefully, with the efforts of the Convention and Visitors Bureau, we can assist in the economic betterment of this community. So, thank you, and I look forward to getting to know all of you.

President Mosby: Thank you very much. Any other individual wishing to address the board? The Sheriff.

Brad Ellsworth: Good evening, Commissioners. I am Brad Ellsworth, Sheriff of Vanderburgh County. I just wanted to inform you that I did just return from an Alleviating Jail Overcrowding School. That may seem a little moot at this point, but it was sponsored by the American Jail Association. It was called Alleviating Jail Overcrowding: Solutions that Work, and I'm, I guess, more comfortable now than ever, after going with 20 state representatives, or representatives of 20 states that after three days of brain storming about what works, that we need a new jail. With more numbers. We, there is not one thing that came out of this three day seminar that we weren't doing some form of here in Vanderburgh County, and probably a lot more of. There was one thing that they were doing that I don't know if we'll get away with, it was called a hurricane release out of Pinellas County, Florida, and I don't know with the Ohio River if we'll get away with a hurricane release, but I will try that. If it comes up. I don't know if the ICLU will go for that or not. Our numbers, as you know, when we reported to you in the last few weeks have been hovering around 329. We've gone up as high as 350 something in the last week, and we are scrambling at the Sheriff's office to get rid of these people. I'm not here to get in a dispute, but we are in an emergency situation here. The seams are going to burst, and it's going to burst here pretty soon. So, whoever said it wasn't an emergency is wrong, because we are hovering dangerously close to that cap. We are moving them to DOC, DOC is getting sick of hearing about us. The other counties are...we've got pledges to take some, but we are in an emergency situation. I beg of the county and of the Commission and the Council, to work together to come up with these answers and solutions. I'm comfortable with the job we've been doing with the architects. I'm, we've been working, like Catherine said, working very well together in drawing and programming in our end of it. There are a lot of questions unanswered yet. Such as, you know, the other things; furnishings, and some of the things....what this, and I'll do this same thing Wednesday night, is what does \$35 million mean? Is that the jail, the land, the furniture, the new deputies, the employees? We need some definitions on it for us to go on. So, I think it's time that we all get together, the Commission, the Council and decide and define what this is going to be, because it is very tough for the architect to go on under that, or, I mean, what we can expect and what we are, when we are sitting down doing our bubble drawings, what we can expect. Like I said, I'll make this same appeal Wednesday night to the Council, that it's time we get together. Things are going well on our end. We are not in the situation you are about bonds and that stuff, that's not our bag. I appreciate...from my end, things are going well with the architect. Like I said, but we do need to work together, and we are in an emergency situation down there. One thing I will tell you is that when we build this, we are going to increase numbers. That is the one thing they said, that when people got new numbers, people are going to loosen their belts, take a sigh of relief, and put the people in that they think. So,

we can expect the numbers to go up, but it is going to be important that we keep the criminal justice committee, whatever we want to call it, together to try and do those numbers down. Like I said, I'm proud to say Vanderburgh County is doing some version of everything they suggested doing. That's my report for tonight, unless you have a question.

Commissioner Mourdock: A couple of questions, Brad.

Brad Ellsworth: Sure.

Commissioner Mourdock: With us bumping the 350 number and 340 number, what's changed? I mean, I look at the sheet Eric gave us earlier this evening and, obviously, we had quite a run through this Spring, Summer, as we have the last couple of years where we were consistently staying below our voluntary cap that we came back to some time, what do you sense has changed? I know you don't determine who goes in the jail.

Brad Ellsworth: I'm really, and we've got a few more misdemeanor sentenced people in the jail than what we've had. Those numbers have gone up a little bit. We've spoken to the judges about that. It's possibly magistrates. Of course, taking a little harder line over at the Community Corrections Center, since that is under, and putting people back in jail for violations over there has bumped that number up a little bit. Other than that, it's hard to explain what we are creeping up for. It might be a point where the judges are saying, I'm just not comfortable anymore. I won't speak for the judges. I try never to.

Commissioner Mourdock: What's your number over at the Community Corrections right now? Do you know?

Brad Ellsworth: It's right at 205.

Commissioner Mourdock: 205 still there?

Brad Ellsworth: Yeah.

Commissioner Mourdock: Okay. Which group were you with earlier this week, or last week?

Brad Ellsworth: It was the American Jail Association. It was a seminar sponsored by them, called Alleviating Jail Overcrowding: Successful Solutions.

Commissioner Mourdock: Okay.

Brad Ellsworth: We, other than a hurricane release, we are doing a version of everything.

Commissioner Mourdock: You say, they told you we are at least doing a number of things right?

Brad Ellsworth: Everything.

Commissioner Mourdock: Which is what we were hearing back a number of years ago, even with the Blue Ribbon Committee with several of those groups that reported and liked what they saw here.

Brad Ellsworth: Like I said, other than, you know, some jurisdictions states had positions and job titles that we don't have in Indiana. Jurisdictions like judges had different things, but they are responsible for these felons or somebody here, and we are already doing those. Whether that's a bond reduction hearing, there was a state that might have had a bond reduction judge who's sole job was to go through and look at the jail population and reduce bonds. You know, I was talking to the prosecutor yesterday and he was saying, we're doing that here. The judges are doing that in their individual cases, so. I didn't hear anything new that any state was doing that we were not already doing, and probably doing a better job, especially with that relief valve over on Third Avenue.

Commissioner Mourdock: You'll be relieved to know last week, and you may know this already, a court in Indiana said the, another court had erred in giving the Marion County Judge the authority to release people from jail. So you can breathe a little easier.

Brad Ellsworth: Good.

Commissioner Mourdock: It doesn't look like you'll get that—

Philip Hayes: Sheriff.

Commissioner Mourdock: —or the Sheriff, yeah, thank you. That the Sheriff can't release folks, so.

Brad Ellsworth: And there is some doing that, where, of course, it's a court authority down there, they talked about on misdemeanor sentences. Now we have very few misdemeanor sentenced people there, but they were saying that when they get to a certain number, their cap, and they've served 85% of their misdemeanor sentence, the Sheriff has the authority to roll the door open for them, but it's preset in an order and it's a certain number. It's not making that judgement thing. So, you're right. That is good to hear. Thank you all very much.

Roger Madden: Roger Madden, Fathers United. Kind of related to the previous issue, Indiana has released, what, 13 death row inmates? I guess, a good way to prevent your jail overcrowding is to not violate their rights to begin with. Or their rights, the laws or the rights of...as I've told you many times before, 70% of juvenile delinquents grew up in homes without fathers. As I've told you before, Levco says it's not a crime to deny visitation, which is in direct violation of the Indiana Supreme Court paring guidelines. If you remember about three years ago, the lack of enforcement of drunk driving got one of our local cops daughters killed at 41 and Lloyd. So, you know, failure to protect the laws, failure to enforce, failure to protect people's rights, hits everybody. So, there is probably about 18,000 kids in Vanderburgh County that have juvenile delinquency in their future. So, and this article was in the paper Friday, "Students told they can help stop violence". Well, that's kind of like the same thing I've been telling Vanderburgh County for 12 years. Now this is a motivational speaker, made the newspaper, I guess, maybe they are just impressed, but common sense should be impressing people a whole lot more than some motivational speaker.

President Mosby: Any questions? Thank you.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Changed)

President Mosby: Any other group or individual wishing to address the board? Being none. I was under the impression that somebody from the Amvets Post 84 might be here tonight, but if not I was faxed a letter today that I will read into the minutes here:

Vanderburgh County Commissioners: In response to the article; "Spot shoots draw protest", printed in the Courier & Press dated October 25th, the Post Commander and officers of Amvets Post 84 has decided to cancel a planned charity spot shoot at 5911 Broadway Avenue. The officers and members of Amvets Post 84 respect the concerns and opinions of the community and feel that it would be counter productive to sponsor an event in a sincere effort to help the needy folks, but on the other hand may be perceived at the expense of others in the community. Amvets Post 84 sponsors these events in order to collect funds to support programs that provide assistance to the local community as well as veterans throughout the tri-state area. Last year Amvets Post 84 donated over 50 Thanksgiving and Christmas baskets to the needy. These baskets were distributed through the Perry Township Trustee. As of this date this year, a combined total of \$2,000 has been contributed to the VA Hospital in Marion, Illinois, the VA Clinic in Evansville, the Indiana Veterans Retirement Home, Evansville FOP, Christmas for Kids, Hillcrest Home and Reitz High School. We want to express our appreciation to those members and volunteers that worked so hard on organizing and setting up this event. Our special thanks go to Mr. Mosby, County Commissioner, Sheriff Brad Ellsworth for taking their time from their busy schedules to review and analyze the site for safety.

They have cancelled their spot shoot and I am more than happy to say tonight that after long conversations with Susie Scoles down at Dogtown, throughout last night and this morning, that Susie has graciously agreed to let the Amvets go to Dogtown and have their shoot. So, hopefully, all this will turn out to be good, and when I made the comment last week that this might be their first and only shoot, I knew that, you know, they were trying to work something out, and it was a matter that I got a hold of Susie last night, and Susie more than understood the situation and said, rather than being detrimental, as I feel, you know, let's do something to work the solution out, and we have been able to do that. So, as soon as St. Agnes is done shooting, the 4th, 11th and 25th, the Amvets are going to move in and shoot the 25th and the 2nd to be able to do their charity, so. That one will work out for best, and the people, I guess, if we need to we can contact and tell them that this shoot has been cancelled. Any other individuals wishing to address the board? Seeing none. Department Head Reports.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First I've got a letter for the Commissioners signature to send to Jerry Russell at the Vincennes District Office of INDOT. This is to request the driveway on Lynch Road in order to attempt to settle the pending condemnation suit on the Durchholz property. This letter has been reviewed by Phil Hayes and by Joe

Harrison and by Bernardin Lochmueller, and it's recommended the letter be signed, and then we can, hopefully, get this resolved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The only other item I have is I just wanted to let you know that we have contacted some contractors to receive price quotes for repairs to the culvert structure on Boehne Camp Road just north of Middle Mount Vernon Road, and we are requesting that those quotes be submitted for next Monday's meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion—

Commissioner Fanello: I said so moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: That's all I have.

President Mosby: What did we do about the one Johnson Lane?

John Stoll: I contacted Sitecon and I'm waiting for a price back from them on the survey work. So, I'll contact any other consultants that you would like. I just chose them, I thought we might get a decent price out of them since they are a smaller firm.

Commissioner Mourdock: John, with all of the renewed interest in Lake Lloyd a week and a half ago, we had sent a letter off from this board, it's been a month ago I suppose, when we talked about, when Rose Zigenfus came before us and presented a plan that the state wants to raise the Lloyd something like 6' through there. Have you heard any response back—

John Stoll: No, I haven't.

Commissioner Mourdock: —from the good people at INDOT? Didn't think you probably had, but just wanted to ask.

John Stoll: I do know they received it, because when I was talking to Dale Lucas at the Vincennes office in regard to that Durchholz driveway he did say the letter had been received, but that is really the only comment I received back from them that they acknowledged they got the letter.

Commissioner Mourdock: Okay. We will wait, and wait, and wait, I'm sure.

President Mosby: Any other questions? Thanks, John.

John Stoll: Thanks.

Mark Taylor: County Highway

President Mosby: County Highway, Mark. I believe Ralph is on vacation this week.

Mark Taylor: Yes. Good evening, Mark Taylor, Vanderburgh County Highway. All I have for you is our weekly schedules and reports. If there is any questions.

President Mosby: I don't have any. I guess, we're done paving right?

Mark Taylor: Yeah, we're 100% done--

President Mosby: We've finished up everything?

Mark Taylor: --now, yes.

President Mosby: Okay.

Commissioner Mourdock: And since we are 100% done, the several, what did you have, three Council requests going up this week for some road repairs? Is that right?

Mark Taylor: I'm not really sure about that.

Commissioner Mourdock: Or do you know?

Mark Taylor: That would be Ralph.

Commissioner Mourdock: I presume those were excluding anything to do with paving, because Ralph said last week when he was here that we were done with paving.

President Mosby: Right. I thought we had finished up.

Mark Taylor: We completed on Old Henderson.

President Mosby: Okay.

Mark Taylor: So, do I got any questions?

President Mosby: No questions or comments?

Mark Taylor: Okay.

President Mosby: Appreciate it.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: No report.

President Mosby: No report.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: No report.

President Mosby: No report.

Steve Craig: Burdette Park

President Mosby: Burdette Park. I seen Steve back there.

Steve Craig: Steve Craig, Burdette Park. All I have is my work sheets for the week.

President Mosby: Okay. Any questions or comments of Burdette Park?

Commissioner Mourdock: No.

President Mosby: Thank you, Steve.

Steve Craig: Thank you.

Soil and Water Conservation District

Commissioner Mourdock: Soil and Water Conservation District, I think, Commissioner or Councilman Hoy had something here.

Phil Hoy: I'm Phil Hoy, member of the County Council. President of the, or Chairman rather of the Soil and Water Conservation District Board. Wanted to give you the first report from our new employee. This week, or this month you will not have a report from Mr. Wathen. He has been on vacation. He was way overdue on vacation days. We have something sad to report. The daughter of, one of the daughters of Mrs. Bittner died and she has been on bereavement leave, and was back in the office today. The Board does meet tomorrow night and we have a real full agenda. We are looking at some exciting things which we will report to you as we go along. Under the Clean Water Indiana Act, the Highland-Pigeon Watershed is one of two watersheds in the whole state that have been awarded extra money under that act, which will give us some incentives to help clean up the water in our area, which we are all very excited about. The report I gave you is from Norma Granderson. Norma, if you would come up please. I asked Norma to come tonight so that we could introduce her to you. This is her report. We've kept her real busy with Mr. Wathen being out of the office and Mrs. Bittner being out of the office, but she's been in on a number of training sessions. We have made connections with the Indiana Department of Natural Resources, Mr. Lynn Miller, has been training her on what we call Rule Five, which has to do with erosion and sediment, which is what our department is about. So, she is here if you want to ask her some questions. Or if you want to make a comment, Norma. You don't have to make a speech.

Norma Granderson: I don't have to make a speech?

Phil Hoy: No.

Norma Granderson: Hi. It's great to be here. I would be glad to answer anything that you might want to know about what I've been doing.

Commissioner Mourdock: Norma came on board, I guess, what about the first of August?

Norma Granderson: The middle to the end of August.

Commissioner Mourdock: Yeah, and has a background in Biology, I think.

Norma Granderson: Yes, and (Inaudible).

Commissioner Mourdock: Previously worked with Evansville EPA, so. Just one question, and this is for either one of the two of you, but your comment about Rule Five, and you mentioned the thing about the Pigeon-Highland Watershed, the only other one in the state that qualified, I noticed, was the Tippecanoe River—

Phil Hoy: That's right.

Commissioner Mourdock: —which is always seemingly on the forefront of this. So I think that puts us in good company, but the second part, I saw something about we would receive something like \$65 from the state if, in fact, we were using our folks for the Rule Five requests? Is that right?

Phil Hoy: Yes.

Commissioner Mourdock: Per request?

Phil Hoy: The board is going to be working on that, and what the state wants to do is to reduce the application of Rule Five to plots as small as one acre, rather than plots as small as five acres. That's a major change. So, we are trying to gear up for that. We, I think, need to have some conversations with you all about who you want to assign it to. It is the Commissioners choice as to where to make that assignment, but it will be a major change. One of the things we are doing with Norma is, as I mentioned a while ago, is giving her training on Rule Five, and I should have mentioned not only with Mr. Miller, Lynn Miller, but also with Mr. Wathen. In fact, the board met, we set up a program for training for Norma, and we had vacation time for Mr. Wathen and we thought that would be okay and then we had the bereavement time for Mrs. Bittner. So, Norma has been wearing a lot of hats.

Commissioner Mourdock: Yeah.

Phil Hoy: But she has begun that training, and is well involved in it.

Commissioner Mourdock: The upshot for the Soil and Water Conservation people, and indirectly this board, is as we go from that five acre requirement down to one acre requirement, it's greatly going to increase the work load for all the permitting and site inspections, so.

Phil Hoy: Indeed it is. Yes, yes. You are absolutely right.

Commissioner Mourdock: We'll hear more of that.

Phil Hoy: So, we will keep you abreast of that as best we can, because some of those guidelines...we've had, I can't think of his name now, down from the state—

Norma Granderson: Randy Brown.

Phil Hoy: Thank you. Randy Brown has come down and has met with the board, and gone over some of those details, but it is a major, major change, as you can imagine. Going from sites of five acres down to sites of one acre.

Commissioner Mourdock: One last point, and you may be aware of this, Norma, but I got memo the other day from Evansville EPA and also, I think, it's an interested bystander, JoAnne Alexandrovich. They are doing some things on clean water as well, and I think they are going to have a joint meeting on November 1st or 3rd, somewhere in there, so if you don't know about it, check in, because you may be interested in being there too.

Norma Granderson: (Inaudible.)

Commissioner Mourdock: Okay. You are aware?

Norma Granderson: Mike and I both, I believe, are on that team.

Commissioner Mourdock: Okay.

Phil Hoy: You touched on something too that I think is important, Commissioner Mourdock, and that is, and I apologize I forgot that also. I had some other things that I had to attend to today, and was kind of in a hurry to get here. The good news is all the folks in the county who are involved in, and have an interest in clean water are meeting together, are communicating with each other, and that's the way it should be, but sometimes it's not that way, and that is going very well.

Commissioner Mourdock: Okay. Thank you.

Phil Hoy: Thank you very much.

President Mosby: Any other questions or comments? Thank you.

SWCD & Ozone Officer Reports

Commissioner Mourdock: I'll move that we include the Soil and Water Report and the Ozone Report in the Consent Items.

Commissioner Fanello: Second.

Commissioner Mourdock: I'm sorry. Approve their, not in the Consent Items, but approve them into the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent Items.

Commissioner Mourdock: Are there any additions to Consents?

Commissioner Fanello: No, but I'd like a deletion.

Commissioner Mourdock: Which one?

Commissioner Fanello: Assessor travel request. I would ask that she take it out of her own. It's not a state called meeting, and we're getting towards the end of the year and running low on travel money again, so I would ask that she pay for it out of her own budget.

Commissioner Mourdock: Are we being, and I have no reason to think that we aren't—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —I'm not arguing. Are we being consistent with that? As far as the state called meeting provision?

Commissioner Fanello: As far as I know we are. Is that, I mean, Tammy checks them for all the state—

Commissioner Mourdock: Okay.

Commissioner Fanello: —usually the one's I see that come through on the Assessor they are from, you know, the State of Indiana, and they are state meetings—

Commissioner Mourdock: Okay.

Commissioner Fanello: —but this one is not.

Commissioner Mourdock: It might be wise for us just to put out some memo to all department heads restating that regarding state called meetings. I thought we did too, but that's why I'm making the point to make sure we are consistent.

Commissioner Fanello: I thought we did too, but—

President Mosby: Did we not put out a memo to all the departments?

Tammy McKinney: Lately? We might have like at the beginning of the year, but we haven't done anything lately.

President Mosby: I thought we did the last time we ran out of money.

Tammy McKinney: I don't recall that.

Commissioner Fanello: We can check.

Commissioner Mourdock: Well, I will second the move to pull that one.

Commissioner Fanello: Okay.

President Mosby: Okay–

Commissioner Mourdock: And then–

President Mosby: –(Inaudible. Mike not on.)

Commissioner Fanello: Yes.

Commissioner Mourdock: Then I would move to approve the rest of the Consent Items as filed.

Commissioner Fanello: Second.

President Mosby: I have a motion–

Commissioner Mourdock: You need the mike, David.

President Mosby: I have a motion and a second to pull the one Assessor's item that is in the Commissioner's budget. So ordered. Then I have a motion and a second to approve Consent Items as amended. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Fanello: I think we need an Executive Session. It doesn't have to be a long one, but Suzanne has something we need to take care of in Executive Session.

President Mosby: Okay. I know what you–

Commissioner Mourdock: Do you want to do it next Monday?

Commissioner Fanello: Yes. 5:30?

Commissioner Mourdock: Next Monday, 5:30 is fine with me.

President Mosby: Phil, did you need an Executive Session?

Commissioner Fanello: Do you need any?

Philip Hayes: I don't think anything that would exceed that time. If we have some items that come up this week–

Madelyn Grayson: Your mike.

Commissioner Mourdock: Turn your mike on.

Philip Hayes: –To repeat, if we have any items that come up this week, I think they can be handled in that context.

¹Consent items listed on Page 24.

President Mosby: Okay, the deal that we were talking about then, you don't need an Executive Session?

Philip Hayes: Not at this time.

President Mosby: Okay.

Philip Hayes: I can cover it. I'm going to cover it briefly in the time you've allotted. Half hour will be fine.

President Mosby: Okay.

Tammy McKinney: I have a question. Since we don't have a meeting on November the 12th, does the Soil and Water meet the following week?

Commissioner Fanello: Solid Waste?

Tammy McKinney: Yeah, that's what I meant. Or would they be moved up to..that's, I don't know—

President Mosby: You would have to ask Joe Ballard.

Tammy McKinney: —Joe usually does that. I just didn't want it to run into the Executive Session, if for some reason he had it a week ahead instead of—

Commissioner Fanello: He hasn't said anything that he is going to have it next week, and he probably would have if he was going to. I would probably say he probably wouldn't do it until the week after.

Tammy McKinney: Okay, I just wanted to make sure.

President Mosby: This Executive Session is for the 5th.

Tammy McKinney: Right.

President Mosby: Okay. Oh, she's saying will they move from the 12th—

Tammy McKinney: What I'm saying is the 12th, since we don't have a meeting, that would be Joe Ballard's regular meeting—

President Mosby: I don't know if he would move up or not.

Commissioner Mourdock: I think that meeting is already scheduled at the first meeting of the year for Solid Waste. We set all the meeting dates for the year, so we'll just have to check and see what we scheduled it from that.

Tammy McKinney: Okay.

President Mosby: My guess is it would probably be the 19th—

Commissioner Mourdock: That's what I'm thinking too, but I'm not sure.

President Mosby: —but I don't know.

Tammy McKinney: I just wanted to make sure before we set out–

President Mosby: Okay.

Suzanne Crouch: On meetings, the Health Department wanted the Commissioners to be aware that they are having a screening, health screening at Eastland Mall in the Café Court from 11:00 to 2:00 this Wednesday, October 31st.

President Mosby: Okay. Any other meeting schedules? Or scheduled meetings? Seeing none.

Old Business

President Mosby: Old Business. No Old Business.

New Business

President Mosby: Any New Business? And a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 6:55 p.m.

CONSENT ITEMS:

Employment Changes:

Treasurer	Co-Op Extension	Prosecutor
VCCC	Sheriff Department	Burdette Park

Travel Requests:

Area Plan	Health Department
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Request for Service:

Area Plan

Commissioners:

Permission for the Sale of Properties Acquired through previous Tax Sales.

Sheriff:

Weekly Jail information and reports.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Linda Nalley	John Stoll
Rob Faulkner	Marilee Fowler	Brad Ellsworth
Roger Madden	Steve Craig	Mark Taylor
Phil Hoy	Norma Granderson	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
November 5, 2001**

The Vanderburgh County Commissioners met in session this 5th day of November, 2001 at 6:17 p.m. in Room 307 of the Civic Center Complex with President Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for November 5, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight Tammy McKinney, Superintendent of Buildings; Counselor Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; and Recording Secretary, Madelyn Grayson. If you would, please stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: Motion to approve the minutes of the October 29th meeting?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Certification of November 5th Executive Session

Commissioner Mourdock: And I'll move approval of summary minutes from tonight's Executive Session that began at 5:30, ended at 6:00. Included the three Commissioners, counsel and the Auditor and was solely in regards to pending litigation, and I think I said ended at 6:00.

Commissioner Fanello: And personnel matters.

Commissioner Mourdock: Ang personnel matters, thank you.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered.

Open Bids for Computer and Copy Paper: APA022-2002

President Mosby: Phil Lawrence.

Phil Lawrence: I'm going to be real easy. We opened these this morning at the Board of Public Works, or actually if you want to see them, though, they are right

here. I'll give you a summary of the bids. This covers all the computer and copy paper for the year 2002. It's fairly close to what it was last year.

President Mosby: Okay.

Commissioner Mourdock: Do you have a recommendation, Phil?

Phil Lawrence: Not at the present. I just opened them this morning. I'll have one Monday.

Commissioner Fanello: Do we need to take, make a motion to take under advisement? Or he's just—

President Mosby: He's just going to come back with a recommendation.

Commissioner Fanello: Okay.

President Mosby: Thank you very much.

Phil Lawrence: Thank you.

Open Quotes for VC01-10-02: Boehne Camp Road Culvert #625 Repair

President Mosby: John Stoll. Open quotes for Boehne Camp culvert and repair. Do you want to make a motion?

Commissioner Mourdock: And the bids are already submitted, I think?

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: I'll move approval, or move that we direct the County Attorney to open the bids and report them for the record.

Commissioner Fanello: Second.

President Mosby: Okay, do we need to do something else here?

Open Computer Hardware/Software Bids for Assessing Officials

Commissioner Fanello: I'm going to go ahead and make a motion to open the Computer Software Bid.

Commissioner Mourdock: I'm sorry, I couldn't hear you.

Commissioner Fanello: I'll go ahead and make a motion to open the Computer Software Bid.

Commissioner Mourdock: Okay and since that one is not on the agenda, just for the record, the bid was due in as of today, and it was properly advertised and everything, so I will second the motion.

President Mosby: Okay, I have a motion and a second to open Computer Software Bids.

Appointment of Rebecca Kasha to Economic Development Board

President Mosby: Okay, next one Catherine Fanello, board appointments.

Commissioner Fanello: I would like to make a motion to reappoint Rebecca Kasha to the Economic Development Commission.

Commissioner Mourdock: Second.

President Mosby: A motion and a second to reappoint Rebecca Kasha to, Economic Development?

Commissioner Fanello: Yes. EDC, yes, Economic Development Commission.

President Mosby: A motion and a second. So ordered.

Discussion of Executive Inn and The Centre Skywalk

President Mosby: Okay, next will be discussion of the crosswalk at The Centre and the Executive Inn. Everybody should have a copy in their packets or on their desk, and Ben Kunkel is here, Mike Shoulders is here and Joe Vezzoso is here. I will briefly say that I had a meeting with all these gentleman on Wednesday, I believe it was, of last week at 2:30, and a lot of discussion and dialogue, and I will let them tell you a little bit more, and I can give you my recommendation.

Ben Kunkel: I wanted to let you know that from the last meeting we wanted to redesign the pedestrian skywalk between the Executive Inn and The Centre, and that's the four criteria that you had asked for. So, there in front of you, what we are doing a little different, we are, we're hitting it in the middle of the middle tower element on the corner of The Centre. I would like for you to ask, we are moving the pier away from the building, addressing that tree line, and we will include an 8' door as per your request. It's causing us a few little problems over on our side, but I think we've redesigned it where I think it's going to look appropriate. It will be a nice feature downtown.

Commissioner Mourdock: Is the pier in the street then?

Ben Kunkel: The pier will be in the grass strip between the sidewalk and the street.

Commissioner Mourdock: Okay.

Ben Kunkel: Right in line with the tree line that's planted out there.

Commissioner Mourdock: And I note Mike Shoulders is in the audience. Mike was the architect for The Centre. Mike, do you have any comments you want to make regarding how this fits the...I know you were concerned initially about making sure it fit everything that you designed.

Mike Shoulders: Just a brief comment. I will give you a letter of recommendation for the record. I'm Mike Shoulders. I was the architect for The Centre, and I've been in all the meetings with Morley and Associates and Mr. Kunkel. I'm pleased to report to you today that they have met or exceeded all the four criteria that we asked for in

the previous Commissioner's meeting. This young man from Morley and Associates, Ben Kunkel, has done a very creative job. He's come up with a design that I think is elegant in it's simplicity, and will be a very, very good match to The Centre. I would like to also say briefly that the last meeting, Mr. John Bays sat in on that meeting, and I think we should commend him for his willingness to spend a little more on his side of the street to assure that this is a good blend and a good match to The Centre. So we're, bottom line is we're very, very pleased with this design. I think it does justice to the original design of The Centre. I would also just on a personal note, like to thank all of the three Commissioners for your diligence in examining this project. I feel like in not just accepting the first thing that came along you've done a justice to that \$40 million facility, and you've, you've really, I think, represented your constituency quite well. So, on behalf of the design team for The Centre, we appreciate the Commissioners handling of this issue.

Commissioner Mourdock: The one comment in your note here, Mike, says;

I believe that with the right night lighting, this Connector Bridge will be asset.

As written, that kind of implies that maybe that's not in the plan at this point?

Mike Shoulders: No, I think it is. It's been in the discussions, and I just wanted to make sure that that was followed up on. It's not a criteria that I demanded, but we talked about it, and I think the proper lighting on that could really be an asset to the downtown at night as well as in the day time is all I meant to say there.

Commissioner Mourdock: Okay.

Ben Kunkel: And we agree with that, we just are not to that stage to be able to resolve that fully.

Commissioner Mourdock: Okay.

President Mosby: I really don't have any questions for Ben, but on the Commissioners part, I would add to some of the sentiments that Mr. Shoulders made and do commend Mr. Bays for his willingness to work with us on Wednesday, and it was a lot of discussion over this, and I also would like to thank Mr. Shoulders, our architect, for being there and protecting the county's interest in the building we have. So, I would say that after all discussion that I heard that I think we've got a very good deal and a working relationship with Mr. Bays and appreciate Mr. Kunkel's participation on this. Thank you, Joe, for setting the meeting up. I know it wasn't easy.

Commissioner Mourdock: I will move approval, then, of the design plan as submitted tonight for the catwalk between the Executive and The Centre.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to accept the design. So ordered.

Joe Vezzoso: Mr. President, Joe Vezzoso, manager of the Executive. On behalf of John Bays, I would like to thank you all. He wanted to be here this evening, but he is in south Florida trying to get away from the hurricane, and he can't get out of their on his airplane. So, he did enjoy the meeting, and he was glad that we came to an

understanding, and we look forward to working with you all, and the Shoulders group to make sure that we follow the design plan. I would tell you one thing, that we have had groups in town already that have asked that question. When is the catwalk going to be finished? Because inclement weather–

President Mosby: Uh-huh.

Joe Vezzoso: –just the ease of getting from one building to the other. So, it will be a great asset to your building, and also to ours, and, again, we thank you all very much.

President Mosby: Thank you, Joe, appreciate it. Thank you, Mike, Ben.

Mike Shoulders: Thank you all.

Revisit Quotes for Boehne Camp Road Culvert # 625 Repair

President Mosby: Are we ready for quotes?

Philip Hayes: (Inaudible. Mike not on.) In the matter of contract number VC01-10-02, Boehne Camp Road Culvert:

Southwest Engineering	\$8,427.50
CCC of Evansville	\$9,769.99
Deig Brothers Lumber & Construction	\$10,891.00

So, on those, and that concludes the three on that item.

Commissioner Fanello: I'll make a motion to take under advisement.

Commissioner Mourdock: Second.

Philip Hayes: Okay.

President Mosby: Motion and second to take bids under advisement. So ordered.

Revisit Opening of Bids for Computer Hardware/Software

Philip Hayes: In the matter of Software Request for Bids: Computer Bids for both hardware and software. There is a response in multiple copies from the State and Local Government Sales Department of Dell Marketing LP. It is not possible, nor is there a total on the amounts of the total quotes. It would take quite a bit of analyzing, I'm afraid. There is no summary with these. There appear to be independent collations of multiple pages that would bring one to payment amounts and type of systems. It's quite complex. Would you like me to proceed by submitting the multiple copies for you?

Commissioner Mourdock: Probably the easiest way is just to read the name, and since they are all under a different basis, just put in the record who has bid and that their bids will be reviewed.

Philip Hayes: Fine. So, the first received and opened then is Dell, State and Local Government Sales Marketing LP. The second is submitted from Matrix Integration of Jasper, Indiana, and again it appears to be in proper form with non-collusion affidavits, but, once again, the pricing scheme is going to require analysis. I expected that

Alan Teeple: That's normal for Dell.

Philip Hayes: I'm sorry.

Alan Teeple: That's normal for Dell.

Philip Hayes: Okay. Take under advisement?

Commissioner Fanello: Make a motion to take under advisement.

Commissioner Mourdock: Second.

Commissioner Fanello: And if you'll, Cheryl, if you'll leave one copy of each of those for us.

President Mosby: I have a motion and a second to—

Philip Hayes: Okay.

President Mosby: —take under advisement the bids for Computer Software and Hardware.

Philip Hayes: How many do you want left? We need the rest of them, I guess. Okay. Here you go, Tammy.

President Mosby: Okay. Sorry about that. I had a motion to take under advisement Computer Hardware/Software equipment. So ordered.

<p>Commissioner Mosby: Clarification of Motion from 10/29/01 Meeting Pertaining to Signing of Contracts for United & Shireman</p>
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President Mosby: One other thing I was going to mention, I forgot to tell Tammy to put this on the agenda. I went to the Council meeting last Wednesday, and they asked me to clarify my motion on hiring consultants for the jail project. So, and this happened after Mr. Ahlers said that, I guess, he read the minutes and he thought my motion might have been, or hinged on Council funding. I said, you know, previous to that I had made a motion that we accept United Consulting under the state statute, which I felt we could do. So, to clarify my motion, I'm going to make a motion tonight, I guess, because this is what he asked me to do, and my motion was that we hire United Consulting Engineers for architectural services on the jail project.

Commissioner Fanello: I don't know if I need to—

Philip Hayes: Pursuant to the...and approve the contracts that were—

President Mosby: I should have not said, yeah, it shouldn't be hire United Consulting, it was to approve the contract with United Consulting. I'm sorry. I misinterpreted.

Commissioner Mourdock: I just want to, excuse me, something is kind of muddled here. I don't know that you, in fact, I don't believe you made the motion that night. I think Catherine made the motion.

Commissioner Fanello: Yeah, I made the motion, and then we added subject to appropriation, right?

President Mosby: Yeah, it was added subject, what Mr. Ahlers is reading is he seen in there where it said subject to Council approval.

Commissioner Mourdock: Okay.

President Mosby: And I had made that on the back end and amended the first motion, and said if it's not legal to do it under state statute per Counselor Hayes' review, that I would just make the motion to accept the contracts pending Council funding, and that is what he's basing his opinion off of.

Commissioner Mourdock: So—

President Mosby: So he just asked me to clarify it.

Commissioner Mourdock: So, what you are saying tonight in a few simple words is—

President Mosby: I make a motion to accept the contracts of United Consulting.

Commissioner Mourdock: Contingent upon Council's funding?

President Mosby: No. Under review of the state statute that we can do it under IC, and I didn't bring it with me—

Commissioner Fanello: 36-1-12-3.5.

President Mosby: Yeah.

Commissioner Mourdock: Is that the same one I was citing that night, Catherine?

Commissioner Fanello: That's the one you had a copy of to review, yeah.

Philip Hayes: (Inaudible. Mike not on.)

President Mosby: That's the one that Tom Pittman come down on Wednesday and he did appear at the Council meeting and said, you know, that this is done all over the state and if anybody has a question, call the State Board of Accounts.

Commissioner Fanello: State Board of Tax Commissioners.

President Mosby: Yeah. So, anyhow, he asked me to clarify the motion and, I guess, if I can't make the motion, she can, but, that was Counselor Ahlers request, and I said no problem.

Philip Hayes: Well, I'm sorry, I didn't have, if I may? I'm sorry I didn't have any notice that there was such a request. I didn't realize that we were going to do that.

President Mosby: It was a request made on the floor, and I just told him at the Commission meeting on Monday night that I would bring it up and I didn't, I forgot about it—

Philip Hayes: Well—

President Mosby: —and I don't have to do it if you don't want me to.

Philip Hayes: Well, if I could suggest, I think it would be appropriate, no, if he requested a clarification, I think that it would be appropriate to go ahead and do it. If I can suggest to you that the proper clarification can be that by way of your dialogue, that the motion was based on authority granted under Title 36, that the single exception to having an appropriation in place for a contract for services is where there are services to be rendered for architects, engineers and accounting, and that the motion to contract with United and it's associated DLZ and the contract to retain the services of Shireman, which are specifically for Construction Management, are both contractual categories that fit within that statutory exception. So, that clarification that he may be asking for is that to say that they are subject to appropriation is a redundancy. I had advised and said make them subject to appropriation, if you like, because, certainly, an appropriation must be made in due course in order for those to be paid. We had some discussion, I think, from my review of the minutes that tended to show that we may have been in error concerning what had previously been appropriated, what had been previously been budgeted, but nevertheless, the act of moving to approve those two contracts was within the law, in my opinion, and in the opinion of bond counsel, Baker and Daniels, by Tom Pittman. So, for the County Council's clarification, I think, through it's legal counsel, hopefully, my explanation here if adopted by you as a dialogue to clarify your motion, will be satisfactory, and I'll be willing to communicate with him and furnish him any other written—

President Mosby: Do you want to repeat that motion?

Philip Hayes: —explanation that they like.

Commissioner Fanello: I don't want to repeat all that. How about this?

Philip Hayes: Well, it's not by way of motion. It's by way of discussion and clarification. If you wish to adopt that explanation and that opinion you may do so.

Commissioner Fanello: However we feel is the best need to clarify it. I don't know if a motion is really needed. We've already made a motion to approve the contracts.

President Mosby: I just told him I would make the motion without, you know—

Commissioner Fanello: I mean—

President Mosby: —the part of subject to approval.

Commissioner Fanello: —he did sound like he wanted us to make it some other motion or clarify it in some way, so maybe the best way to clarify it is through a motion.

President Mosby: It don't matter to me.

Commissioner Fanello: I guess, I could make a motion to approve the contracts of, reapprove the contracts of United Consulting Engineers and Architects and James L. Shireman—

Philip Hayes: Only one at a time.

Commissioner Fanello: Oh, okay. Based on statute 36-1-12-3.5 and upon counsel with bond attorney, Tom Pittman, at Baker and Daniels.

Commissioner Mourdock: Okay.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: Just based on, based on discussions, I mean, obviously, this is legal, so I really don't even know why we are wasting all our time with this, but based on discussions, I'm making a motion to reapprove the contracts.

Commissioner Mourdock: Well, I'll say in a very little amount of time, I still have the concern that I tried to express that night. I don't know if I did it adequately. I think under the statute that you both cited here, clearly, this board has the authority to do all that, however, I think it also mandates that the payment be done at the time the bonds are sold. Since the contract that was presented to us by both Shireman, since we are dealing with these one at a time, the contract that was presented to us by United doesn't call for that. To me those two are inconsistent, so I will pass.

Commissioner Fanello: Well, just to clarify, I mean, Tom Pittman did talk about that in the Council meeting, and this is clearly a reimbursement case as is with almost every bond issue of this nature, so these will be paid out of the bond proceeds, the county must pay for them up front until the bond is issued, but we will be reimbursed from the bond issue.

Commissioner Mourdock: And I've read the minutes, and I still question, and, obviously, these are the types of things there are many lawyers to fight about. I'm sure if you get three lawyers, you'll get eight opinions on this one, because I think we can all agree, and I know Phil will agree, this is very badly written law. It is terribly written in that it is so open to so many interpretations, but, as I said, I pass.

President Mosby: I will second the motion for United Consulting. So, I have a motion and a second, so ordered.

Commissioner Fanello: I guess, I need to for Shireman. I'll make a motion to clarify the fact that we are approving the contracts for Shireman based on discussion with bond counsel and our County Attorney and such.

Commissioner Mourdock: My comment previously still stands as well as my question whether or not they fall under that statute as a Construction Manager for engineering, architects or accounting.

President Mosby: I will second. Motion and a second, so ordered.

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?
Seeing none.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First I've got a recommendation to award contract number VC01-11-01: Rehabilitation of Mill Road Bridge #1360 to Southwest Engineering for the amount \$155,682.50. They were the low bidder on the project.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a request for a change on the offer amount for parcel number 33 on the University Parkway Project. In the offer they had done an incorrect calculation on the price per acre. They had multiplied \$20,000 times .013 acres, when in fact it should have been times .113 acres. So, it results in an increase of \$1,960, for a grand total offer amount of \$2,260.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a request for approval to advertise, and approval of the Notice to Bidders for contract number VC00-08-01: the Reconstruction of Burkhardt Road. This would be between Interchange Road and Lynch Road. The bid opening date would be December 3rd.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The last item I've got is a request from Mr. Joe Whitehead of the Westbrook Mobile Home Court. He would like to request approval to close Augusta Drive next to the Eastbrook Mobile Home Court for the purpose of constructing an additional phase of that mobile home park. Augusta Drive is a local service road the state built as part of the Interstate project. This is off of Lynn Road south of Pollack Avenue. What Mr. White has requested is to close the road 250' east of the dead end. Back in 1993 we approved a similar request, subject to Mr. Whitehead being responsible for any damage done to the road and him providing barricades and things like that. Since it is a dead end road there is no residential or any other kind of development out there that requires access out there other than maybe the farmers might need some access, but closing the road really won't affect anyone.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. We don't have to sign this?

John Stoll: No. I'll just let him know that he's got to provide the barricades and he's got to repair any damage done to the road. That's all I have, unless you have any questions.

President Mosby: Any questions of the County Engineer? Thank you, John.

Ralph Kissinger: County Highway
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President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway Department. You have my reports. The only thing I have to add is tomorrow we are having CPR training. I do have 17 individuals who are going to take the class tomorrow. So, I think those 17 individuals ought to be commended for taking the effort to go take it.

Commissioner Mourdock: Are they taking it over their lunch, Ralph?

Ralph Kissinger: No. It's an eight to four class, and Deputy Williams, Chief Deputy Williams set it up where we could go in and train on their, they already had their training, so he set a day aside for us to train so it wouldn't cost us anything but a days wages to do it so—

Commissioner Mourdock: Okay.

Ralph Kissinger: —it's going to work out real well. It's just a days wages from the county instead of us having to pay and, you know, pay the CPR and the people too so. I do have one of my supervisors going to take it also, so.

Commissioner Mourdock: Okay.

Ralph Kissinger: Should be well attended.

Commissioner Mourdock: Okay. Just a heads up on another issue and maybe save you a headache down the road. Every now and then there's been a contentious issue around here, and by every now and then I mean over the last seven years I've been doing this, regarding comp time. I've heard that you may have some folks using comp time out there. I just want to make the point the county personnel policy for exempt employees, we're not talking union employees, but exempt employees do not have the comp time policy. I'll give you the history of that real briefly. That was, that at one time it was done quite frequently by different department heads and we ended up with several law suits that kind of fell under the language that Phil would be familiar with called, inappropriate and potentially discriminatory hiring and employment practices. So we don't want to go there, so. Be so advised.

President Mosby: Are you saying they don't—

Ralph Kissinger: The time that we use, we don't call it comp time, it's departmental leave. The only thing we do is take hour for hour. If we have a call in and we have a lot of call ins. Just like two weeks ago during the storms, Mark put in over 20 hours straight on storm damage, and what I've done is compensate them hour for hour instead of...it's not a comp time, it's just—

President Mosby: It's flex time.

Ralph Kissinger: They take off that amount of time in another situation when we don't have an emergency or we have time where we can take off, but it's not anything that can be paid or compensated. I've been told that this has been a practice well before I ever came there.

Commissioner Mourdock: It used to be a very frequent practice, and as I said, when we got into all the lawsuits we got away from that. Just, and again, I'm trying to save problems here, not make them.

Ralph Kissinger: I agree. I don't want anymore problems than we have to have.

Commissioner Fanello: How—

Commissioner Mourdock: How are you tracking those hours?

Ralph Kissinger: I keep track of the call ins, we have a call in log book, and anyone who is on a call in is written down in the log book. All call ins are logged. I know who the supervisor is on call, and I can tell whether they came in or not because they have to unlock for any union employees to clock in.

Commissioner Mourdock: Okay. Well there's an old saying if it looks like a duck, and walks like a duck, and quacks like a duck, it's a duck.

Ralph Kissinger: Right.

Commissioner Mourdock: You are saying you are not calling it comp time. You need to meet with Phil, I think, to talk about how you do track those hours, how you do those things to find out whether or not that fits that definition. In a sense, or in essence would then be against the policy, because—

Ralph Kissinger: And I would be glad to do that. I don't need any unnecessary headaches in my department.

Commissioner Mourdock: True.

Ralph Kissinger: Believe me.

President Mosby: I want to get clarification now. Did you say no county offices?

Commissioner Mourdock: The county personnel policy for exempt employees, there is no comp time. There is nothing in the personnel policy book about comp time, but we do have it in some union contracts.

President Mosby: So exempt is anybody outside the union?

Commissioner Mourdock: Uh–

President Mosby: What are you considering exempt?

Commissioner Mourdock: Yeah, it's basically salaried people versus hourly people.

Commissioner Fanello: There are no salaried people in city or county government.

Ralph Kissinger: I'm not salary–

President Mosby: I was going to say–

Ralph Kissinger: –and according to my paycheck I am paid by the hour.

Commissioner Mourdock: Yeah, true, and you are considered exempt.

Ralph Kissinger: It's a fine line, but I understand what you are saying, and also at one of the Council meetings Mr. Ahlers mentioned it–

Commissioner Mourdock: Okay.

Ralph Kissinger: –the phrase comp time was illegal and I changed my phrase to departmental leave is what I call it and what I have written in my books is departmental leave.

Commissioner Mourdock: Okay.

Ralph Kissinger: And if Mr. Hayes will humor me–

Philip Hayes: Yes.

Ralph Kissinger: –I will take the time to visit him and we will straighten this out.

Commissioner Mourdock: Yeah, and maybe–

Philip Hayes: I know what you are talking about.

Commissioner Mourdock: –maybe at the next Exec. Session, not that we need to schedule one for this issue, but we can talk about that. Make sure we are going to be within the letter of what we need to be in.

Philip Hayes: Yeah, it would be appropriate to see who the employees are, and what their certain descriptions are–

Commissioner Mourdock: And how it is tracked, because, again, where we got into problems before was how things were tracked or not tracked. It became arbitrary and discriminatory. Or was perceived as such.

Commissioner Fanello: Are you saying you were not aware of anytime in the past four years that there has been departmental leave?

Commissioner Mourdock: I'm saying in 1997 the personnel policy was altered to specifically make sure that our exempt employees did not get comp time.

Commissioner Fanello: I didn't ask that question. I asked have you been aware that employees at the county garage have been taking departmental leave?

Commissioner Mourdock: Not being called comp time.

Commissioner Fanello: Departmental leave.

Commissioner Mourdock: We are using the word that we started with here. The word was comp time. That's what I heard about—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and that's why I brought this up.

Commissioner Fanello: Uh-huh.

Ralph Kissinger: That's an old phrase that was used inadequately. I even used it by accident. In my books I do call it...even on our time sheets on our foreman's and supervisor's time sheets, it does say comp time. So, we need to redo that. The state sheets call it that. The one's that the State Board of Accounts sends me to keep supervisors time records on, and I have crossed that out and put DL in there instead. So, we need to, like I say, I'll talk to Phil and I have no problem with doing that because I would rather get it straightened out than have to go through something.

Commissioner Mourdock: As would I.

Philip Hayes: In offering that, do you want to do an Executive Session (Inaudible. Mike not on.)

Commissioner Mourdock: It's nothing, like I said, we don't have to schedule—

President Mosby: We could just bring it into the Executive Session. We don't have to schedule it.

Philip Hayes: Oh, I understand.

Ralph Kissinger: Are there any other questions? Thank you.

President Mosby: Thank you, Ralph.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: I have no report.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of Buildings.

Tammy McKinney: I don't have anything.

President Mosby: Nothing.

Gary Hohman: Burdette Park

President Mosby: Burdette Park. He's saying nothing too.

Gary Hohman: Gary Hohman, Burdette Park. We have nothing other than what I delivered to Mr. Hayes earlier this morning.

President Mosby: Okay.

SWCD & Ozone Officer Reports

Commissioner Mourdock: We have Soil and Water Conservation District and Ozone Officer Reports in the file. I'll move their approval.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: I'll make a motion to remove the Legal Aid pink slip from the Consent Items.

Commissioner Mourdock: Second.

Suzanne Crouch: And could the Commissioners amend the Consent Items to include the two training blue claims for the Auditors Office with the accompanying letters.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: Yes.

Commissioner Mourdock: I'll move we withdraw the details of The Centre's security plan from the public's packet. It's good information. I don't have any problem with it, but it's not appropriate to have that in the public file.

Commissioner Fanello: Definitely second.

Commissioner Mourdock: Okay and with those changes—

President Mosby: Thank you for catching that.

Commissioner Mourdock: —with those changes, I will move approval of the Consent Items.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to accept Consent Items withdrawing one pink slip and adding in the travel request. So ordered.

Commissioner Mourdock: And withdrawing The Centre.

President Mosby: And withdrawing the security plan.¹

Scheduled Meetings

President Mosby: Scheduled meetings. Any scheduled meetings?

Commissioner Fanello: The—

President Mosby: I believe we—

Commissioner Fanello: Oh, I'm sorry. You were going...go ahead.

President Mosby: Well, I mean, I think there..the joint meeting...there is going to be a joint meeting between the Commissioners and the Council and it's going to be on November 20th, right?

Commissioner Fanello: At 1:00.

President Mosby: At 1:00 and that will be held over in the Council chambers. So, that's the only one I really know of. Any other meetings?

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Do we need to do a special ad for that?

Philip Hayes: Yes.

Commissioner Mourdock: Okay.

Commissioner Fanello: Now, who will take care of the advertising?

Suzanne Crouch: Pardon me? I think Council was taking care of it.

Commissioner Fanello: Council was? Okay.

Commissioner Mourdock: Do we need to do something as well?

Suzanne Crouch: Typically, it's a joint meeting. Perhaps if you can give us permission to advertise.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: A motion and second to advertise. So ordered.

¹Consent items listed on Page 20.

Old Business

President Mosby: Old Business.

Commissioner Fanello: I have one question, that hopefully won't take but five minutes. A couple of weeks ago Commissioner Mourdock made a motion to approve that the Commissioners come up with a ten year plan for the Old Courthouse and Civic Center, and I would just like to know how we are going to accomplish that in the next 60 days and what role Commissioner Mourdock will be playing in that plan?

Commissioner Mourdock: I have a meeting scheduled on Wednesday of this coming week with Steve Utley to work through some thoughts I've had. I've got some things on a page all ready to do that. It seems to me that procedurally the way to do it, is for each of us to either do something similar, or put our ideas on a piece of paper and circulate them around.

Commissioner Fanello: I'm concerned about 60 days, because right now my number one priority is the jail. So, I...just to let everyone know that, and that's my number one priority at this point.

Commissioner Mourdock: That's reasonable. Are you suggesting that a date other than—

Commissioner Fanello: I'm suggesting that we may not constrain ourselves to say January 2nd, but I think we need to see how we proceed over the next 30 days with the jail issue, and making sure that's on track and everything is going according to schedule. At the November 20th joint Council-Commission meeting, bond counsel will be presenting their time table to get everything completed, so. I think maybe we might want to wait until we see those time tables.

Commissioner Mourdock: I didn't hear the last part. We might want to wait, what?

Commissioner Fanello: Till we see those time tables—

President Mosby: Time tables.

Commissioner Fanello: —for the jail project.

Commissioner Mourdock: I understand what you are saying. Certainly, before we can do anything final by way of a plan, that information has to have some input. I would suggest to keep this issue in front of us, though, so it doesn't fade away, that we still assign a date to it. If the first of January is too soon, you know, if we want to say the first of February, I'm okay with that.

Commissioner Fanello: I mean, we can leave it as is right now, I'm just saying we need to be cognizant of the fact that we need to be focused on the jail issue and look at their time tables and see how that affects what we might be doing.

Commissioner Mourdock: Okay. So, the date still stands at this point—

Commissioner Fanello: We can leave the date as stands. I just wanted to make that—

President Mosby: And I will still keep my same approach. Susan verified my approach in the paper the following day, when I said that I didn't think this was adequate, could not be reached, and that I disagree with the January 2nd date, so.

Commissioner Fanello: I disagree with it at this point too, but I—

President Mosby: And I will preface that opinion. I don't think that we can make a decision on what to do with the Health Department when we don't know exactly what we are doing with everything surrounding us. I think the jail location plays a big factor in what happens with all the space around here. I mean, it's common sense, if the jail stays on the back 40, the courts are here...and I don't know who covered it, somebody had it in the paper the next day. Yeah, it was you.

Susan Taylor: You better get your facts straight, David.

President Mosby: Well, okay. Well, we were standing right here when you walked up to Richard after the meeting. And I could of swore it was you.

Commissioner Mourdock: I think it was Herb.

President Mosby: Herb or you, one. It was the Evansville Courier, the same one that called our Sheriff, Joe.

Commissioner Fanello: Sheriff Joe.

President Mosby: Sheriff Joe is in the back if anybody wants to meet him. My concern is what we do with the jail, with the court building, the old jail space that we are going to have available to us, and if we make any moves to the Old Courthouse with all the county buildings. So, to haphazardly jump out and say this is what we are going to do with the Health Department, and we don't know all the surrounding facts, I still disagree with it, and I said it in the paper the next day, that I was not in favor of the January 2nd date and did not want to be locked to a specific date.

Commissioner Fanello: I don't want to be locked to that date. I don't know another date to throw out tonight, but I completely agree with Commissioner Mosby, everything centers on what happens with this, with the jail location, so.

Commissioner Mourdock: Well, as I said a moment ago, I think to have a plan, you have to have some dates imposed, and we self-impose those. If January 2nd or 3rd, whatever date, if that's not the right date and you want to pick another date, I'm fine with that. But I think having a date imposed on us helps move this thing forward. So, again, if you want to do it later, that's fine. If you want to stick with that date, that's okay too. It sounds like you don't want to stick with that date, but you don't want to change the date, so I'm not sure what I can suggest.

Commissioner Fanello: I want to see what bond counsel is presenting as far as the complete time...they are merging...everyone is merging their time lines. You will have a time line from bond counsel, a time line from financial advisor, a time line from United, and a time line from Shireman. So, that will all be one big packet that we are going to get, and, you know, a lot of this hinges, like Commissioner Mosby said, if the jail is going to be on the back 40. So, I think, we have to take that into

consideration before...it does us no good to come up with a plan for the Civic Center and Courthouse if all of a sudden something with the jail happens to change that plan. So, I'm just saying we need to keep an open mind, and that's probably not a feasible date, but I'm going to wait until I get my information on the jail schedule.

President Mosby: Any other comments or questions?

New Business

President Mosby: New Business. Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

The meeting was adjourned at 6:59 p.m.

CONSENT ITEMS:

Employment Changes:

County Engineer	German Assessor
VCCC	Health Department
County Clerk	

Cum Bridge
Pigeon Assessor

Travel Requests:

Health Department	County Assessor
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Request for Service:

Superior Court	County Clerk
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County Engineer:

Declaration of Surplus Storage Cabinet.

Commissioners:

IDGF Application for Graham Packaging.

Health Department:

Contract for Breastfeeding Peer Counselor.

Auditor & County Assessor:

Blue claims for training.

Sheriff:

Weekly jail information and reports.

Those in attendance:

David W. Mosby	Catherine Fanello
Philip Hayes	Suzanne Crouch
Madelyn Grayson	Phil Lawrence
Ben Kunkel	Mike Shoulders
Gary Hohman	Ralph Kissinger
Alan Teeple	Others Unidentified

Richard Mourdock
Tammy McKinney
John Stoll
Joe Vezzoso
Susan Taylor
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member
Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
November 19, 2001**

The Vanderburgh County Board of Commissioners met in session this 19th day of November 2001 at 6:00 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I'd like to call to order Board of Commissioners meeting of Vanderburgh County for November 19, 2001.

Introductions and Pledge of Allegiance

President Mosby: Tonight we have with us Tammy McKinney, Superintendent of Buildings; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Bill Fluty, Assistant Auditor, Chief Deputy; and Madelyn Grayson, Recording Secretary. If you would please, stand and say the pledge.

(The Pledge was given.)

Approval of Minutes

Commissioner Mosby: First item, approval of the minutes from the November 5th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Cheryl Musgrave - Award Bid for Computer Hardware and Software

President Mosby: Cheryl Musgrave, is she here with us? There she is right there, You're up.

Cheryl Musgrave: (Inaudible. Comments made away from microphone.) At your last session, we opened bids and this letter to ask you to award the successful bidder. Are there any questions?

Commissioner Fanello: I have a question. Is there, and I e-mailed you late, so you probably didn't get it yet. But, could you provide us with an itemized list of where this equipment is going? How much is going to each assessors department? Each township assessors department and then a total cost?

Cheryl Musgrave: Well, I could. I am happy to report to you that ten offices will be benefitting from these computers. All of the assessors, including myself and the office of the Auditor will be receiving these. The projected cost is right around \$220,000 right now, but that does not include the office software and we are still seeking a final price for that.

Commissioner Fanello: I guess before, with all of the recent discussion about our

fiscal matters, I would like to see an itemized list of where all of the equipment is going before, personally, before I vote on it.

Cheryl Musgrave: Well, the good news is that funding is in place for this and all that you are voting to do is to accept the low bid, and that is all that this is about.

Commissioner Fanello: I am going to make a motion to defer at least one week until I can get an itemized list.

Cheryl Musgrave: Well, I have an itemized list, but, again, this, you are not voting to accept an itemized list. You are voting to accept a low bid.

Commissioner Fanello: Well, it also affects our computer situation throughout the county offices. Of which the Commissioners administrate that contract as well, and we administrate ACS. So, to me, this has a couple of implications, and I don't know that one week, I don't know that that's going to put you behind any.

Cheryl Musgrave: Well, perhaps you can tell me how it will impact it. And you are free to look at this and it is subject to change. The assessors are funding outside technical help to install these computers, and so it does not—

Commissioner Fanello: Another cost to the county? I just want to see, like I said, with recent discussions on fiscal matters, I want to see what I am signing off to.

Cheryl Musgrave: You are signing to accept a low bid, you are not signing to spend this money.

Commissioner Fanello: That's my motion.

Commissioner Mourdock: I understand what Cheryl is saying. The thing has been bid, it is out there, and I don't know that a week will change things. I wish that we would go ahead and do this. I think that we will end up doing this eventually, but I will go ahead and second the motion for one week.

Commissioner Fanello: Thank you.

Cheryl Musgrave: She does have the information that she just requested.

Commissioner Fanello: I want a list of how, what pieces of equipment are going to each township assessor's office, where this equipment will be located and what the total cost—

Cheryl Musgrave: If you will look at the list that I just handed you, it has all offices across the top.

Commissioner Fanello: That's fine, and I will look over it the next week.

Cheryl Musgrave: Okay.

President Mosby: I have a motion and a second to defer for one week. So ordered.

Cheryl Musgrave: I will let Mr. Hatfield know that he can speak with you about the delay.

Commissioner Fanello: And that is fine. Give him my number.

**Open Bids for VC2001-13: (Two) 1 ½ Ton Trucks
and (One) SUV**

President Mosby: Phil Lawrence. You've got the next four.

Commissioner Mourdock: Mr. Agenda.

Phil Lawrence: Wait a minute, where is my easy chair? The first one is the bids for the SUV and the truck, I believe.

President Mosby: Yes, open bids for VC2001-13.

Commissioner Mourdock: I move that the bids be opened.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to open the bids, so ordered. We will move onto D while the counselor is doing that.

Open Bids for Printing of 2002 Tax Bills

President Mosby: Open bids for the printing of the 2002 tax bills.

Commissioner Mourdock: I will move that the bids for the tax bills be opened.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered.

**Request to Advertise APA05-2002: Surface Materials, APA016-2002:
Liquid Asphalt, APA04-2002: Gas & Fuel Oil, APA06-2002: Oil Products
APA025-2002: Commercial Fuel**

President Mosby: Next, we will move to request to advertise surface materials, liquid asphalt, gas & fuel oil products and commercial fuel.

Commissioner Fanello: Permission to advertise. Motion for permission to advertise.

Commissioner Mourdock: Okay, and are the dates and everything set?

Phil Lawrence: Yes, those dates are November 23rd, November 30th and the bid opening is December 10th and I have a copy of that.

Commissioner Mourdock: Okay, with those points, I will second the motion to advertise.

President Mosby: Motion and second, so ordered.

**Award Bids APA02-2002: Crushed Stone, APA03-2002: Sand & Gravel,
APA08-2002: Batteries, APA18-2002: Timber Materials**

President Mosby: The next item is request to award the following bids for crushed stone, sand and gravel, batteries and timber materials.

Phil Lawrence: If you would like to see those numbers, I have those for you.

President Mosby: Okay.

Phil Lawrence: Fortunately, the (inaudible). These are all of the low bidders.

President Mosby: Okay, do I have a motion to award the bids?

Commissioner Fanello: Motion to award. Can I do all of these in one motion?

Commissioner Mourdock: You really shouldn't.

Commissioner Fanello: Motion to award APA02-2002, crushed stone to Mulzer Crushed Stone.

Commissioner Mourdock: Second.

President Mosby: Motion, second, so ordered.

Commissioner Fanello: Motion to award APA03-2002, sand and gravel to Mulzer Crushed Stone.

Commissioner Mourdock: Second.

President Mosby: Motion, second, so ordered.

Commissioner Fanello: Motion to award APA08-2002, batteries, to Holderfield Battery.

Commissioner Mourdock: Second.

President Mosby: Motion, second, so ordered.

Commissioner Fanello: Motion to award APA-18-2002, timber materials, to American Timber Bridge and Culvert.

Commissioner Mourdock: Second.

President Mosby: Motion, second, so ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

Phil Lawrence: I will hang around a little bit.

President Mosby: Okay. We will move onto Roger Lehman while we are waiting for

the bids to be opened.

Roger Lehman - Weed Dispute

Roger Lehman: Good evening, I am here to bring the Commissioners a problem that we have with some weeds in the county. I have some pictures here that I would like to distribute. I have only got one copy of each. We have a platted subdivision, Country Lake Estates, I believe is the name of it, that has three building lots that are in violation, technical violation, of the county weed ordinance, which says that a platted subdivision, grass or other vegetation in excess of twelve inches in height shall be considered weeds. From an administrative standpoint we have no alternative other than to enforce this and require that it be cut. The owner has chosen not to cut them and we have contracted, or we have gotten prices on contracting, to cut these weeds. It is in excess of \$3,000, which is more than we usually spend for the whole county for the whole year. So, I felt that it be appropriate to bring it to the Commissioners for perhaps some insight or judgement that is not really in my purview as administrator of the ordinance to have. Is Mr. Mazzier here?

William Mazzier: Yes.

Roger Lehman: You would probably like to come up. Is there somebody representing the neighbors?

Unidentified: (Inaudible)

Roger Lehman: Have you got a spokesman? It would be better to have one than a dozen.

Commissioner Mourdock: Let me clarify who is who here.

Roger Lehman: Mr. Mazzier is the property owner.

William Mazzier: I am Bill Mazzier.

Commissioner Mourdock: The property owner of the?

William Mazzier: Of the subdivision.

Commissioner Mourdock: Okay, of the subdivision. More specifically the property that is being looked at here to have the weeds and the growth taken off of, that is your property, correct?

William Mazzier: Right, right.

Commissioner Mourdock: Okay, thank you. You do need to state your name and your address.

William Mazzier: It is Bill Mazzier, 5048 Country Lake Drive. I have some pictures also. I have the notice, I didn't chose to fight him, I just asked why. When I go out to a new place called Winstead Way on Hogue Road that is the same thing, there are houses and there is wooded acreage uncut. Robin Hood Drive off of Peerless Road is the same situation. Westwood Estates off of Upper Mt. Vernon Road is exactly the same situation. As you can see it keeps trimmed back away from the

road and stuff and not scratching any cars but it is a densely wooded woods any where from thirty to sixty foot trees. I have contacted four people about bush hogging and all four said that they wouldn't do it and it would tear up their equipment as it is too wooded and they said that what you would really need is a bulldozer. Now, we are trying to sell wooded lots and not bulldoze everything down. Mr. Lehman's office brought up that it was his understanding that some cars were getting scratched up, but as you can see the driveway is trimmed on both sides all of the way. That is not hurting anyone that I am aware of.

President Mosby: Did you want to let the neighbors speak too and see what?

Greg Higdon: In his ordinance, my name is Greg Higdon, I live at 4920 Meadow Circle and in his ordinances that he had with his the building restrictions, it says that all lots are supposed to be kept-

Commissioner Mourdock: Excuse me, let me jump in here, you say the ordinance, you are talking about the covenants?

Greg Higdon: Yeah, the covenants, I'm sorry.

Commissioner Mourdock: Okay, let me clarify something here and let me start out by saying that I am not an attorney and, obviously, our attorney is doing some other things here. But, it is not for this Board to enforce any covenant within a subdivision. That is not our purview.

Greg Higdon: Okay.

Commissioner Mourdock: When there is a subdivision put in, and, Phil, correct me if I am wrong here, but when there is a subdivision put in and the people buy lots in the subdivision pursuant to a set of covenants and restrictions, those are to be enforced internally within that subdivision. That is something that our Board can not deal with. Is that accurate?

Greg Higdon: Okay.

Phil Hayes: That is correct, that is the articulation of what the law is. We do know that the subdivision covenants are a requirement to be filed as part of the condition to approval of the subdivision by the Area Plan Commission but the enforcement of those are privately contracted and as far as the developer is concerned usually the internal document tells current lot owners what they may do, excuse me, as far as taking advantage of enforcement as to the developer assuming that there is no majority of the lots sold at that time. I think your private counsel would be the appropriate source for information about that.

Greg Higdon: Okay, alright. Well, the other thing is that we are not asking him to cut down the trees, all we are asking him to do is keep down the weeds to where rodents and such are not running around. We have muskrats and we've got possums, coons and they are running rampant through all of this over growth. Not necessarily the trees, but the overgrowth that is on these lots. I mean, he can mow around the trees, we are not asking him to cut down the trees. That is all that I have to say.

President Mosby: Okay, I guess my question is, if they are in a subdivision and they have a covenant, do we have any jurisdiction?

Phil Hayes: I don't believe that we do have. I think the covenants are in the nature of a contract between the purchaser and the seller and of course they, any sale is subject to those covenants and restrictions that are required by law to be on file. That seems, I think, is designed so that these resolutions can be accomplished privately, and if you consult your recorded documents, I think you will find that references made to them and possibly even a copy given to each homeowner who purchased within that subdivision. The question isn't posed here but in the event that it is somebody outside the subdivision, they would rely on private actions to take a look at the various, under the various nuisance laws bars against maintaining nuisances and that kind of thing, since you are mentioning animals and possibly other consequences of the growth. But, that could be, even though, even though, there is no covenants at all.

Roger Lehman: The issue we raise is out of the ordinance though, not out of the covenant.

Phil Hayes: Right.

Roger Lehman: The issues we raise are, the twelve inches is out of the ordinance not the covenant.

Phil Hayes: Right.

Roger Lehman: I just wanted to share that.

Phil Hayes: I think the Commissioners, you know, are correct about that. It would be an enforceable matter.

Roger Lehman: Is that an accepted county road out there, Mr. Mazzier?

Mr. Mazzier: It is a private road.

Roger Lehman: It is a private road.

Commissioner Mourdock: The road that appears on the photographs we are looking at, that goes through it, is a private road?

Mr. Mazzier: Both roads on there are private roads, yes.

Phil Hayes: Not accepted for maintenance? No public right of way there, it's an issue-

Roger Lehman: Because there is a different ordinance requirement for things within twenty five feet of a public right-of-way.

Phil Hayes: Right.

Roger Lehman: So, that would not apply here. Only the platted subdivision, twelve inch growth would apply here, in my opinion.

Phil Hayes: Uh-huh.

President Mosby: So, are you saying that we do have jurisdiction?

Roger Lehman: Yes, we have jurisdiction in the platted subdivision, regardless of the road issue. The road is another issue but one sentence says, "that where the real estate located in a platted subdivision, grass or other vegetation in excess of twelve inches shall be considered weeds". That is quoted out of the ordinance and this is a platted subdivision and the growth is in excess of twelve inches. So, from a technical standpoint, we have no choice but to enforce the ordinance and that is why I wanted to bring it to the Commissioners for their wisdom and alternatives to me spending \$3,000 cutting, which all things being equal that is about what I would have to do now, because that is what the ordinance says.

William Mazzier: (inaudible) this is woods, not weeds.

Roger Lehman: We have an estimate to cut it for \$3,000.

Commissioner Mourdock: Okay, if we were to act on this to, I guess, to give you the authority to go out and cut it, what you are saying is that you are going to send Mr. Mazzier a check, or an invoice for \$3,000 for cleaning up his lot.

Roger Lehman: That would be correct.

President Mosby: Would you want to cut it for less?

William Mazzier: Well, I would like to see if I can find somebody to cut it for less.

President Mosby: Okay, how much time does he have?

Roger Lehman: That is up to the Commission. We have issued our normal notice time frames which probably totals about thirty days I would guess. Or probably a little longer than that from the original notice.

Commissioner Mourdock: Mr. Mazzier, can you come back in here next week and let us know what the, am I going to say this-

Commissioner Fanello: Well, with the holiday coming up, I don't know what information he is going to be able to tell you.

President Mosby: Well, if he could come back in a week and tell us that he has a price, or you know, I mean, somebody else that can do it cheaper, or if you want to weed eat it or whatever, I would say next week, if he can come back and let us know that he has a solution to the problem, is what I would be looking for.

Commissioner Mourdock: I am willing to defer this one week so that next Monday night, Mr. Mazzier you or through your counselor or whatever can give us a report.

Mr. Mazzier: Okay.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to defer for one week. Thank you. So ordered.

Madelyn Grayson: May we make a tape change, please?

President Mosby: Okay.

(Tape Changed)

Dennis Woehler: Health Insurance Update

President Mosby: Dennis Woehler.

Dennis Woehler: Dennis Woehler, ONB Insurance. I just stopped by for a short update here. I have numbers up through the third quarter of this year, where we ended the year with Anthem last year at about 73%, losses rose to 86%. Our Welborn plan that ended last year at 130% fortunately has come down. We're hovering around 100% right now. A lot of this is due to a quarterly update I got on prescription drugs will be close to \$500,000 on just the Anthem plan. All of this together does not hold well for next year's shopping, but you know we could have a good final quarter and that would help. So, aside from that we had our open enrollment meetings. I think they went fairly well. I think everyone who had an issue or an interest stopped by or called or one or the other. There is an issue that I would like to bring before you, and I don't even know if this requires a vote, but I think I would like your input on it. It was brought to my attention here recently that in past years, three or four years ago somewhere back in time here, there was actually a committee, a departmental committee, where there was a volunteer from each of your departments in the county who served on a board and met once a month or once a quarter or, however we could set that up, to just give the input from their department on what they like, what they don't like. You know, and in turn I can share with them ideas on where the health insurance industry is going, cost sharing and things like that that may be important for them to take back to their people. I think that would be a real good think to re-institute. I just don't know if that requires a vote, a motion, or...you know, I would be happy to get out notices to the department heads or whatever needs to be done to kind of get this reorganized.

Commissioner Mourdock: I'll make a suggestion, if you, working with Tammy or Patty, want to get a list of people from the various departments together, bring it to us and suggest that group be the committee, I would certainly go along with that. That committee had another function as well, which was to make sure word was being spread among the various offices as to what these costs are and if we don't keep them down we're going to loose things. So, that's a good idea.

Dennis Woehler: And I think if you have the communication both ways I think it would be real helpful and the people will feel a little more like they have a voice in this or a little more ownership in it.

Commissioner Mourdock: Bring us a list.

Dennis Woehler: Alright, I'll do that. Thank you very much.

President Mosby: Thank you. Let's go back to C.

Commissioner Mourdock: I don't think he's ready.

Catherine Fanello: Cinergy Invoice

President Mosby: Okay, next Commissioner Fanello.

Commissioner Fanello: I have an invoice that was brought to my attention by Alan

Teeple of ACS, our computer services department. Apparently, last July the Commission signed an agreement with Cinergy Communications, formerly known as Network WCS, for a T-1 line. This was to be used by the County Clerk's office and the County Recorder's office. I guess funding wasn't in place or something because the invoice has never been paid, and now it totals \$17,236.16. We're being charged for the installation charges, the internet access, the private line service, taxes, regulated fees as well as late charges. So, I guess, we need to give Alan some direction. Apparently no one is using this T-1 line. Alan, could you please come forward?

Alan Teeple: Alan Teeple, computer services.

Commissioner Fanello: Is that correct, no one is using it?

Alan Teeple: That is correct.

Commissioner Fanello: Okay.

Alan Teeple: The line was installed in July of 2000, not 2001, let's not misunderstand that it was installed in July of 2000 for the use of the Recorder and the County Clerk for public access of records. They did not move on that so those lines are set up but have never been used, but we've been charged for them. I think WCS and Cinergy have been very lenient not to have this paid.

Commissioner Fanello: Yeah, for \$17,000 I'd say they're real lenient.

Alan Teeple: That is correct.

Commissioner Mourdock: I went back, having seen this on the agenda, went back to look when it was brought to us last year in July of 2000 at that point it was to be paid out of the Recorder's Perpetuation Fund. That's in part at least why it was agreed to. Obviously this is the first I've heard that it's not been used and we need to, number one, make sure the payment is taken care of out of that fund since that's what the purpose was initially and then figure out where we go from there.

Commissioner Fanello: Well I don't think -

Commissioner Mourdock: If it's not being used I don't know what our options are, but-

Commissioner Fanello: I don't think the current Recorder wants it, and I don't think she's going to be very happy about paying for it either from the discussion I had with her. And I don't know if Marsha is interested in the line at all, I have not heard. Do you know?

Alan Teeple: I know from both of them that they are interested in doing public access to records, that's valid. I don't know that they are ready today to move on it. In a meeting with the two of them both of them said, and I don't mean to speak for them I wish that they were here for you, but both of them stated that they want to use the line but they are not prepared to use it today. They also don't want to pay for a line that they haven't been using. So, it's kind of got me caught in the middle.

Commissioner Mourdock: I understand.

President Mosby: I mean somebody obviously came to the Commissioners and there was a recommendation paid and voted on. I don't see how we're going to get out of paying it.

Commissioner Mourdock: I agree. The question is which fund is it going to come from? I agree with paying it.

President Mosby: To me, you said you went back and researched it and said that it is in the Recorder's fund, her or the Clerk one is going to pay it.

Commissioner Mourdock: Well it was specifically stated because a question was asked at that meeting where the funding was coming from and it was stated that it would be the Perpetuation Fund. So I think we need to stand strong and I'll certainly speak to the Recorder as well and I'll speak to the Clerk as well to find out what the plan is because I don't like paying for something that is not getting used. If we're all hot to trot to get it in there but now it's not being used, that begs, you know, the other question is are there other things this line can be used for? Is there any other access available for us off this line?

Alan Teeple: I mean, it's an internet line, but we have internet lines already. I mean, can it be used? Certainly. There's always room to use it.

President Mosby: How about need it?

Alan Teeple: Do we need it? No. You need it for the Clerk and the Recorder to have public access to those records.

President Mosby: Is there another line they can use?

Alan Teeple: No.

President Mosby: So, if they want access to the records then we do need it.

Alan Teeple: Yes.

Commissioner Mourdock: If I understand this, correct me if I'm wrong, if their databases were up and ready today we probably wouldn't be having this discussion.

Alan Teeple: That's true.

Commissioner Mourdock: We've got the line ready, we've got half the suit one but we didn't get the other half put on.

Alan Teeple: Correct.

President Mosby: How far away are they?

Commissioner Mourdock: I don't think he knows.

Alan Teeple: That I can't speak to.

President Mosby: I mean we'd still be having this discussion because, I mean, we owe somebody \$17,000.

Commissioner Mourdock: Right, I'm simply saying if we were out using it everyday probably all of this would be taken care of and we wouldn't be having this discussion. We still owe somebody the money.

President Mosby: Mr. Fluty have we seen this come through? So they've never sent anything to the Auditor to be paid?

Bill Fluty: I haven't seen this one.

Alan Teeple: Oh really? Well it's an invoice that we've received every month since I've been here. I realize that hasn't been that many months, but it's an invoice that I received downstairs and that was one of my first action items when I got here after discussions with Commissioner Fanello.

Commissioner Fanello: I guess do we want to write a letter to the Recorder's office? Or do we just want to talk to her?

President Mosby: Well I mean, my opinion is the Recorder is going to have to pay this. She was obligated this bill from her previous...but I mean, it is going to have to be paid.

Alan Teeple: And the Clerk.

President Mosby: Yeah and the Clerk, I mean.

Commissioner Mourdock: The payment though was specific from the Recorder's, at least as I review the minutes. Check me on that, but that's the way I understand that. To get the thing solved most quickly means let's get it paid. I agree with what you just said, David, so whatever we need to do to have that come out of the Perpetuation Fund let's do it.

President Mosby: I don't think the Recorder is going to be happy, but...

Commissioner Mourdock: Well, I think there are three of us right here that aren't real happy right now either.

President Mosby: I mean it was obligated in 2000 and I wasn't here.

Commissioner Fanello: So, do we want to send a letter to the Recorder?

President Mosby: Yes, I'd say we need a motion to send a letter.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: Okay, I didn't mean to make the motion, but that's okay, no problem.

Alan Teeple: Thank you.

President Mosby: Thank you, sir.

**Revisit Opening of Bids for VC2001-13: (Two) 1 ½ Ton Trucks
and (One) SUV**

President Mosby: Okay, are we ready Phil?

Philip Hayes: Yeah.

President Mosby: Back to C, Phil Lawrence.

Philip Hayes: VC2001-13 is items for trucks and an SUV and I'll read these into the record as they appear in the total bid costs. Ruxer Ford is \$62,722.00. The second item is...the second bid is from Westport Auto Sales. The manner in which they have bid is unit prices. First unit price \$27,955.00 each and a total of \$55,910.00. There is a second price at \$23,098.00 each with a total of \$46,196.00. And Phil on that particular item you'll need some permission I think with regard to how that's laid out because it's somewhat confusing. The Westport Auto Sales also appears a second unit price on the SUV at \$27,745.00 and an amount price of \$26,466.00. The documents that are submitted don't appear to be...they're not filled out consistent with ours but, if you'll go over those. That's a total of three bids that we show received on that VC2001-13.

Phil Lawrence: It was Ruxer, Westport and it was a D-Patrick bid.

Philip Hayes: Yes, correct.

Phil Lawrence: You didn't read that one.

Philip Hayes: Sorry we just got into two and those were submitted differently. Thank you on that. D-Patrick Ford has a total bid of \$65,050.30.

Commissioner Fanello: Motion to take under advisement.

Commissioner Mourdock: So moved...I'm sorry second.

President Mosby: Motion and second, so ordered.

Revisit Opening of Bids for Printing of 2002 Tax Bills

Philip Hayes: The next bid opening is unnumbered and it's bids for printing the 2002 tax bills. The first bid to be read is Standard Register and the total bid cost is in the amount of \$40,500.00. The second opened is from the Relizon company for the amount of \$20,250.00. If this is simply a partial... I don't seem to find any others that are here, there are two copies aligned with it. Do you have any information on that whether that's a partial?

Phil Lawrence: That's probably excluding the printing which is typically \$20,000.00.

Philip Hayes: So it may be a component bid and you'll want to take a look at that and it's highly underlined as a bid (Inaudible) included in this proposal and it seems to itemize these things down. That's all the bids that are available on the tax bill printing.

Commissioner Fanello: Motion to take under advisement.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to take under advisement, so ordered.

Phil Lawrence: Thank you.

Revisit Cinergy Invoice

Commissioner Mourdock: Before we go to any group or individual, I'm just scanning the minutes from that July 10, 2000 meeting we were referring to a minute ago and just to clarify something, everything I see here is related strictly to the Recorder and there's no discussion here about the County Clerk being involved.

Alan Teeple: Alan Teeple, computer services. I don't know of what your minutes say, obviously, because I wasn't there.

Commissioner Mourdock: Sure.

Alan Teeple: What I can tell you is when I brought this to the attention of the County Clerk and Recorder both of them were aware of it and they knew what it was for. The Clerk intended to charge an access fee to pay her portion of the line and the Recorder's office intended to take it out of the Perpetuation Fund.

Commissioner Mourdock: Okay, and that's what made me think of it because again all the funding here, there's no discussion from the Clerk at all, it's all from the former Recorder. Just wanted to clarify that.

President Mosby: Thank you.

Any Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the Board.

Connie Whitman: Thank you, I'm Connie Whitman and this may be premature because you haven't gotten around to a jail report yet, but I wanted to bring some things to your attention. About six months ago I raised some issues about the jail, Constitutional violations, and I wanted to know if anything has been done in those six months? For instance I raised a jurisdiction question. I have encircled and read every single provision of the Constitution the Vanderburgh County Court system has violated, that's seven agencies not counting yours. I don't really know what your involvement is, I'm a Henderson transplant so I don't really know you all and your government is a little different here than Henderson's was. But all 50 states are still under the Constitution even though you have a confederation with Henderson, I have a piece of paper showing that you do. The Commonwealth's attorney there when asked what happened to the Constitution said we don't do court that way anymore and you all are kind of colluding with them. My son was jailed for months in Henderson for an unpaid \$25.00 fine. I realize this isn't court, but what I'm leading up to is I've heard that there is still wrangling with the jail and the jail lawsuits. My position six months ago was that about 90% of the people don't belong there because the laws they were jailed under are ex post facto laws that lack subject matter jurisdiction. For instance, like this \$25.00 fine, when you're late suddenly there's a bench warrant. That's an ex post facto law. When you change the rules

after court has started that's in laymen's terms a kangaroo court. That's an ex post facto law specifically prohibited by the Constitution which I have a copy of if anybody wants a copy. I wondered if you all are planning to cease and desist because like I said 90% don't belong there in the first place. That's most of your overcrowding problem. After my son got out of jail he still had a bench warrant, still owed the fine in Indiana. In other words you have people jailed in Kentucky but then you don't do you paperwork and make sure they don't get rejailed in Indiana for the same thing. If you're going do something and do something that mean, that dictatorial and despotic you ought to at least finish it and not turn it in to double, triple, quadruple, quintuple, sextuple jeopardy that my son actually, since he owed both fines has served four jail sentences. That's way past double jeopardy. On September 7th Senator Lugar let me send ten ounces of mail to the Netherlands at which time I notified him and the UN that I intended, I asked the UN for a pouted jurisdiction because I planned to file a suit on Evansville in the Supreme Court which hasn't been done for some time, I could file it in Federal District Court, but this is serious enough, this confederation. That violates Article 1 Section 10 and you're doing it every day. As long as I've...what I really want to know here is has what I raised before been addressed? And do you intend to cease these confederations? For instance the Constitution says a citizen in one state is entitled to protections of all the states. My son didn't get that obviously. You know, they were ready to jail him in both states for something that shouldn't be jailable at all under common law. If there's no injury then there's no crime. You can't jail somebody for a fine before or after the due date. That's like the water company instead of cutting you off coming out and hauling you to jail. You just can't do that. What's wrong with an invoice saying you're late or a late notice. Then if you miss court that's a default. Under civil procedure you have ten days to correct the problem and dispose of the problem. So, I'd like to know who ordered up this load of meat and who wants these jailings so badly. I will sue all seven agencies if I can't find out who it is. You all still have some time to stop me if you wish. I'm very concerned. I think we're teaching our kids something terrible that if you're powerful enough you can do anything you want. I'd like to give you all that to think about and hopefully at the next meeting we'll find out you've scaled the jail way down because of the 300 people in there probably 15 of them need to be there. Do you have any questions for me or anything you would like? Okay.

President Mosby: Any other group or individual wishing to address the Board?
Seeing none.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: The first two items I have are for the Church Road Bridge Project. First is a Notice to Bidders for contract VC01-12-02, Reconstruction of Church Road Bridge #299. It is requested that it be approved to advertise and put out for bid.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered.

John Stoll: And the other item I've got on that project is the Corps of Engineers

permit. This just needs the Commissioners' signatures so we can forward it for Corps of Engineer approval.

Commissioner Mourdock: I'll move signing the Corps permit for Church Road.

Commissioner Fanello: Second.

President Mosby: Motion and a second, so ordered.

John Stoll: The next three items that I've got are in regard to the Evergreen Acres drainage project. The first one is a supplemental agreement for an additional \$1,925.00 for Clark Dietz to prepare legal descriptions for three permanent and four temporary drainage easements for the project.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: I also have a Notice to Bidders on the project. It is requested that approval be granted to advertise the project and put it out for bids.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Motion and a second, so ordered.

John Stoll: The last item I've got on that project is the cover sheet for the plans that need the Commissioners' signatures.

Commissioner Mourdock: I'll move signing the plans.

President Mosby: I need a second.

Commissioner Fanello: Sorry?

President Mosby: I need a second.

Commissioner Fanello: Second.

President Mosby: Motion and a second to sign the plans, so ordered.

John Stoll: Next I'd like to request approval to go to County Council to request a transfer of \$110,000 from the Fulton Avenue Cumulative Bridge account to the Heather Court Culvert #1673 and transfer \$250,000 from the Fulton Bridge CCD account to the Pine Place / Heather Court drainage project account in CCD. In both cases the Fulton Avenue Bridge project is complete so the funding is no longer needed there. We need this to be able to award this Pine Place and Heather Court project.

Commissioner Fanello: So moved.

Commissioner Mourdock: And how much are you talking about John, did I hear \$250,000?

John Stoll: It's \$110,000 from the Cum Bridge Fund and then \$250,000 in the CCD fund, so it's a grand total of \$360,000.

Commissioner Mourdock: Okay, second.

President Mosby: Motion and a second, so ordered.

John Stoll: And next I'd like approval on, verbal approval, on several additional items on the Vanderburgh Industrial Park Railroad Spur Project. On that project INDOT notified us at the preconstruction meeting that we needed to have an extra center guardrail underneath the bridge, under I-164, which basically they're going to put another railroad rail inside the main rail just to try to prevent cars from derailing that would damage the bridge abutment. That price is \$8,500. We also have had to provide an additional no passing zone on Highway 57 where the railroad crossing has been installed. This additional striping costs an additional \$1,589.00. We were able to delete some detour signs that were provided by INDOT instead of having our contractor provide the signs. That was a deduction of \$3,900. We needed one additional concrete panel for the railroad crossing as a result of meeting INDOT's required width for the crossing. That was an increase of \$2,075.00. The last item was there was some unstable soils up next to the Graham Packaging building. The problem up adjacent to the building where the railroad spur ends was due to the fact that the railroad spur is basically being built to where the retention basin use to be in the subdivision. We contacted Bernardin Lochmueller and they came up with a plan for stabilizing that area and that increase was \$10,780.50. So the total change on all of these a net increase of \$19,044.50.

Commissioner Mourdock: And on the first one did I understand that, if the rail is not strong enough to hold the train we're going to put another type of the same rail to try and keep it away from the bridge abutment?

John Stoll: It's to try and keep the, the way I understand it, try to keep the cars from derailing. When they set one rail inside the main rail it has a tendency to try to keep cars on the tracks as opposed to derailing and then hitting the bridge abutment.

Commissioner Mourdock: Okay, I'll move approval of the sum total of the change orders requested.

Commissioner Fanello: Second.

President Mosby: Motion and a second, so ordered.

John Stoll: I've got a copy of all of that for the record.

President Mosby: John are the other two bodies that are involved in this, generally do they have to pay a third of that each?

John Stoll: Yes.

President Mosby: Okay, I wanted to make sure.

John Stoll: And I have been in touch with Bruce Stallings of the Industrial Foundation

to keep him updated on what we've encountered out there and what the costs are.

Commissioner Mourdock: The numbers you were stating were our third?

John Stoll: That was the total so it would be \$6,300.

President Mosby: Right, we're just a third of \$19,000.

John Stoll: Right.

President Mosby: Any other –

John Stoll: I've got a couple more things here real quick. The next thing I have is a request for a sidewalk waiver for East Pointe Business Park subdivision. This is the commercial/industrial park that will be at the northeast quadrant of the Morgan Avenue and I-164 interchange. It's about a 100 acre development and the developer has requested the sidewalk waiver due to the fact that none of the adjacent properties have sidewalks and they are providing roads that are four feet wider than the minimum standards. So, they say for the low volume of pedestrian traffic they will provide space on the street for people to walk.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I have a change order on the First Avenue Bridge Repair Project. This is for a net increase of \$2,927.45. The primary increases were due to additional asphalt needed to make the southbound approach on the north side of the bridge. We had some problems, there was a dip in the road. We didn't find any voids like we anticipated so we kind of changed the scope of what we were doing. In doing so it required additional asphalt to make the approach ride a little better.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: My last item is a change order on the repair and repaving of Eissler Road contract. This is for a net decrease of \$3,194.09.

President Mosby: A decrease?

John Stoll: Yes.

President Mosby: I'd approve that.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: We don't get too many of them. Motion and second, so ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Thanks John.

(Tape Changed)

Ralph Kissinger: County Highway

Ralph Kissinger: Are we ready, Madelyn?

Madelyn Grayson: Yes.

Ralph Kissinger: Ralph Kissinger, County Highway Department. You have my weekly reports. I do have a few things to add tonight. First of all, Mr. Brown from Pioneer Rail Corp. came by my office a week ago Friday, we didn't have a meeting last week. Did he talk to you, John? Okay. He was in town for the day and he was coming in to see where we were at on our, on his proposal on the rail crossings at Mill Road and on St. Joseph Avenue and also on Boonville-New Harmony Road. I told him that we had presented his proposal to you and there had been no action on it. So, I just wanted to inform you on that. He still of the intention, excuse me, that the county pay for everything and get us to pay for half the installing. Then he will pick up half the installation, so that's basically where we are at. So, until he comes up with a different plan, that's all I know about that right now, but I just wanted to convey that to you. Also, the 14 employees at the Highway Department did successfully complete and get certification on their CPR and first aid training. I sent a letter to Deputy Williams, and I would like to thank him in public for his cooperation in scheduling that for us, and also Sheriff Ellsworth. Their instructors took care of that for us, and we appreciate that. Other than that, that's all I have for this evening.

President Mosby: Any questions? Questions? Thank you.

Ralph Kissinger: Thank you.

President Mosby: Thanks, Ralph.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: I have no report, and I think there will be a request for an Executive Session a week from tonight later on for discussion.

President Mosby: Okay. That will be fine.

Philip Hayes: Discuss legal matters—

President Mosby: Okay.

Philip Hayes: —at that time.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report, but I wanted to remind everyone that since Thursday is a holiday and we're not, and the office is closed on Friday, anything that needs to be put on the agenda for next Monday needs to be in the office by Wednesday at noon.

President Mosby: Okay. Thank you.

Steve Craig: Burdette Park

President Mosby: Burdette Park.

Steve Craig: All I have is my weekly work sheets.

President Mosby: Okay. Any questions for Steve? Thank you, Steve.

SWCD Report

Commissioner Mourdock: We have the Soil and Water Conservation District Report. I don't believe we have an Ozone Officer Report here, at least I didn't have one in my packet. I didn't see one tonight. Is there one, Tammy? Did I miss it?

Tammy McKinney: For JoAnne?

Commissioner Mourdock: Right.

Tammy McKinney: I didn't get one from JoAnne. She may be on vacation. I'm not sure.

Commissioner Mourdock: I'll move then that we include the Soil and Water Conservation District Report into the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent.

Commissioner Mourdock: Are you ready for the Consent Items?

President Mosby: Uh-huh. Yeah.

Commissioner Mourdock: I have one request on the Consent Items. I know there is one in the packet currently that is for Commissioners Mosby and Fanello to go to the Commissioner conference the week of the 27th up in Indianapolis. I'm going to be going to that as well, and I would just move that we go ahead and include my name for the registration cost only. Everything else I've got taken care of, but if you would just add me for registration.

Commissioner Fanello: Motion to add Richard to travel.

Commissioner Mourdock: I'll second.

President Mosby: Second, oh, okay. Motion and a second. No problem.

Commissioner Mourdock: I think all the other Consent Items are as filed, I believe. So, I'll move approval.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.¹

Scheduled Meetings

President Mosby: Okay. Scheduled Meetings.

Commissioner Mourdock: Phil mentioned we need an Executive Session, so I'll schedule...do we need an hour, Phil? I don't know what you are looking at.

Philip Hayes: I think that would be appropriate.

Commissioner Mourdock: Okay.

Philip Hayes: Or 45 minutes, if that would be more convenient for you.

Commissioner Mourdock: I'll move an Executive Session for a week from tonight at 5:00 p.m.

Commissioner Fanello: Second.

Philip Hayes: And a personnel. I have an understanding there is a personnel matter also, but that's all I know about it now.

President Mosby: Okay, I have November 26th at 5:00 p.m. Executive Session. Any other scheduled meetings?

Commissioner Fanello: I think this would be a nice time to talk about the one tomorrow.

President Mosby: Okay. Tomorrow we have a joint meeting at 1:00 in the County Council chambers. I can elaborate a little bit, but not a whole lot. I was contacted by President Bassemier today from the County Council. I had submitted an agenda to President Bassemier last week, or I will say the Administrative Assistant of the County Council, and also asked to have contact with President Bassemier. Was unsuccessful Wednesday, Thursday and Friday to make any contact. Called the Council's office this morning two or three times, finally with no avail to get a hold of the Administrative Assistant. I did get a call from the President. They have not accepted our agenda, but have give us an agenda of theirs to permit only the

¹Consent Items listed on Page 27.

County Council to question us for one hour. We get one half hour of response from the Commissioners and then they get a closing half hour response from the Council. In talking with Counselor Hayes before the meeting, correct me if I'm wrong, I believe we're going to be in the audience and they are going to be up front. So...

Philip Hayes: That detail I don't have. The main communication I had was just calling the County Council's attorney—

President Mosby: Right.

Philip Hayes: —Jeffrey Ahlers, and he had not seen that agenda, and he hadn't had an opportunity to talk to President Bassemier since last week. In general he expressed that, he confirmed with me, of course, that it is a joint meeting, and I discussed briefly that what you have just stated. I had asked if he had had an opportunity to, would he discuss that with President Bassemier, and it had been my research that there really is no procedure for joint meetings. They are commonly done just by courtesy, by extending suggestions on agendas and usually working them out, and suspension of rules, as you have said. I think you are familiar with that procedure. So, that really was all I was aware of. I know that none of the people that we had hoped to be heard or available for discussion tomorrow, none of them are on any payroll. There had been a concern that professional fees were not to be run up for the meeting on the part of the Council and that's clarified. There are, confirmed there are none, so that's pretty much the way it was left.

President Mosby: Okay.

Philip Hayes: If you can communicate with President Bassemier, I think, basically it's working out between the two of you that have met of co-chairing the meeting and setting up an alternative, so that all participants that want to participate can, as far as discussion, that's the advertised purpose of the meeting—

President Mosby: Okay.

Philip Hayes: —discussion of the contract.

President Mosby: I'll have Tammy try to call. Try to call President Bassemier in the morning. Have him try to contact me on my cell phone as soon as possible. I would still like to request that the Sheriff be at that meeting tomorrow. I know that he was first on the agenda, and I think it's only right if we are going to discuss the jail, that the Sheriff be allowed to make remarks or comments at the meeting.

Brad Ellsworth: I don't know if I was supposed to come up here or not, but it sounded like a good opportunity. I heard my name. Brad Ellsworth, Sheriff Vanderburgh County. I'll be there, just as we've been and my office has been represented every public meeting we've had so far. When the Commissioners asked me to be on the agenda to kind of give an historical overview of where we've been, I can't give you the whole history because, as I said last week, I was in college when this original jail suit was brought up in 1979. I wasn't thinking about the jail. Trying to stay out of jail, I guess, in 1979, as a junior at USI. We'll be there and, I guess, some of the questions I heard from the Council last week were there were things that, questions that I heard and I believe Councilman Hoy was the one that brought it up about programming and, you know, a plan, and I guess one of the

reasons I agreed to be on the agenda tomorrow was because we've been doing programming and making a plan. In fact, we just received a, Eric, was it 240 page? Oh, 265 page document today from, from United/ DLZ about the programming that we're doing. So, I was a little bit concerned that, that these are things that we've talked about over four years of public meetings now, and there were questions. So, I was hoping I could answer some of those about where the program is going? What the plan was? Some side issues that we've been working very hard on. Working full time at. If that's the case and we're not on the agenda, so be it, but we were really looking forward to this meeting because these are issues that need to be resolved by these two bodies, the Council and Commission. You got in your report tonight that we are back up, I think, over 250 at this moment. It's still early into second shift, and I don't have to tell you that second shift is the busy time. That may go down again tomorrow, but at our last, at our last criminal justice meeting that we had in 318, that Commissioner Fanello attended... I can go back to something Jeff Ahlers or counsel, the attorney for the Council said, that this is, this is serious business. It is serious business. We're in the middle of this law suit. We're back up over 350. We're at the point, we're not at 425, but we're still at that point where we are getting closer and closer to where they are running....the judges are running out of people to let out of jail. There is no question about it. Talk about the crime rate going down, that is not going to influence our jail population at all, here in Vanderburgh County, I can tell you that. So, I think the Council and the Commission, I see the time limits on the agenda, I think it's one of those where you have to stay as long as it takes. If it means bringing lunch or sleeping bags, then I think we need to do that, but, you know, I think everybody needs to be heard and we need to resolve issues tomorrow night and get this thing back on track with the two bodies agreeing to go forward on this, because, like I said, best case scenario we are three years out, two years out from the time they break ground. We're trying to hold this thing together with bailing wire and duct tape. So, we'll be there. I know that was a long answer to your question, Commissioner, but—

President Mosby: I won't ask no more.

Brad Ellsworth: Okay.

President Mosby: That wore me out. No, I'm just kidding. Is there any other comments?

Commissioner Fanello: I would like to make a comment. I guess I don't really understand now what the purpose of the meeting is, because as the Sheriff said, last week there were a lot of questions asked by the Council. If it seems, you know, I think the wrong attitude was displayed today by putting this agenda, posting it outside the Council chambers without even consulting with Commissioner Mosby about it. You know, when we had given them a list of things that we wanted to talk about. So, I'm not sure what we are going to accomplish in this meeting. If it's going to be a meeting where it's going to be a trial type situation and it's not going to be us all coming together to get some of these questions answered, I'm not sure it's going to be productive. So, I'm not really sure where this is all going now that this is, this kind of attitude has taken place today from the Council.

President Mosby: I can only say one thing, and when I talked to President Bassemier I asked him what the hour was going to be for and at one point he mentioned he was going to have financial questions. I specifically told him if there was financial questions to be answered on this project that we needed to have Tom

Pitman from Baker and Daniels and Mike Claytor from Crowe Chizek down here to answer them type of questions on a \$35 million bond issue. They specifically, at that point, or President Bassemier, specifically at that point, said he'd talked to other members of the Council and that it was not their wish to spend any money or have them people down here. So, I graciously agreed to be there, and I've tried to answer all their questions. I've had two meetings with Councilman Raben over the last week to ten days. I had an hour and a half conversation with their Counselor Ahlers, and got him answers to all of his questions within 24 hours and they were faxed to him. I have not heard back from any of them since, and all I know is we got a meeting and—

Commissioner Fanello: You know, all those members who were going to come, or experts who were going to come down would do so at no charge. That's not really an issue, but I'm just not sure what we are going to accomplish tomorrow if we can't have the people there to answer their questions. I'm not a bond counsel attorney. I'm not a financial advisor, so I can't answer questions like the experts could, so I just don't know what this is turning into really. I thought we were going to accomplish something as a group.

President Mosby: I'll just leave it at that, I mean, I don't...any Old—

Commissioner Mourdock: Yes.

Old Business

President Mosby: Old Business, okay.

Commissioner Mourdock: Yeah, you know, our circulating file, and I don't recall who got it first, but someone had made the note, save this letter, and we certainly should because we have a letter from INDOT. Several, I guess, probably six weeks ago we acted to send them a letter regarding the development out on the Lloyd Expressway, and they did get back to us with a letter in almost record time. Like I said, it only took them about three weeks, but it's amazing in the letter that they state things like we were correct in stating that design build contracts do save time, but then they explain why they didn't do that. Then it's also about that we could do this work in multiple shifts, but then they explain why they don't want to do that, so, again, I don't know who's writing, it may be yours, Catherine, but we do need to save this letter. Because this is an INDOT classic, so please hold that one in the file, Tammy. I'll give it you when we get done.

President Mosby: Any other, any other Old Business?

Commissioner Mourdock: One item, I don't know if this is Old Business. It is for the Commission as a whole, but maybe for the two of you it's new. We also received a letter that was dated November 12th regarding the noise issues at Marina Pointe. Did you all see that?

President Mosby: Yes.

Commissioner Mourdock: This one has come through several generations, and I know the Sheriff has gotten calls, I think, probably shortly after you were elected and ever since. I don't know how we deal with this one, but I open the conversation

with the idea that we do something with it. In a nutshell there is a noise ordinance within the city, but not the county. Historically that has been the case because of farming issues and agricultural issues. The situation here, Marian Pointe is out in the county, but the noise that is generated affects people back in the city. I don't know, Phil, and I hadn't thought of this until today, is there some sort of enabling legislation that would allow extension of those ordinances out? I mean, clearly there are ordinances in the city, you can't set off a firearm, and you can in the county, but that doesn't mean you can stand two foot outside the county line and fire shots into the city.

Philip Hayes: Well that occurs to me, and I'll be glad to review that, and—

Commissioner Mourdock: Do you have a copy of it?

Philip Hayes: —specifically get back to you. I have not seen that, no.

Commissioner Mourdock: I'll pass my copy down.

Philip Hayes: I don't think, it's not in our packet, then I haven't seen it.

President Mosby: I was going to say, I had a copy of that too.

Philip Hayes: Okay.

President Mosby: I would only reco...or, I guess, recommend or ask that you get a hold of the city. Because we just passed that, it probably hasn't been, that's probably not about a year and a half old. I think it was passed right before I went off the Council—

Commissioner Mourdock: Okay, well it may have come about as a result of this previous complaint. It's been at least, I'm going to say, two years since it's come to this body.

President Mosby: That ordinance in the city, I think, was made up of like six different cities that we ended up contacting, and I'll tell you right now, a noise ordinance is very hard to put together, because it took us almost a year to compile the one over in the city—

Philip Hayes: Okay.

President Mosby: —we worked a long time. I'm not going to say how stringent it is, but there is a lot of problems there.

Philip Hayes: Okay.

President Mosby: I can only tell you that. Any other Old Business?

New Business

President Mosby: New Business? We will start Rezonings in ten minutes.

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: Aren't we going to convene? We're recessing aren't we?

Commissioner Mourdock: No. We don't reconvene. It's a separate meeting.

President Mosby: Oh, yeah. Okay. So ordered.

The meeting was adjourned at 7:10 p.m.

CONSENT ITEMS:

Employment Changes:

Health Department	Coroner	Sheriff Department
Burdette Park	County Council	County Assessor
Knight Assessor	Surveyor	Cum Bridge
Center Assessor	German Assessor	

Travel Requests:

Health Department	Commissioners	Treasurer
Knight Assessor	Pigeon Assessor	

Auditor:

Submit Accounts Payable Voucher.
Pass through Day Reporting Drug Court Grant Application.
Submit Monthly Financial, Cash and Expenditure Reports.

County Clerk:

Submit Monthly Report.

Knight Township Assessor:

Request Surplus of Obsolete PC Workstations.

D.A.D.S.:

Contract for a Spanish Oral Interpretation and Written Translation.

Health Department:

Permission to go before Council to Request Transfer of Funds.

Sheriff:

Submit Weekly Jail Information and Reports.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Bill Fluty	Tammy McKinney
Madelyn Grayson	Cheryl Musgrave	Phil Lawrence
Alan Teeple	Roger Lehman	William Mazzier
Greg Higdon	Dennis Woehler	Connie Whitman
John Stoll	Ralph Kissinger	Steve Craig
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

**Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson, BJ Farrell and
Todd Hochstetler.**

**JOINT MEETING OF THE
VANDERBURGH COUNTY COUNCIL
AND COMMISSIONERS
NOVEMBER 20, 2001**

The Vanderburgh County Council and Commissioners held a special joint meeting for discussion of and action on contracts and services for jail and construction projects on November 20, 2001 in room 301 of the Civic Center Complex. The meeting was called to order at 1:06 p.m. by County Council President Ed Bassemier.

Council President Ed Bassemier: Sheriff, if you want to open the meeting, please?

(Meeting opened by Sheriff Brad Ellsworth)

Council President Bassemier: Thank you, sir. Attendance roll call please.

Teri Lukeman: Commissioner Mourdock?

Commissioner Mourdock: Here.

Teri Lukeman: Commissioner Fanello?

Commissioner Fanello: Here. Should I ask the question..we need to open our meeting, too. Don't we need to convene our meeting?

Phil Hayes: Yes, that would be appropriate.

Council President Bassemier: Okay, do you mind if we open ours?

Commissioner Fanello: You can go ahead and open yours.

Council President Bassemier: If that is the way that you guys want to do it, it is fine with me.

Teri Lukeman: Shall I call --

Council President Bassemier: Yeah, I tell you what, call the County Council people and then we will turn it over to them and let them call their people and we will have the Pledge of Allegiance.

Teri Lukeman: Councilmember Tornatta?

Councilmember Tornatta: Here.

Teri Lukeman: Councilmember Sutton?

Councilmember Sutton: Here.

Teri Lukeman: Councilmember Wortman?

Councilmember Wortman: Here.

Teri Lukeman: Councilmember Hoy?

Councilmember Hoy: Here.

Teri Lukeman: Councilmember Raben?

Councilmember Raben: Here.

Teri Lukeman: Councilmember Winnecke?

Councilmember Winnecke: Here.

Teri Lukeman: President Bassemier?

Council President Bassemier: Here. Okay, Mr. Mosby.

Commission President Mosby: I would like to call to order the special board meeting of the Vanderburgh County Commissioners on November 20th. Present today will be Commissioner Mourdock, Commissioner Fanello, Counselor Hayes and Commissioner Mosby along with Auditor Suzanne Crouch.

Council President Bassemier: Thank you, sir. Would everybody please stand for the Pledge of Allegiance?

(Pledge of Allegiance was given.)

Council President Bassemier: I would like to announce that the purpose of this meeting today is to address the design and construction management contracts for a new detention facility and find some common ground and move forward to the construction of a new jail. I guess we start a question and answer session. I will ask the Commissioners, you have a format that you like. Do you mind if we ask you some questions? How do you all like the, I am open to suggestions, to be fair to both parties.

Commission President Mosby: It doesn't matter to me.

Council President Bassemier: Okay. I will start out then. Are there any County Council members that would like to ask the Commissioners any questions to start it out? Please raise your hand and we will do it in an orderly fashion. Who would like to go first? Why, Mr. Winnecke, thank you sir.

Councilmember Winnecke: At the last Council meeting we had a number of issues relating to the financial aspects of the contract. Initially in the interest of paying the \$600,000 towards United and those bills, has the Commission negotiated at all with United to clean up the aspects of the contract that we raised questions about at our last meeting?

Commission President Mosby: Yes and I will answer that. Since the last meeting, I believe that I have had one meeting with Councilmember Raben and a couple of phone calls and some dialogue and Councilmember Raben referred me to Counselor Ahlers. So, in talking with Counselor Ahlers on the phone for about an hour and a half, he gave me specifically four or five things that he thought the Council was interested in and we did go back and we asked United to give us their fee structure and exactly what we came up with was United's fees for a \$30,000,000 for 2.55 along with 530 in the additional services for a total of 3.08. I also at the time asked United to give me fees on what they thought a \$40,000,000 project would come to and that figure came to 3.840. So, I told them to go on to a \$50,000,000 project which came out at 4.58. I believe that if you do the math on the numbers that

you will notice that the percentage comes down as the project goes up. I know it was stated here that they thought the fees would double but if you do the math on the percentages, as we go higher, instead of the 10.5% we actually come down to around 9%.

Councilmember Winnecke: So-

Commission President Mosby: So, the fees go down. Go ahead.

Councilmember Winnecke: A \$30,000,000 size, the price would be 3.08 million?

Commission President Mosby: Right.

Councilmember Winnecke: Uh, \$40,000,000 3.84?

Commission President Mosby: Right.

Councilmember Winnecke: And \$50,000,000 is 4.58?

Commission President Mosby: Right.

Councilmember Winnecke: What about the reimbursable expenses for them and the construction manager. How would their fees coincide?

Commission President Mosby: We didn't discuss the CM. But, the reimbursables are still capped at 190. So, and that was in the letter that Counselor Ahlers got that I faxed to him on Friday. It does tell you in there, civil engineering, environmental and site survey and geotechnical is still an added expense at this time and we don't know what that will be. They did put an approximate figure in there at \$200,000, \$205,000 so if that will help you.

Councilmember Winnecke: Are these fees determined by, is it a flat fee structure or is it an hourly based on the amount of work they do. If it turns out to be a \$45,000,000 project is somewhere in between and how do they calculate that?

Commission President Mosby: The only thing that they gave me is that simply because of the early stages of the project, their best estimate is what these fees could total and they didn't tell me how to figure them because this is something that they do not deal with but it tells you that in the bottom of the letter that none of the reimbursable as well as the mark up in any, will be marked up in anyway by United and passed straight on to us. So, they didn't have an exact price because it is something that was out of realm and they don't deal with it, same as kitchen design. Security is in there, there is a question on security. It is covered and that is stated in the letter also that we gave to Counselor and it tells you the paragraph to look at.

Councilmember Winnecke: One of the other issues that we were talking about in our last meeting and then I will shut up after this and let someone else ask. Relating, you mentioned the kitchen expenses, the design and all of that, does the Commission have estimates yet on kitchen design, security, communication, etc, that is also part of the supporting services?

Commission President Mosby: No, we don't have a building yet. We don't have it designed.

Councilmember Winnecke: But, do you have an idea as to what the kitchen design is going to be?

Commission President Mosby: No. The kitchen design could change if you build just a jail or if you build a jail and community corrections or if you build all three. The kitchen could change depending on how big you build the building.

Councilmember Winnecke: I understand that. I guess I am just looking for a range.

Commission President Mosby: I really don't have a range and they just put in their letter that they thought approximately \$205,000 would get the rest of the designs that we would need and they included civil and environmental design, site survey and geotechnical.

Council President Bassemier: Do you want to go over it, Troy? Do you have any questions that you want to ask the Commissioners? Uh, Royce? Mr. Raben?

Councilmember Raben: I will wait just a little bit, I will wait to hear other questions and then I may follow up with some.

Council President Bassemier: Okay, Mr. Hoy?

Councilmember Hoy: I want to wait a while.

Council President Bassemier: Okay.

Commission President Mosby: Everybody can't wait.

Council President Bassemier: Mr. Wortman, do you have any questions?

Councilmember Wortman: Yes and I don't know if it can be answered or not. I would like to have a kind of, you know we talked about the jail on a scale of 100 and the jail costing 20% and the operating costing 80%, I would like to have a projection of how much operating this jail is going to cost based upon so many beds and what have you because this really could affect us, this 80%. I am kind of concerned about that and the location. If we have a location, as they call it on the back forty here the fourteen acres. Would there be a walkway over? Or if you get another location, two or three miles away or blocks or what have you, you've got transportation problems involved. I would like to have a kind of projection on that if I could. Thank you.

Commissioner Fanello: You are quite correct, Mr. Wortman. And what we need to do once we all decide how far we are going to go with this project, then they can begin to work on what operating costs might be. But, until we have a consensus here of how much we are willing to spend on this project, I know that a \$35,000,000 budget is set but I don't know that is going to get us everything we need, but once we do that, then we can work on an operating budget.

Councilmember Wortman: I am referring more. I went to Owensboro with Mr. Bassemier and the Sheriff, Mr. Ellsworth, and they built a jail over there for \$9,200,000. If they can build that, was that 400 beds, Mr. Bassemier?

Council President Bassemier: That's 427 beds.

Councilmember Wortman: Now, if that's the case, we could build 3 jails over here

at that price and having money left over.

Commission President Mosby: I think that if you look at the laws that you are dealing with in Kentucky and the laws that you dealing with in the state of Indiana, they are not the same.

Councilmember Wortman: Not the same?

Commissioner Fanello: The standards are different by which we have to build versus what Kentucky has to build and I think that Sheriff Ellsworth is probably familiar with a few of those but that is the big difference in cost that you see.

Council President Bassemier: Well, the engineer, to Mr. Wortman's defense, that \$9,200,000 was set on the price of what it would cost in Vanderburgh County, the \$9,200,000, actually they bought their facility for \$7,500,000, is that not right, Mr. Hoy?

Councilmember Hoy: That is correct and when I went over, I asked the jail about what the variables would be and he gave those to me and even factoring in the variables, I came to the conclusion that we should be able to do what we need to do for \$35,000,000. They did have some cost savings, they do, they don't have to comply with the American Correctional Associations standards as we do in Indiana. They do comply with the American Jailers Association which applies in Kentucky but doesn't apply here. One of the examples that he gave us was on how you can figure the space. There they can figure that the beds are part of the you know space in this room and you have to exclude those and where the toilet facilities are here, so there are some differences. They also had some other cost savings in painting, excavation and they chose to use a construction manager but not a general contractor. The construction manager did the subcontracting. I asked them also about union versus non-union labor and virtually all the labor was union labor. They have a prevailing wage law also just as we do. They followed that. So, I felt like I filtered out as many of the cost variables as possible and when I went to look at the facility and I went to look at the financing and say, are we being unreasonable with \$35,000,000? I came away feeling that we were not being unreasonable with \$35,000,000. So, that was my impression and I was very much impressed with their control room and how they set things up and some very practical things that they did along the way. Which are things that I think we can look at. You know beyond just what we are talking about today.

Council President Bassemier: Okay-

Commissioner Fanello: With, I'm sorry.

Council President Bassemier: You want to answer.

Commissioner Fanello: I believe that David has something to say. With all due respect, Councilmember Hoy, I don't disagree with what you are saying, I am sure that you have done your homework on that. But, throughout the state of Indiana I have gathered some research on what our detention facilities have cost within the state of Indiana and based on my research and the information gathered from the State Board of Tax Commissioners on other similar projects across the state. We are not going to get what we need for \$35,000,000 and as far as the figure that you are quoting, I would have to see what they are basing that on and how they are coming to their figures. So, at this point, I don't think it is fair to talk about those

kinds of cost issues when I don't have anything in front of me to substantiate those kinds of costs.

Commission President Mosby: Councilman, I would just go further to answer that. Initially when this project started and we were interviewing architects and engineers, I can tell you that I sat down with Ed Hafer, Tom or Mike Farley, Tom Hickey, these guys are some of the biggest firms in the state of Indiana. We had, I think three firms out of the top ten, that bid this project and in sitting down and talking with them, everyone of them will give you the federal standards on the square footage of each inmate in a jail cell per bed and they will give you two different ways. They will give you a price per bed and they will show you the construction cost per square foot of what it cost to build a jail. In sitting down and talking with them and going over jails, community corrections and juvenile detentions, that is how we came up with an approximately \$50,000,000 figure. That was with three different firms. Mike Shoulders being involved too with one of the firms. So, really we had Shoulders, Hafer, Farley and Hickey all.

Council President Bassemier: Mr. Hoy.

Councilmember Hoy: My questions connect with what you just said and that is, it is the same question that I asked you in our last meeting. That is that I do not believe that this contract gives us much security on a number of things. One is, we don't have the scope, I would feel better if the scope were outlined. If they came back with the scope with a location, what the site would cost, and some other things like that, then we might look at a, we are not looking at any hard figures here, there is no figure mentioned in the contract and I want to know what we are getting for the money we are spending. I think that there are too many loopholes in this contract.

Council President Bassemier: I will let him address it.

Commission President Mosby: Councilman, the only thing that I can tell you is that the scope of service right now that United Consulting is dealing with is what we have passed in the Commissioner's meeting back on August 20 and what it says, and the motion was 650 on the jail 300 on community corrections, yeah and 650 expandable to a 1000 with 20 - 24 juvenile detention. That was the scope of the project and that is what we had asked United Consulting to look at and bring us back a price on.

Councilmember Hoy: And what is the price that they brought back?

Commission President Mosby: We haven't got it yet. We will probably have the figures within the next week or so. We might have had them today but they were asked not to come down here so, they are not here.

Councilmember Hoy: I feel that our meeting today is to iron out the things that are not in this contract that need to be there and-

Commission President Mosby: Well, that is in the contract.

Councilmember Hoy: There is not a figure there.

Commission President Mosby: There is a figure there on their fees.

Councilmember Hoy: That's all.

Commission President Mosby: Right.

Councilmember Hoy: If we stick with the \$35,000,000 as a Council, then their fees along with Shireman's are going to be in excess of 15% and that just seems high to me. I realize that you can get figures national averages, state averages, and I am interested in those only to a point. I was reading in the paper where the county northwest, Davis County, Indiana, is looking at between ten and twelve and a half million, I am very familiar with that county and the economics of that county and that is absolutely going to be a tax killer up there and I think that they are making a mistake on what they are spending and I just don't want us to do it. I don't see any caps on this and there are just too many, there are loopholes that you can drive a semi through.

Commissioner Fanello: Councilman Hoy, with all due respect again, throwing the phrases out that there are loopholes, that things are excessive. You have to have something to base that upon, there aren't loopholes in the contract. The contract is based on a \$30,000,000 construction cost, as far as saying that Shireman's fees are in excess, and that is the construction manager, that construction manager fee is not an added cost to the project. That is a fee that you are going to be paying to a general contractor, if you do not have a construction manager on the project. So, that fee is a cost whether or not it is Shireman or someone else. To further add, I invited any Councilmember to see the research that I had done on other contracts. I have sample contracts from other jail projects across the state, three folders worth of research here, and I have not had one Councilperson come to me except Troy Tornatta and sit down and ask that question. So, to throw those comments out, I think are unfair, unless you have something to substantiate them.

Councilmember Raben: Could I interrupt just one second?

Councilmember Hoy: Go ahead.

Councilmember Raben: Catherine, you stated that this contract is based on \$30,000,000. On page 11, which is 1.3.1.4, it states, "no fixed limit of construction costs shall be established as a condition of this agreement".

Commissioner Fanello: Go to page 1.1.1., 1.1.1.3, in order to begin work on the project the architect has been instructed-

Councilmember Winnecke: What page are you on?

Councilmember Raben: 1.1-

Commissioner Fanello: Page 3, 1.1.1.3, a total construction cost budget of \$30,000,000. Now, if we go beyond what we, you know the scope that we are looking at here then yes, there is going to be a change in the contract, but the contract is set up that the owner approves every cost in excess of that. The contract is also set up that it can be terminated at any time at the pleasure of the owner.

Councilmember Hoy: Okay, my question then is, we would probably have to buy out his contract?

Commissioner Fanello: No, there is no buy out in the contract and I made sure of that.

Commission President Mosby: The other thing that I will add because it was brought up too, if we terminate the contract, as the owner, and the question was asked I think by Counselor Ahlers and Councilman Raben had asked me the question, we do not have to start the project over. It says, "there is however a provision in this agreement for such a scenario". Paragraph 1.3.2.2. states that "should the agreement be terminated by the owner for cause, the license granted to the owner to use the drawings to construct the building is immediately replaced by a second license that allows the owner to use and reproduce the drawings". So, we do not have to start over and that is in the language of the contract. There is no liquidated damages, either.

Council President Bassemier: Mr. Winnecke.

Councilmember Winnecke: Mr. Wortman raised the point earlier and I think that we need to try and nail down. One of the purposes of today's meeting in my mind is to not decide that we are going to spend more than \$35,000,000 because frankly I don't think that anyone today can present all of the evidence to change where we are in that regard. You know there are so many variables out there, land cost, I would like for someone to address where the county is in terms of the site selection and what consideration, if any, has been given to use of the existing jail.

Commissioner Fanello: I believe the Sheriff.

Councilmember Winnecke: Whoever would like to answer that.

Commissioner Fanello: I was just going to say that the Sheriff is the one who has been working on the site selection process and I believe that he would be the best one to answer those questions, in my opinion.

Council President Bassemier: Sheriff, would you mind coming forward, please. I knew that we would get you in there somewhere. Please state your name sir for the record. Did you want to ask that question again, Mr. Winnecke?

Brad Ellsworth: Brad Ellsworth, Sheriff.

Councilmember Winnecke: Where are we on the site selection?

Brad Ellsworth: There hasn't been a real scientific method for site selection. My staff and I just over the course of the career have went out when, since five years ago when this all started again. We started looking for areas that might be suitable. Certainly the back forty was the first and most desirable place to do this because it was in close proximity to the Courthouse. We have enjoyed the luxury of having a tunnel from the current jail to the Courthouse and like I said, it has been a luxury that many other counties don't enjoy. However, with what we believe is the scope of this project, when we are talking about a 650 bed jail or 500 whichever. The large community correction center and the juvenile, it began to look like they were going to need more acreage than what was available. If not, also parking became a problem with the back forty. Not saying that it has been thrown out, that is certainly one of the areas that is still on the site selection. So, what we began to do was take the knowledge gained in this and use what other counties have done with remonstrations and site selection and stuff like that and we put some things on paper that were important to us; a) connectivity to the courts was going to be the number one thing, within the city limits, distance away from any residential area that might be because we know when you try to put this in somebody's back yard or even close

that we are going to run into problems, so we were very cognizant of that. We were looking for areas that already had utilities and sewer and those things, travel access to roads and major thoroughfares. We came up with approximately and this wasn't done alone, this was also done with, and I know probably that probably you all and the Commissioners received letters on the back of napkins and paper saying this would be a good site. I had everything, every vacant building in town as been suggested to me as a possible jail site. What we did was basically narrow this down to eighteen locations. Some out in the county and some in the city and that includes the industrial zone out on 57, that includes the sheriff's training center on Kansas Road, every abandoned K-Mart, the Sam's Club on Green River Road, the State Hospital grounds and we had about 18 that looked acceptable. When we went out and then drove around with the architect from United, showing them and Mr. Shireman to the 18 different locations that we thought at least had a chance of this. We were then able to narrow that again to, down to approximately six locations that are really what I would say is ideal, that would really work and that includes the back forty. The back forty would require a parking garage being built and when we are talking about \$35,000,000 and if you say the jail and everything, plus the cost of the parking garage, I don't see it happening. If you guys can work that magic, more power to you. So, we are down to probably a handful, I would say five locations. I am reluctant to name those off for the same reason that we talked about before because we talked about as soon as you name a site, does the price go up? I am going to leave that to the Commission and Council to talk about those locations. If they want to name the final three or the final four or five that is fine with me but that's in your alls wisdom about how to secure those lots, secure those buildings and that. So, that is kind of what we went through for the criteria on a site selection. That is not done yet and I don't know if it's gone so far, I think that there is some people contacting some of the owners of the top five to see if they are even willing to sell that. I don't know of anybody that's, that information has come in. So, I don't have a range of we've got a million dollar lot or we've got one donated. As far as the existing jail, it was constructed in 1969 and it has served its purpose well and I think that they have done a wonderful job over thirty years in that facility. It is what they called a linear design, it's a 1930's and 40's design. It is extremely hard to supervise and we have talked about that a whole lot and that is why we see so many broken jaws and fights and things that go on because it is the old out of sight, out of mind. If they are behind a metal door, what goes on one side of the door is their business and what's out in the hallway is our business. You don't have, you can't hire enough staff to be in our cells, because they are so in the, they are ten man cells and we couldn't do that. During the PMSI study and we started bringing the standards back in, the DOC standards that are set, we have to follow, they said that if you knock a brick out of the wall and try to remodel the old jail, you will have to bring it up to current standards and that will reduce our beds from the current 268 down to approximately 125, if I remember correctly what they said. We have kicked around some of the things. My ideal situation is this is all on one campus and all, at least on one campus, if not under one roof, where it is much easier to manage and you can use the kitchens, the laundry and the like services to supply on. That is where you are going to save some of that money. Certainly the jail could be used for something but that's what we as a group have to decide what we are willing to do. Could you turn it into the Community Corrections Center? Probably could. You know, cut off the doors, open it up, release it and I know the jail, replace the jail elevator that breaks down unfortunately, usually on Christmas and I am the one that gets the call because all of the elevators are broken down and they can't visit and things like that. You can turn it into that, but that's when we have to ask ourselves, is that what we want at the front gate of our government center, is the release and constant traffic of work release inmates out on Martin Luther King Blvd. Some of us

have talked about that and it didn't seem like the ideal location. Could you turn it into a juvenile center? Absolutely could with some of the same things with the supervision, but, you are going to talk about having separate kitchens, separate supervisory staff and some of those things. The one thing that we are probably going to, if we do build this on an away site, is that we are going to need somewhere to stage for a secure area to stage inmates and the current court stays where it is at, is a place to stage inmates while they are waiting to appear in court. Certainly, that seems like the current jail could be incorporated into that. I don't know what the Building Authority, I think Chief Deputy Williams has had some conversation with Mr. Utley about at least the possibility of stripping out that building and turning it into office space and if my recollection, and I won't speak for him, but that's a pretty easily done thing, to turn that into office space. But that is, I don't know if that answers it but-

Councilmember Winnecke: I would just have follow up and I don't know if it's directed to-

Council President Bassemier: I'm sorry, Lloyd, let's change the tape.

(TAPE CHANGE)

Councilmember Winnecke: I don't know if it's directed to the Sheriff or the Commissioners, what is, in someone's mind, the time line for selecting the site?

Brad Ellsworth: I'll let you answer that.

Commission President Mosby: I'd say probably within the next three months. The first thing we've got to do is get a contract with the architect.

Council President Bassemier: I know according to contract, of course I imagine it's changed in you all's contract here, this February 2, 2002?

Commission President Mosby: Yeah, but that's changing every time we keep messing with this.

Council President Bassemier: That's right.

Commission President Mosby: The last time I had talked to the architects the February deal was pending, we thought we had a contract and we were moving forward and then all this came about, so... I mean, every time we walk in here we just lose a week or two or three.

Council President Bassemier: What we're doing here shouldn't slow us up on finding a land site, right? I mean, you guys are still working trying to find us a piece of ground.

Commission President Mosby: We're looking, yeah.

Council President Bassemier: I've got a couple of questions and then I'll work back over here. I agree with Mr. Wortman we do need to find a piece ground. I mean I really don't think we can sign a contract, personally now, until we find a piece of ground. The Sheriff says you all have narrowed it down, I think Catherine you said you've narrowed it down to five or six sites. Can you kind of give me an average cost of these five sites that it is going to cost the county? We've gave you a cap of

\$35,000,000, this \$5,000,000 is going to go for the designs. Now what do you think the average of those five or six sites that you've talked to these people what is it going to average out? I know you can't give me an exact figure.

Commissioner Fanello: I haven't talked to anybody about cost and would have no idea. I mean that is for an appraiser to determine. Until people are even contacted if they're even willing to sell these properties or whatever we come down to the final two or three or whatever, I have no idea. It's not within my realm of expertise.

Commission President Mosby: I don't want there to be a misinterpretation here the way you said that. I don't think anybody's been contacted by the site-

Commissioner Fanello: No.

Commission President Mosby: When the Sheriff is referring to this, and I think what we are referring to, this is only something that we have only drove around and just looked at sites. Nobody has been contacted.

Council President Bassemier: I didn't know. I guess we ought to be getting onto it because if we're trying find a piece of ground we better be asking if it is for sale, right?

Councilmember Raben: Mr. President, I might jump in just a moment. Brad, I know you and I spoke a few weeks back about the possibility of your site selections and at that time you had asked me to keep them to myself with the understanding that as soon as I found out you were interested in a piece of my property I would immediately, what would happen to the price of that piece of property, but from talking with you, and you stated just a few moments ago, that your first choice would be the back 40. I know Commissioner Mosby, am I accurate when I say that would be your first pick?

Commission President Mosby: I said it publicly already.

Councilmember Raben: Okay.

Commissioner Fanello: And I would too, that is my first choice.

Councilmember Raben: I guess what concerns me with that is, and I tried to establish a meeting over a period of a couple of weeks with the Building Authority to begin that discussion, where this fits in with the downtown master plan, what kind of give and take the Building Authority has because they ultimately do have control of that property. That meeting was cancelled and I'm offering to do that again.

Commission President Mosby: I think that was the day we voided the contract.

Councilmember Raben: Okay, but again, I don't see how we can even consider other sites knowing going in that this is our number one choice if we haven't begun that dialogue with them. Brad, you mentioned parking garage. I don't think the county would have to include parking garage as part of this construction cost. There may be some other...I have some other ideas on that I addressed with Commissioner Mosby. Again, I think that's an important part of this conversation, site selection is very key. I think we need to have that meeting that I once tried to establish that was cancelled. I'm asking again if I set it up, is it going to take place?

Commission President Mosby: If we have an architect on board and we move forward I would be more than happy to meet tomorrow. But I can't see jumping out of line here, I mean the first thing we have-

Councilmember Raben: Well again, site selection is key. I mean, that's everything right now. So we need to begin that dialogue with the appropriate figures.

Commissioner Fanello: But we have to have their involvement to help with that.

Councilmember Raben: Who the architect?

Commissioner Fanello: The architects.

Councilmember Raben: Well you have to know that the site that we're going to get the appropriate commitments from the mayor's office, from City Council, from the Building Authority, both of these bodies. I mean there is more involved in that back 40 than just-

Commissioner Fanello: I agree with that and I agree with what you said. You know, no it should be the number one site and we shouldn't pay attention to any others, but you have to have some contingency plans. If the back 40 is not going to work, it's not going to work. You've got to have the next two to go to.

Councilmember Raben: But again we have to get to the point where we understand that it is or isn't going to work before we even entertain other ones. I'm just saying once again that I will establish that communication that I once made the effort to communicate before it was cancelled.

Commission President Mosby: And I told you that I was willing to meet. The only thing I'm saying, and I guess I'm just saying the reverse of what you're saying, you're saying let's find out and have a dialogue with everybody. I'm saying let's let the professionals tell you that's even the site. I would hate to think we went through all that dialogue and had meetings with the Building Authority and everybody and we wasted everybody's time because the site is not even...

Commissioner Mourdock: Didn't we just hear, Brad, didn't you just say it's one of the five sites currently, it's one of the finalists?

Brad Ellsworth: The back 40?

Commissioner Mourdock: Yes.

Brad Ellsworth: As one of the desirable sites for it, yes.

Commissioner Mourdock: Yes, and that determination was made based on the drive through, through the windshield that you did with the architects?

Brad Ellsworth: Yes.

Commissioner Mourdock: Thank you.

Commission President Mosby: Has anybody measured that site? Do we know how many acres we'll need?

Council President Bassemier: Go ahead Sheriff, you've got the floor.

Brad Ellsworth: I'll take responsibility for pleading with the Commission and the architect that, and we've had some talks about ten story... I guess what I was adamantly opposed to was saying, well let's just say the judges' parking lot, everybody is familiar with that, saying we're going to put this on the judges parking lot. What that would have required would be to make it basically a ten story jail. What that does if you select your site first and we say we want it right here and you're blocked by this much area and we go up ten stories, we've already talked about that of adding 100 people just to staff it which we are not going to be able to afford to do. So, what I begged for them to consider is let's draw or at least come up with a program on what we need and how this lays out to draw an efficient, and we talked about that in Owensboro, to lay it out so it's an efficient drawn building. Now, you can't do that if you're strapped to a block area or something like that. So, what they've said now is he thinks, Paul with DLZ thinks and United thinks he needs about nine acres, I think, was the minimum to do this entire project, if we're still doing three projects. We have to talk about future growth and we have to talk about if we're going to make this expandable. That's one of the things we talked about down there is leaving room for expansion. The other thing we just have to keep in our heads, and like I said connectivity to the courts is really important, but if we decide to build...I'm at 350 so I was 368 this morning, inmates in jail. If we have to displace 800 or 900, whatever the back 40 capacity is, we're talking about displacing that parking even during the construction period. So, I don't know how fast you can throw together a parking garage.

Councilmember Raben: Well then again I discussed that with Commissioner Mosby. That's part of getting this dialogue moving because you would, you would have to begin your parking garage to allow for construction to take place.

Brad Ellsworth: So if it takes two years to build a parking garage, that's two years before we can even start on the construction of the jail. Like I said I've got a lot of bailing wire and duct tape, but I don't know if I've got it to hold it together that long because we're hurting.

Councilmember Wortman: Mr. Ellsworth, you know a last resort I guess if there wouldn't be enough space out there, we could go (inaudible) and get that property. We could do that if we had to.

Brad Ellsworth: That's really not my area. I'm not sure. I mean that's your guys deal. I don't know anything about that stuff.

Councilmember Wortman: The other two potentials would be a parking garage out here where the judges and councilmembers and all park and across the street. That could be some more potential to help the overflow and the crowd at conventions and what have you. We going to get congested here one day. So I think all these things could come together then I think that's what we do. But to me, this is the logical place. Whether it's financially logical, I don't know. But this transportation can get to be a problem.

Brad Ellsworth: Like I said, connectivity to the courts is a luxury we've enjoyed and we'd like to keep it there if it is feasible and we can build the right thing back there and still stay connected to the courts. If not, it doesn't matter if we're one minute away or ten, it's the same concerns for us. We're going to have to have a staging area, we're going to have to invest in the buses or the vans. You know, that's where

we start talking about video arraignments and those types of things. But like I said, if it's a minute or it's ten minutes it's not going to matter to us that much. It is going to require the same staffing.

Councilmember Wortman: Let me ask you, we get back to the Davies County/Owensboro jail, how much additional building or adjustments could be made to meet the criteria of Vanderburgh County, \$9,200,000? Are we talking another \$1,000,000 or \$2,000,000 you think just to meet the requirements?

Brad Ellsworth: Councilman, I don't know. That sounds like an amazingly low price to me for what they got. I haven't researched how they did that. I've talked to some people and what people said doesn't matter here. I called around about prices of jails here in Indiana by that and they are more like what we're talking about here. I don't know. Like I said at the last meeting, I can't understand why if he can do it for \$9,000,000 why everybody in the United States doesn't do it. Lexington, Kentucky was a \$69,000,000 project. Why didn't they hire this guy you know? I mean, everybody is into saving money. I don't know.

Council President Bassemier: Mr. Hoy do you want to address that?

Councilmember Hoy: I asked him about Lexington and he referred to it as a horse barn, we know what Lexington is famous for. They have golf carts in that facility to drive around and they have probably more beds than they need. I'm not real interested in looking at a county, I mean I don't know all their politics in Lexington, I'm not sure I know all our politics in this county to be honest with you. I'm not totally impressed by what Lexington did just because they spent \$70,000,000. I frankly think they overspent it. In Owensboro I can tell you they used inexpensive blocks, concrete blocks, they used faceted blocks for the exterior instead of brick. It was very clean inside. The control room was absolutely incredibly well done and functioned beautifully. The jail does what a jail should do. It is certainly not fancy, on the other hand it is not filthy and it works very well. That's what I saw. I'm going to go back to another topic, and I know you are at the stand and I respect that.

Brad Ellsworth: I'll sit down.

Councilmember Hoy: You may want to stay there, I don't know, or stay on the front row. He rode with me and the next time I preach I'll invite all of you and you'll be amazed. I do that in twenty minutes, Brad. Going back to earlier questions with the Commissioners, and I've had this on my list for a long time, it would seem to me...what bothers me about the contract and this whole process is that there's not a real plan here. I don't see how we can fund a contract unless we know the site, we know what it is going to cost, and we have some sense of what this cost is going to be. There are open ends here. I'm not a lawyer, we have a lawyer sitting here and a lawyer sitting here and I'm sure other lawyers sitting here, I see the judges and they're all lawyers too and other lawyers, the Prosecutor is here and we can get that many opinions legally on this, but this assuming of \$30,000,000 just isn't hard enough language for me. I want to know before I build something, anything, I want to know what the cost is and I want to know what we are buying. With the Centre over here we knew the cost, we knew the size of the exhibition hall, we knew the size of the auditorium, we knew the size of the convention rooms, we knew all of these things and then a bond was let. We connected in this whole process, and this is my point, we connected with this whole process almost from the beginning with the Building Authority. I get aggravated with the Building Authority occasionally I must admit, but they have maintained this building very well, they are maintaining the

Centre very well. If that jail over there, where ever it is from here, could be used for Community Corrections and needs elevator repairs, that's their responsibility. That's why we pay rent here. (Inaudible comment from audience). I know, but they should. And I think that those of us who pay that rent should insist on that. We should insist on the elevator being fixed. I don't know how much money they have in the bank, but I know they have money in the bank.

Councilmember Sutton: Councilman Hoy I think today is an opportune time to follow up on what you are discussing here. I thought that was kind of the reason why we are meeting today. That is to lay out what that process is going to be. I think much of the confusion, discussion, dissension has centered around maybe a lack of communication or understanding from the bodies that are involved with this process about what ought to take place next, or what ought to take place first. I would like to hear from the President of our Council on what he believe that process ought to be. I'd like to hear from the President of the Commissioners on what they believe on what they think that process ought to be. Then I think we ought to engage in some discussion on the merits of how that ought to take place and why certain things should not take place. I think that would lay a very good format, a good foundation for us to really enter into some dialogue. We've kind of bounced all around a lot of different areas today, but we really haven't hit on the heart of the matter and that is what will the process be for getting this jail built? I think that's what we really need to hear.

Council President Bassemier: I think what we've done so far is productive. We've got to talk this out first. I don't even want to vote. I can give you my opinion, but I worked on a major project before and it was \$5,000,000. I know the first thing I had to do with it was find the ground. I had to get a piece of property and I had to get it zoned right, I had to get special permits, feasibility studies. I spent over \$100,000 of my own money to do this. I don't think we're at the point right now to be signing any contracts or anything because there's not enough...we do not have the land, we've got to start with the land. Going over this contract, change the subject a little bit, going over this contract a little bit I'm just curious, we've spent \$5,000,000 on the designs and we haven't even bought the land yet and I don't see anything in here that tells us what we're getting for our money. Maybe it's in here and I didn't see it, but I'm just kind of curious? On that \$30,000,000 is there any suggestion that we are going to get a 500 bed facility, or a jail? Or are we going to get a 225 bed facility that PMSI recommended? Are we going to get our 25 bed juvenile detention center with expansion to maybe 25 more? I don't know what we are getting for our \$30,000,000 and we haven't bought the land yet. So I think the first thing we need to do is, you know I'm only one vote and I'm here to get advice from you all, there are seven of us here on the Council and working with the three Commissioners, we all need to come to some, as I mentioned at first, a common ground of where do we start. I think that we do need to work together. Mr. Raben promised to meet with the Commissioners to find a location and get this started. I'm here for suggestions, I'm only one vote. I really feel like we can't do anything until we find out where we are going to build this facility and then with this language in this contract we need to make it concrete. We really do, this is an open end contract and this should be addressed.

Commission President Mosby: What's open end? I mean I'd love to address your questions because I've addressed Councilman Raben's -

Council President Bassemier: Well, first of all what are we getting for \$30,000,000? What size is the facility?

Commission President Mosby: The scope of service is in the contract if you'll read it. Scope of service, 650 bed jail expandable to 1,000, 300 community corrections-

Council President Bassemier: I don't know I didn't see that. Maybe I overlooked that 600 bed facility. I don't know, I could have overlooked it, but-

Commission President Mosby: The scope of service was named in the Commissioners' meeting, it's not in the contract itself. The \$30,000,000 is addressed in the contract. If the professionals had come down here today, or I'll say next week, they're going to tell you what you are going to get for \$30,000,000.

Council President Bassemier: Well I tell you what-

Commission President Mosby: Because you've based your contract on \$30,000,000 they are going to tell you what you'll get for \$30,000,000.

Council President Bassemier: Yeah I know they can tell me what I'm going to get, but I'd like to see it in writing what I'm going to get.

Commission President Mosby: Well once they come down here to present that to you it will be in writing. You were the one that asked that they not come down today.

Councilmember Sutton: I think my question was what will the process be?

Council President Bassemier: Yeah I know but this is an open meeting. We have to address these things.

Councilmember Sutton: I think that's where a lot of our contention has been. I mean we've got some other issues, I'm not saying there aren't others-

Council President Bassemier: Right.

Councilmember Sutton: I'm just wanting to hear from both bodies how they perceive this process will flow. You've indicated initially that you think we need to get the land, we need to get the ground. I guess I'm maybe wanting to hear the next, and I want to hear them respond to the same question. I want them to walk through that process, I want to hear them-

Council President Bassemier: Okay, let's try. You heard mine.

Councilmember Tornatta: I guess the one thing I wrote down is six one way a half a dozen another. Which way do we go first and does it matter? Do we, you know, let's find that common ground, much like Royce is saying, find the common ground. You want the property first, they'd like to have the person on board to go through and find the five properties or what have you, figure out if the jail is going to work on those properties and how it's going to be most efficient and possibly then throw out two. Possibly that's one way to narrow those possibilities down. What we're doing is we are isolating ourselves to go one certain way, who's got the control, who's got the red cape on? That's not what we're looking for here. We're looking to try to do each of these things that's on this wall in this room and it was supplied by the Sheriff's office and that is to bring this group together. We've talked about a jail in Kentucky and we're not using that, we've talked about all different kinds of processes, we've spent \$5,000,000 that I really haven't seen us spend yet and in all this we really haven't gotten down to the point. We asked for some people to come

in and give us some quality information and that was denied. Now, they are not here, they'll be here in a week, be here in a month, whenever we think we can get this process handled. But to this point we should have their rears in here today explaining to us what needs to be done, talk about some numbers, give us the low down and let us make our decisions from those people. We haven't done that.

Councilmember Hoy: Mr. President?

Council President Bassemier: I'm going to say that I disagree with that. We are not ready for them to come down here but we'll go over here-

Councilmember Tornatta: But you're wanting the information, they have the information.

Commissioner Fanello: How are you going, exactly, how are you going to get the information if you don't have the experts down here giving you the information?

Council President Bassemier: Well I'd like to think-

Commissioner Fanello: Listen, just for a minute.

Council President Bassemier: Okay, I'm sorry.

Commissioner Fanello: None of us sitting here at this table are bond counsel attorneys, none of us sitting here at this table are financial advisors who have the knowledge to issue a \$35,000,000 to \$50,000,000 bond. None of you can answer those questions. I can't answer that question and I know that none of you can either.

Council President Bassemier: Let me have the floor one more time. How do we know, how do they know what we want when we don't know what we want yet?

Councilmember Tornatta: We do know what we want.

Council President Bassemier: That's what we are here today for is to find out what we want so we can tell them, pass that along to them.

Councilmember Tornatta: We know what we want, we don't know what we can afford.

Commissioner Fanello: They were going to tell you what you were going to get for your money.

Councilmember Raben: Let me-

Council President Bassemier: Mr Hoy?

Councilmember Hoy: I will yield to Mr. Raben and then I'd like to make a comment going back to what Mr. Sutton said. I think he's on the right track.

Council President Bassemier: Okay.

Councilmember Raben: First of all Mr. President, I think most of the questions today would not be addressed by the individuals that you instructed not to come down. And they do have a fee for that, it's like \$275 an hour.

Commission President Mosby: They were coming down free of charge.

Councilmember Raben: Okay.

Commission President Mosby: It wasn't costing us nothing.

Councilmember Raben: Okay, Mr. Pittman was in here at our most recent Council meeting and the question was asked of him, when does the process begin? What is our next step? He made it very clear. We can't do anything until we get a drawing. We cannot begin any part of the process until we receive a drawing in our hands, so why would he need to be here? What's he, he's already made that clear.

Commissioner Fanello: He had a time line for the bond issue. Mike Claytor from Crowe Chizek had budgets to present to give you some information about what his project-

Councilmember Raben: He had a time line? He said...that was the question asked of him, he couldn't-

Commissioner Fanello: Well there are things that can be accomplished before the land is purchased. There are things that we can be doing right now. You guys are not listening. There are things that need to be accomplished right now. There are several things that need to work together. We don't need to just do one before you do number two. There are a lot of things that can happen simultaneously right now and we're not doing that.

(TAPE CHANGE)

Council President Bassemier: Thank you. Mr. Hoy?

Councilmember Hoy: Yes, uh, I don't believe that any of the discussion that we have had to this point has been immaterial. This is a public meeting, this jail belongs to the public. It is not my jail, it's not the Council's jail, it's not the Commissioners jail, it's not the Sheriff's jail and that is one objection I had to Owensboro, by the way, they put the Sheriff's name on the jail and I know you are not asking for that. I am not implying that, the Ellsworth Memorial Jail, no. It would probably be the next sheriff, yeah. But, going back, I think Councilman Sutton pinpointed exactly what I thought we should be doing during this meeting and that is we should mutually agree on a process, I would think that in addition to a site on that process we should include a delegated group, perhaps to discuss issues that we may have with the Building Authority. Presently, I don't know how much money they have in the bank to do things. I know that they collect rent and I know that when this fountain was built out here which is the air conditioner for this building, it was a million dollars and they paid cash. I know that when we bought the lot across the street for parking which is where that parking garage down there on Sycamore should have been put, that was a stupid mistake because it would have served the Victory and the Centre and this building, all three, and it would have made sense, it made too much sense I guess. But, we own that and we paid cash for that. They have some money. They are a player in this and they manage buildings well, the rent is not cheap, but they manage well. I will agree with the Sheriff, I don't think that they have done as well with the jail as they should have done but I think in the process and going back to your point Councilman Sutton, that is what we need to do today. We are not here to write contracts and we are here to set a process and I think that is what we need to do. I would say that step one perhaps is to talk with the Building Authority and to

see if this site is feasible or if we need to acquire more property. The downtown master plan has been mentioned and I will soon be 65 years old, I don't know how many of those master plans I have seen in my lifetime and how much money has been wasted. We've gone to round lights and I don't want to go into all of that but you know there is not going to be a central park sitting back here and this building is still going to be sitting here and they are not going to cut a road through the middle of this building and we all know that. That's just not going to happen and those suggestions are absolutely laughable, they didn't even include the jail in that plan at all. So, you know I am not going to even (inaudible) with much more time that what I have spent. But, I would say let's go to the Building Authority, let's look at a site, let's look at specifics about how many beds, how many bed, how many beds, do we want the whole thing together or does it make sense to perhaps separate the juveniles someplace else, I don't know. Then, lay out the plan, get a bonding issue going, we can't fund this without a bond, we may well have to go to the Building Authority or someplace else because of the limitations of our bonding capacity, you know, and have some stuff in here that is much more precise and explicit than what I see. Because what I see here is too much of a blank check period. But, if we set this process up I think we can get from this point to where we build this thing and get on with our lives.

Council President Bassemier: Okay, in all fairness, I have to go back, let's let the Commissioners, you want to comment to that? And then we will go back to the next one.

Commission President Mosby: Councilmember Hoy, I have listened to you, I have listened to Councilmember Bassemier and everybody gets talking about picking a site and then I hear you say later on in the sentence of the paragraph that we have got to know what we want so that we can get a site. Well, there is one way to know what we are going to get or what we want or what we need or what it's going to look like and that is with an architect and until we get a contract and we know what we want and we did vote at one point, we had all of the judges in the Commissioners meeting, we had juvenile and we have had everybody in and we voted to do 650 expandable to 1,000, 20 to 24 in juvenile detention and 30 in community corrections. Now, whether we get all of that for \$35,000,000. That is what the architects have to answer. That is what, they are going to tell us once they've drawn a, drew the design and the CM will work with them and they will give us a price on what that will cost and then they will give us a price on what we can get. The one thing that I keep hearing you say is, let's get a site. I am going to back the Sheriff, the site is not going to drive the jail. That is exactly what you are saying. You know, let's go buy the judges parking lot and end up building it ten stories high because it is not big enough and that is what you are sitting there saying. You keep saying, let's get a site, let's deal with the Building Authority, let's do this. You know, I don't want the site to drive the jail. I want to be sure that I have enough land when I decide to build it, you know, Commissioner Mourdock would say that it is like building a house, I guess you would buy a lot 30x30.

Councilmember Hoy: I don't think I mentioned ten stories.

Commission President Mosby: And try to put a ten thousand square foot house on it.

Councilmember Hoy: Or anything like that. I do like my own words used and not words substituted in my long speeches.

Councilmember Sutton: I think I was the one-

Council President Bassemier: Oh, I am sorry Royce, I will get back, I'll go this way, Mr. Winnecke was next.

Councilmember Sutton: I think I was the one who originally had the floor.

Council President Bassemier: Well, you asked everybody's opinion.

Councilmember Sutton: I asked your opinion and I asked them to give their opinion-

Council President Bassemier: Well, you got Hoy's, now.

Councilmember Sutton: Well, I mean, they never really, I mean, you gave your perspective on what the process would be. They never got a chance to respond on what, and he was responding to Phil, he wasn't really responding to-

Council President Bassemier: Well, okay then back to Mr. Mosby. Well, what do you want to do?

Commission President Mosby: Well, the first thing that I would like to do is get beyond this meeting and get a contract signed. All we have asked is to fund, we have not asked to fund \$5,000,000 and I don't know where it keeps coming up that we want to spend \$5,000,000. We asked funding of \$600,000 through the end of the year to pay for the services that have been rendered or will be rendered through the end of this con-, through the end of this calendar year. Now, it is also in the letter that we sent Counselor Ahlers and I talked to Councilmember Raben, that fees do not have to be paid up front. Fees will be billed in phases and they will be billed as the work is done and they can be billed monthly or quarterly. So, it is not like we are spending \$5,000,000 up front and paying for something that we are not getting. And if we terminate the contract, that is going to be over. So, the first thing we are going to have to do. We need to get an architect on board, get a contract signed, fund the \$600,000 until the end of the year. Then let's move forward and get the architects to tell us that the site we are looking at is capable of handling the building that they are going to design. Not to be, we don't want the building site to be driven, I don't want the building site driven. We will look at the fact that we want to build 650 to 1,000 beds, 300 and 20-24, they come in, they will tell us in approximately a week, or two or three what we can get for the \$35,000,000, \$30,000,000 after the fees and what it would cost to build that. Now, these are the things that gotta be done. I mean we have gotta have somebody on board. I talked to Tom Pitman, you are not going to go out for bonds, you can start some processes, but he said you're not going to go out for bonds until you have at least a preliminary plan or some specs approved and they have to be done with a contract, with an architect. You can't go out and just do a bond without having all of this done, so, I mean, unless we're going to get an architect and unless we are going to get some money appropriated, you know, I am not into stiffing these architects and that's about what it looks like. You know it looks like, it looks like we want to stiff the architect here. You know and I am not going to be a part of that. You know, if we can't get money approved, then we will tell the architect to halt, you know stop, because we don't have anybody that wants to pay you. I mean, these people have done a lot of work, they've got money invested up front already that, you know, they have more or less did it, what I would call gentlemen, and it's call gentleman's agreement. And I would think that everybody in this room has been a part of that at one time or another but you know it is time that we step up to the plate. We put our money where our mouth is and we

say we are going to move forward. You could take a vote today. If you don't want to fund it and you don't want to bond this project, take a vote and we will stop and we won't even build a jail.

Council President Bassemier: We couldn't do that today.

Commission President Mosby: Well, no we couldn't but, on April 4th we voted or you voted, I didn't, but you voted on April 4th, that you were willing to spend \$35,000,000 to do a jail and in that resolution it says either for the remodeling or building of juvenile, community corrections and jail. Everybody wants to know where we get the impression that money is in place, that right there tells me that there was \$35,000,000 voted on in this council. You also set 2.7 million aside February 7th, so people want to misconstrue how do you think you have money available to start an architect and then to pay for a contract that is how you do it. You know I take that as a gentleman's agreement thinking that you people set 2.7 million aside to pay for costs towards this jail and that you are willing to do a \$35,000,000 bond. If I misinterpreted that then I need for you to tell me so. I need for every councilman here to vote and tell me that they made a mistake that day.

Council President Bassemier: No, I don't think that we made a mistake, we voted for \$35,000,000 for a 500 bed facility whatever. We would like to see that \$35,000,000 but according to what we have seen so far, we haven't seen that in writing. I won't take the floor. Mr. Mourdock, I need to ask you your opinion, let's get another Commissioners opinion on your wish list. Mine was land, Mr. Mosby was that we need to hire an architect, is that right? Mr. Mourdock, what is your opinion on this? You are awfully quiet over there.

Commissioner Mourdock: It is not like me, is it? First of all, I agree with what Royce said and what Phil said a moment ago. I think the purpose of this meeting ought to be to define what the process is. And the process is what I think that the first objective of this meeting ought to be and I say that in contract to land or architect or anything else. It's gotta be the process. Obviously, the people on the Council aren't comfortable with where we are with the process. The people on the Commission, the majority of the Commission aren't comfortable with where the people on the Council are. Until we reach some sort of consensus as to how we go forward with this thing in toto, why are we going forward at all? Because this isn't the first, or isn't the last of these sessions, it's just the first of many of them because this is going to be head-butting from now until the cows come home. We have to have some sort of process in place that deals with each one of these issues. Phil said something a few moments ago, and I think I know what he meant, but I am not sure. He said something about having, you didn't use the word teams, but task force or something, maybe that is something that needs to happen between members of the commission and members of the council so that the land issue is dealt with. Maybe that is what needs to happen between selective members of the council and with the architects agreement. We need a plan, we need a plan. I am continually befuddled by the fact, as David said, on April was it 4th, is when the vote was taken here on the \$35,000,000? If this Council voted \$35,000,000 and it did and everything it has done since then has said \$35,000,000 it seems to me with the words that have come back from architects that apparently that can't build a 650 bed jail plus a 300 bed community corrections plus a 24 bed juvenile, it is time to start setting some things aside to meet the budget. The first issue is what's the budget and you have told us that. And we have to deal with that reality. And until we have the process in place to look at each one of these issues, we have nowhere to go.

Council President Bassemier: Thank you, Mr. Mourdock.. Mr. Winnecke?

Councilmember Winnecke: I would propose that we move forward with a two prong approach to get this process going and it addresses the question Royce raises and Phil and Richard and David. First, I agree with Commissioner Mosby, we need to set aside, we need to set the wheels in motion to fund the \$610,000 that is owed the architect. But, I think that we need to do two things and proceed in two prongs. First, is to renegotiate the contract in phases, the first phase being, so that they can be compensated for the money that you feel they are owed. The second phase, that they be compensated for the land selection process, the third phase you would have to outline beyond that, that is beyond my knowledge. While that is going on I think we should instruct the bond counsel and we work in conjunction with your body and our body to start the process. If we need to pass a resolution to officially get the bond work going, let's do that. But, I think that there are two prongs, two ways we can go, two avenues to proceed at the same time to get everyone's concerns taken care of and not delay this project.

Council President Bassemier: Hold it, Catherine, Dave, do you want to address that?

Commissioner Fanello: Do you want to go first.

Commission President Mosby: I will address it because it is one of Counselor Ahlers questions, he referred to phases and the answer that they give is that yes it does. The service architect provides typically for a following series of phases. Services from schematic design through construction. For reference we list in here again, schematic, 15%; design and development, 20. We got the phases. I mean and they are going to build by phases and I don't understand what you are saying this is a phase.

Councilmember Winnecke: There is no phase, honestly for, that I see for the initial \$610,000. I am just throwing something out to try and get this thing forward.

Commission President Mosby: Well, the \$610,0000, if I'm right, correct me, or if I'm wrong, correct me, but that is the basic services part of this contract, the \$500,000 plus.

Commissioner Mourdock: But, I think what Lloyd is saying-

Commission President Mosby: That is the first thing that you have to do, that is the first 15% of the start of the deal here.

Commissioner Mourdock: But, I think what Lloyd is saying by phases, and correct me, but I think what you are saying is that you have a payment certain for this amount of work, period, and conceivably you could stop there. It is likely that you will go on to the second phase and there is a set payment for that phase. Then there is a third phase, so is that what you are envisioning?

Commission President Mosby: Okay, then Craig has wrote in here, we will provide the Commissioners with a proposed time line for invoicing through the duration of the project, just for such planning purposes at the completion of phase that there is a time period for the owner review so in effect the payment of fees take place phase after phase.

Councilmember Winnecke: I think that is fine. I mean, in my mind that is fine as long

as the first phase to me, to set the language in place so that they are compensated for that money, I think that should be the first phase of the contract. They've clearly provided the program for the county and they should be compensated for that and the second phase should be, in my opinion, is selection of the site.

Commission President Mosby: It says design development, but okay.

Councilmember Winnecke: It seems like, you know the consensus is, selection of a site is critical. So, let's make that the second phase of the contract. They're paid "x" number of dollars to be compensated for or to help select the site and then we go on.

Councilmember Sutton: Councilman, let me clearly understand what you are saying. So, you are saying three separate contracts or a contract that separates it into three phases?

Councilmember Winnecke: I don't have a personal preference as to how it is done. Just so it is spelled out in clear language what each step is and what they're being compensated for and what services they're providing.

Commission President Mosby: Okay, in the second phase that you are talking about I guess on site, United will be involved in telling us, yes this is a site and yes the building will fit the site but that is where Bernardin Lochmueller comes in for the \$15,000, they do the site surveys.

Councilmember Winnecke: That needs-

Commission President Mosby: It's in here.

Councilmember Winnecke: It just needs to be spelled out.

Commission President Mosby: Okay, site survey, \$15,000 and it is spelled out in the contract and that is listed as one of the additional fees outside of United's scope. So, I mean it is all in there and that's why I say, they don't actually have site listed in here because they do the basic services, which they call 15% and then they went on to design/development and then contract documents and then to bidding and then construction. This site is done by Bernardin.

Councilmember Sutton: Can I ask us a question? This is the Council.

Council President Bassemier: Yes.

Councilmember Sutton: You know I think that we have kind of heard about what options we are working with for the \$35,000,000 perimeter. I mean, are we prepared as a Council, to look at something different than what PMSI recommended to us on what the complex ought to include. I mean, obviously, that has to be something that we have to factor in before we really proceed too far into this process. If we got the whole, the entire pie, you know that would be fantastic, if we could get that, but based upon what this Council has set as a cap are we prepared to take less than what we may have ultimately wanted in this process? I think we really have to at least ask ourselves that question and go into this with our eyes open knowing that is a possibility.

Council President Bassemier: That's a good point, Mr. Sutton. But, we are not at

that point yet. We have to find out before-

Commissioner Fanello: Councilmember Bassemier, I'm sorry, I was going to comment that I think that is an excellent point and couldn't be more well said, that's a lot of the heart of the matter right here. You said \$35,000,000 budget earlier this year but no one really had a basis for the \$35,000,000. Now if we are going to build what this county needs it may go beyond \$35,000,000 and what we have to decide, which you have to decide and you have to decide it very quickly, is am I building for today or am I building for the future? Personally, I am not going to sign my name to any project that builds for today and doesn't build for the future. So, I think this is a question that has to be answered as it is the whole crux of the matter.

Council President Bassemier: But, we are not ready here today to answer that.

Commissioner Fanello: Well, you may not be able to answer today but you should be-

Councilmember Sutton: I am not saying that we answer the question, I am saying to be prepared when we get to that point to consider that. We may get all or we may get less.

Council President Bassemier: Oh, I am sure that we are prepared, whatever we have to do to get us a new jail because we need it. Mr. Mourdock?

Commissioner Mourdock: Can I clarify something that was said there. Catherine just said that the \$35,000,000 was not to, she didn't use this word but it was sort of pulled out of the air. It is my understanding, and I am asking any Councilmember to clarify this, but the \$35,000,000 was determined based upon the revenues that you thought you could set aside, is that correct? So, that it was not just, not raise taxes.

Commissioner Fanello: And you just clarified my point right there, we are only thinking about today and not tomorrow.

Commissioner Mourdock: No, we are thinking about it fiscally and in a responsible way, which is the Council's function, Catherine. That's what the constitution says.

Commissioner Fanello: Exactly, and I commend them for that and I respect them for that but the decision has to be made. Are we going to go beyond that so that we can build for the future. I mean, we are going to waste more money in the long run building for today and not thinking about tomorrow. So, what's the point?

Councilmember Raben: Could I? I am going to try to put that in the common ordinary business sense, okay? I have been involved in two construction projects in the last ten months, I have two ongoing right now and in the private sector, you don't necessarily build for the ten or twenty year or thirty year projected future. You build what will accommodate the business that you have today expandable with what you will need five or ten years from now. So, when we address a 650 bed facility, the Sheriff said that we have 360 in there today, I don't think and God bless us if we do fill that thing up in the next five years, if we double our capacity in the next five years there is a bigger problem than what we are discussing here today. So, if the amount of money that we are able to spend brings us 450 or 500 beds, that should accommodate our needs if our system works together like it should accommodate our needs for the next five or ten years. It should, the facility should be expandable

for more beds than that but the worst thing we could do is build a jail that 200 beds sat vacant for the next ten years or we will fill them up. The alternative isn't good either way that you look at it. But, I am going to hit on just a few points, Mr. President, that have been brought up. First of all, Mr. Hoy stated that part of our plan of how we begin this process is number one thing was site selection. Number two should be the bonding and what have you. I mentioned thirty days ago that before we can begin that process we must establish an authority. Where are you at establishing an authority?

Commissioner Fanello: I agree with that and there is a time line that Tom Pittman, the bond counsel attorney has for doing that. There is specific steps we take and that would have been presented today had he been here and I will get it to you within the next couple of days.

Councilmember Raben: Okay.

Commissioner Fanello: Those are things that he has to work on, not just us.

Councilmember Hoy: He is joint bond counsel to both bodies.

Commissioner Fanello: Yes.

Councilmember Hoy: And the bonding, we do have to vote on the bond as a Council, that is part of our responsibility.

Commissioner Fanello: Yes, yes.

Councilmember Raben: As far as the \$650,000, have you as of today received an invoice or itemized statement for that \$650?

Commissioner Fanello: I'm going to go back to your question about the building corporation. I believe he has it on the time line, the draft that I saw, to happen within the next three to four weeks.

Councilmember Raben: Okay.

Commissioner Fanello: On the draft, invoice-

Councilmember Raben: And what in that, I mean, since you have seen that, what are they, are you planning to establish a jail authority or use the existing building authority, what's the plans on that.

Commissioner Fanello: I believe that the plan is to establish a jail authority.

Councilmember Raben: Okay.

Council President Bassemier: Hold it, we need to change the tape.

(TAPE CHANGE)

Councilmember Raben: Do we have a itemized statement on that?

Commission President Mosby: They were supposed to be sending one down. When I talked to Craig Burgess last Thursday or Friday he was going to get us an invoice

in here the first of the week.

Councilmember Raben: And that would be expected with any bill.

Commission President Mosby: They totally agree. We asked them to let us know what they thought we were going to incur before the end of the year because we would like to budget and pay for what we incur and they said we'll get you...and they just said approximately \$610,000. They said we will get you an invoice on that. That invoice should be coming down and it might be over there, I don't know, I didn't ask Tammy or Patty today.

Councilmember Raben: Okay, if nobody objects, I'm going to hit on one other point. Brad, had mentioned that someone had stated to you that this facility that we would need would need approximately nine acres, was that correct?

Sherif Ellsworth: I think that's what they said—

Councilmember Raben: The source of that was whom?

Sherif Ellsworth: —for what he's designing.

Councilmember Raben: Okay, I might mention this, again the back forty has been brought up a hundred times today. Through a conversation 30 or 45 days ago with Steve Utley, I don't know if Steve is in the crowd today. Steve did you not tell me the back forty was anywhere from 11 to 14 acres.

Council President Bassemier: Mr. Utley, come on up here.

Councilmember Raben: That's okay, I'll just quote him on that then. The back forty is 11 to 14 acres of asphalt so think that site would be okay for the facility that we're talking about needing. Again, I'll stop at any point but I've kind of waited on some other questions within the contract. Does anybody care if I proceed.

Council President Bassemier: Go ahead Jim, you've got the floor.

Councilmember Raben: I look across the room if another Council person or Commissioner wants the floor I'll stop.

Commission President Mosby: The only thing I was going to do was address a couple points you made a minute ago.

Council President Bassemier: Go ahead, Mr. Mosby.

Commission President Mosby: When you were talking about 450 beds, I mean, I will go back to the fact that we had 419 in the jail at one time, no 428. If for 35 million, and I'll just be honest with everybody up here, if for 35 million all I'm going to get is 450 or 500 bed jail then I don't see us moving forward with that project. You're going to accomplish two things. The day we open it, you can break ground on the next one. So you can have a ribbon cutting and a ground breaking because you're not going to build a 500 bed jail and not have it full within the first year. I looked at the PMSI study and they kept referring to 1999. That jail is not going to open in 1999, that's gone. We're going to open in 2005 maybe. So let's look 6 years beyond what PMSI was talking about. When we knew we had 428 in there, I think you're kidding yourself if you think 500 beds is going to hold us. And if we don't build additional

Community Corrections, then people are going to end up in the jail. Now that's what I heard the judges tell me in a Commissioners meeting. You can't put them in Community Corrections and then build some beds in the jail.

Councilmember Raben: Okay, I think I was clear on the fact that I stated that it may only be good for the next five or ten years but that's the median designing a jail that's expandable.

Commission President Mosby: You were talking—

Councilmember Raben: To build for those needs—

Commission President Mosby: You were talking about a building for your business, well you probably have that luxury of going out and looking at what you need. Right now we've got a Federal Judge over there telling us that we better build something. We don't have the luxury of just—

Councilmember Raben: We're not under any court order.

Commission President Mosby: We're not under court order, you're right, not yet. I mean, you could be at some point in time. We don't have the luxury of just saying this is what we want. I mean, we're all sitting here building a jail because we know we have to do it. We know what we've had in there and we know what we got in Community Corrections and we know what we got on the waiting list. We know what we got on ankle bracelets. Add it all up and it will tell you what you need.

Councilmember Raben: The pending suit has nothing at all to do with any of the discussion of the new jail. Again, we're not under any court order.

Commission President Mosby: I didn't say we were.

Councilmember Raben: That discussion shouldn't even come up because that carries no clout with the actions that this—

Commission President Mosby: Just before we get there.

Councilmember Raben: Council's taken.

Council President Bassemier: I think Mr. Raben has got a couple more points.

Councilmember Raben: I was going to address a few contract issues and I didn't want to be redundant and I wanted to find out if anybody else was going to hit on these items first. In terms of reimbursable expenses, one concern that I also have on page...on exhibit A page one of two. They discuss mileage will be reimbursed and per diem to be reimbursed and then other items such as overnight lodging. Are those items not part of the 3 million dollar contract?

Commissioner Fanello: No, and they weren't in the Centre's contract either. Reimbursable's are never a part of the fee. There's always a small amount set aside for reimbursable expenses in architectural contract. These are capped at \$190,000.

Councilmember Raben: Okay, I might also...what is the connection with...I'm unclear as to United and DLZ. DLZ is what?

Commissioner Fanello: DLZ is also one of the top rated jail firms in the country. They're a team. As was when Ed Hafer presented his proposal and he was teamed up with Jacob Facilities.

Councilmember Raben: Are they part of the 3 million dollars?

Commissioner Fanello: Yes, there is no extra fee for DLZ. This is all one team fee.

Councilmember Raben: Okay.

Councilmember Hoy: Except for the construction manager. That's—

Commissioner Fanello: Except for the construction manager, which you would be paying that fee to a general contractor anyway. So that's not an additional cost in the project. I just want that to be clear. The construction managers fee is not an additional cost of the project. It is a fee that you would be paying through a general contractor to do a lump sum bid. We're paying someone to do it who can break it down and get us a less expensive bid. I want that to be made clear.

Councilmember Hoy: We'll have to differ there because I think it'll cost us more alone.

Commissioner Fanello: We'll I'm going to differ with you on that, it's not.

Commission President Mosby: Counselor Hoy, you just said they told you that in Kentucky this morning. You said that they just told you this morning in Kentucky that they didn't use a General they used a CM. That's what the CM is. A CM takes the place of your General. You save the additional percentage that the General normally gets and the CM will go out and do your bidding for you. You just said that they did it in Kentucky.

Councilmember Hoy: That's exactly what they did do and I'm concerned that we might also get some other fees with the contractor. When that comes down that's the part that bothers me.

Commissioner Fanello: I want to address one thing that you brought up last week. I think you made the comment and correct me if I'm wrong, something about the architect also serving as the construction manager or you felt like the architect could do what the construction manager would do, is that—

Councilmember Hoy: What I said was that...as on the Centre, over here, we had a local architect that's why we didn't have travel expense because we had a local architect.

Commissioner Fanello: But you still had other reimbursable expenses, postage, things like that.

Councilmember Hoy: Yeah, but there wasn't any travel from Indianapolis or any place else. What I said was that if United and DLZ combined are as good as I think they are, and I believe they're a good firm. That's not what we're debating here at all. If there were a General Contractor, you know, you would not need a Construction Manager. We were not told last week that there would not be a General Contractor. Now, we're being told that today and this points up one of the problems in this process. We need to get this aired out. If we're going to have a

Construction Manager and that person then is going to sublet everything that sets a different line item but we have not been told that until today and—

Commissioner Fanello: Well, you can't have both. You can't have a General Contractor and a Construction Manager.

Councilmember Hoy: Well, some people have had them.

Commissioner Mourdock: Sure you can. More often than not.

Councilmember Hoy: More often than not, that's the case. It is done.

Commissioner Fanello: In that case I would agree with you, that you're spending more money than you need to.

Councilmember Hoy: That's my point about clarity. We don't...we've not achieved clarity and we're sitting here, in this meeting, trying to achieve clarity which is not easy. But that helps. If we're going to have a Construction Manager and not a General Contractor then I want that on record.

Councilmember Raben: I've got one last point. Well, I may have others but I'll stop at this point. This is one that I over looked as I've reviewed the contract a week or two weeks ago. I've just picked this up over the weekend. On page 23, under item six. Expense for professional liability insurance exclusively to this project. Is that standard? I might ask the legal Counsel. Is that standard in a project?

Commissioner Fanello: First of all, I'm going to answer that question. That is only if we want excess coverage other than what they're providing. They have provided their insurance sheets that are attached to the contracts. If we desire anything in excess of that—

Councilmember Raben: I saw that. There's two million dollars in limited liability.

Commissioner Fanello: Yeah, if we desire anything in excess of that then they would have to charge us for it. We're not desiring anything in excess of that.

Councilmember Raben: Okay, well it doesn't state excess. That needs to be stated because as I look at it, it's as if we're expected to pay a bill of \$57,000.

Commissioner Fanello: Well, no, that's incorrect.

Councilmember Raben: That's something in the contract that needs to be corrected. I might ask, have either of the commissioners spoke with Dennis Feldhaus as to whether or not he thinks two million dollars is enough liability for this project?

Commissioner Fanello: From what I understand, that's standard. Anybody can correct me if I'm wrong.

Phil Hayes: The Centre was one million.

Commissioner Fanello: The Centre was one million dollars as Counselor Hayes informs me.

Councilmember Tornatta: Yeah, I respect Commissioner Mourdock's opinion and I

guess I'm kind of wanting to hear what are some of things that were holding you up and are still holding you up with signing a contract for this process?

Commissioner Mourdock: I guess the easiest way to begin that is what I was saying before, Troy. I want to make sure there is a full process in place and I don't have that sense right now. You know, like Commissioner, I'm sorry, like Councilman Hoy, I just heard a moment ago for the first time that the Construction Manager is going to work in place of the General Contractor. That's not the predominant way it can work. It can work that way. I want to make sure and I think it is mandatory under the oath that each one of us took when we became officials of this county that we have a process in place that everybody knows what's going on here. The Council has its duties to deal with the financial matters. I think you're totally inbounds to ask the questions that are being asked here about this contract. Certainly the Commission has the choice of selecting who the contractor will be and who the Construction Manager will be. But I think to work through that contract in great details, I said before, with some team that's made up of members of this Council plus members of the Commission. I think that's the good way to get this thing started and move it forward. I think having some team look at the various sites together again, meaning people from this Council and people from the Commission and people from the Sheriff's office. I think that's pretty darn important. I hear we don't want to put five names of possible sites out there because the price will go up and I'll argue the opposite. If you put five sites out there and all those people want to sell the competition is going to bring the price down. There's no problem in putting the word out there early. We've got to get some public discussion on this anyway. So, I just want to see a whole series of steps that take place that makes sure that everybody is informed and everybody knows what's going on. I'll go back also to the comments about the 35 million dollar limit. I think the Council has acted in good faith in establishing that limit and I think the Commission needs to act as quickly as it can and I think this is what Royce was saying as well. To find out what we can get with that 35 million. If we just said, kind of slipping from where we are right now, if we just said to the architect how many beds can you build us for 35 million and if, in theory, he came back and said a thousand and we'd say okay good, then we know we have room for Community Corrections because we don't need a thousand bed jail. Instead of building something and then wacking away at it and cutting it to make it fit, I think we ought to be going the other way. Start out with what we're mandated or could be mandated and to do by a federal judge. The judge doesn't care about Community Corrections, the judge doesn't care about juvenile. The only thing we're looking at potentially as an order is the jail. I think we ought to start with our budget and look at that jail on its own to see how many beds 35 million dollars will buy us. If in fact 35 million will only buy us 400 beds then I think we've got another issue before us. But we don't know that.

Councilmember Tornatta: Alright, two questions back to you. Do you have a full process plan that you would like to implement? The second part of that is, you mentioned the 35 million dollars and how it was fiscally right. Are we saying that we will never look at enhancing the process by which we run our county and if that does mean that we have to raise taxes at some point? Are we not willing to do that to try and give people the benefits that they need in this county? I think too many times we worry about our big record. I don't think anybody is going to throw a plaque on the wall that says that the County Council kept taxes this certain rate, of course the county didn't go anywhere necessarily and we aren't providing some of the same services because we're cutting back to try and maintain that tax level. Those are questions that I've always wanted to know. Just being on a year, I want to know are we maintaining a tax basis so we can be proud of our seven, eight, or nine years that

we held it at that level or are we saying that we have to look also at the benefits of living in this county for the people that live here?

Commissioner Mourdock: Well, to answer the second question first, that's the Council's question to answer. You know, I know the Council, certainly its present makeup right now does take a lot of pride in making sure that the taxes have not gone up. Now, if the Council changes its mind on that, they're free to do that. I think, and I've said this once before at that microphone, we could look at the old courthouse and probably poll this community and people would be able to say, and willing to say, yeah I'm willing to see my taxes go up to redo the old courthouse to some degree. I don't think you'll see that with the jail. You know, most people in this community still believe, throw them in and throw away the key and that's what they understand about the jail and unfortunately, unfortunately, I think the (inaudible) heads that the Commission and Council have been at over the recent months with this have only made that situation worse because I think people are frustrated about reading this and they don't care. I think there is a sales job by every one of us in this room to make sure people understand why we need a jail. As far as the first question, do I have a plan? Give me an hour at sitting at this laptop and I could give you a real good plan as far as the various components that I think need to be dealt with multilaterally here with members of the Council and members of the Commission. If we don't do this together it isn't going to happen. You know, we're acting like we're the Taliban versus the good guys. We're having a little war here and there's nothing being resolved.

Councilmember Tornatta: I agree. I think what Mr. Sutton brought up is that, you know, maybe it's as simple as doing what he said. Fill out the flow chart, facilitate the ideas and pull them out, maybe that's what we need, a facilitator, we sat through a meeting that showed that. Sue Ellsperman pointed out that facilitation sometimes brings the best of both worlds to all parties.

Commissioner Mourdock: Steve Utey and I just yesterday were speaking of that same thing. We both used that name. We are back to the point, and I hate to say it this way, but back to the point where Sue Ellsperman can come in with this group if we all put our minds to it and we could work through this thing, I think in two or three sessions.

Councilmember Tornatta: One other thing. I know we've been back and forth to one another. Mr. Raben, and Mr. Winnecke have given valid points on some things in the contract. I think that one thing that Ms. Fanello has done is really worked diligently along with Commissioner Mosby on trying to go through the contract in doing their (inaudible) to get the best contract for this county. I think at times we forget that they are trying to make themselves come away from this project with all the I's dotted and T's crossed and make things as palatable for the county as well as...they have to answer for that particular institution.

Commissioner Mourdock: There is one thing that everyone of us as politicians believes in. There is one thing that everyone of us as a politician works towards and that's to make ourselves look good and that's just the way the system works. I don't believe that Catherine and David have done anything that they think deliberately would make themselves look bad. Nor do I think that of any member of the Council. The fact is, we all look bad if we're not communicating the way this process should be working.

Council President Bassemier: Good point Mr. Mourdock.

Commission President Mosby: I could only say that over the last 10 or twelve days that I have tried to communicate with the Council and with Counselor Ahlers, I mean, I've met with Councilman Raben, two or three times along with Jack Waldroup from United and I've had conversation with him. I've answered every question that I know they've presented to me. I've still got all the answers today of the questions that Councilman Raben wrote down and the ones that Counselor Ahlers had. So everyone of them questions are answered. To me, I've taken that line to try and communicate. I was hoping at this meeting we'd be further than what we are. I thought by answering them questions and getting them cleared up and you know, what the caps could be on a 30, 40, 50 million dollar jail. I was hoping that would get us beyond this and we'd have the professionals standing here today telling us what we could probably get for 35 million and what it would take to get this, this, and this and a time line of where we need to go from here. That was my whole intent. My whole intent was to have this project move further along than what it is.

Commissioner Fanello: Right, and I would just like to—

Councilmember Sutton: Why not bring them in? Why not—

Commissioner Fanello: Exactly.

Commission President Mosby: I was told it's too—

Councilmember Sutton: I mean, I know what's taken place today but that's history, we're already into this. If that's what is...you guys would like to...the county, not just the Commissioners and Council, but this county to hear from that perspective. I think we need to hear that. I think there's some real valid credence to the whole idea of having some type of facilitated issue. It's very obvious to me, I say here to the question I asked some 45 minutes ago and I heard four or five different perspectives on what the process was going to be. Some of them was similar, some were different. It's very clear that there's not a consensus on what that process ought to be and the merits of why that ought to take place that way. If this is the way we're going we really aren't going anywhere. So people may have some good ideas and have some good justification for that, but the reality is, it's not going anywhere. I think...I would hope that before we leave this meeting today that we leave away with some type of understanding or agreement that we're going to sit down as two bodies and any others who may be interested and work through what that process is going to be and get this thing going. Put it on a time schedule of when these processes, when these things are going to occur and what those things need to be because I hear a lot of discussion, a lot of good dialogue, a lot of good ideas thrown out there, but it doesn't amount to a hill of beans if you aren't going to do anything.

Council President Bassemier: Good point Mr. Sutton. Mr. Mosby, would you want to set up some kind of, I don't know, some kind of a plan to meet with a couple Council members and your group kind of meet in the next few days or whatever? Would that be—

Commission President Mosby: Are you talking about bringing the professionals?

Council President Bassemier: Yeah, that too.

Commission President Mosby: I was going to answer Councilman Sutton's question here. I thought that was the intent of this meeting as I said a minute ago. That's why I worked with Councilman Raben and Counselor Ahlers. I tried to present you,

Mr. President, with an agenda last Tuesday or Wednesday. I took that agenda to your administrative assistant and gave it to her and said please get with President Bassemier and get me an answer. Now, that was to no avail on Wednesday, Thursday and Friday. I went back over to her office on Friday and she said she was meeting with you on Friday afternoon. She said I'll get you an answer. I finally called that office yesterday twice and got a return phone call from you at 2:30 to tell me not to bring the professionals down. I'll tell you, this is how the project is being stalled. I'm not arguing this with you.

Council President Bassemier: No, the project, to be honest with you, the project is not being stalled. I don't think we're at a point yet to bring these people in from Indianapolis.

Commission President Mosby: Well, that's why I dealt with Councilman Raben and met with him—

Council President Bassemier: I knew he was meeting with you too—

Commission President Mosby: —and tried to answer all the questions.

Council President Bassemier: I've been talking to Mr. Raben on your conversations.

(Inaudible) Several talking at the same time.

Commission President Mosby: What I was going to say is Councilman Raben had told me he would try to let me know by Monday's meeting if his questions were answered and the answers that I gave the counselor, if they were sufficient so that we could move forward in this meeting.

Councilmember Sutton: I'm just saying it doesn't solve—

Commission President Mosby: I'm ready to move it forward.

Councilmember Sutton: If that's what you want to do, I'd be interested in getting the information.

Commission President Mosby: I'll bring them down next week.

Councilmember Sutton: If that's what you want to do. I think we'd be agreeable to at least hearing what they have to say. I mean, it gives us a base of information to work with.

Commission President Mosby: As long as you can tell me that we're going to move forward on this contract and that you're willing to fund the 600,000 I'm willing to get them people in here. I don't want them coming in here and then we're going to stiff them. That's not my way of dealing with people. So if we can't make a gentleman's agreement and we can't sign the dotted line, we've got a problem. You know, that's just the way I feel. If you're willing to say we'll fund the 600,000, we want to move forward, and we'll sign the contract, then we'll have Tom Pittman and we'll have Mike Claytor and we'll have Mark Shireman down here.

Council President Bassemier: Of course that has to come to a vote, but Mr. Mourdock we're just trying to set up something that—

Commissioner Mourdock: Respectfully, David I'll say that from the tenor of what I've picked up in this last hour and half or whatever it's been, I don't know that anybody in this room is going to be able give you what you've just asked for. I'm going to get back to what Councilman Sutton and what Troy said a minute ago as well. I mean, it seems to me that there are enough differences between the Council and the Commission on this. If we want this thing to go forward smoothly we've got to have some better basis of communication, consistently. Not just once, not just to get past the 636,000 dollars or whatever because I can see us going through, well okay we'll do that and then after that is paid we're right back here again on the next issue. That's not going to work for any of us. We've got to have something in place to keep this process moving not just for one check or one payment. Unless we do something as Royce was saying with the continuing process it seems to me we're setting ourselves up to fail.

Commission President Mosby: I've answered every question in the contract that they have brought forward.

Commissioner Mourdock: Understand, I'll give you credit for that David, I believe that's true.

Commission President Mosby: Okay, so what we're talking about here Commissioner is signing a contract and making the first payment. We don't have to make the second payment until we determine that the work is done and they present us with a bill.

Commissioner Mourdock: Well, as an issue of contracts I think, and I'm not the lawyer in the room obviously, but I think once you start down that road and sign that first payment you've essentially signed onto the whole contract.

Commission President Mosby: No, you can terminate the agreement at anytime by the owner.

Commissioner Mourdock: Finish the sentence, you read it before, you can terminate them for—

Council President Bassemier: Let's change the tape, I'm sorry.

(TAPE CHANGE)

Commissioner Mourdock: — state your issue than just what this contract is about. It is about this whole project and the people on the Council and this Commission want to make sure that the way this whole process is proceeding is part of a total plan that is seen from where we are today until we're ready to cut the ribbon and start making the operational payments after that ribbon is cut. And everybody has got to be comfortable with this thing, not just this piece of paper between us and United and DLZ, or not just this piece of paper between us and Shireman. Its got to be the whole process.

Commission President Mosby: You know, and I guess, truthfully, I don't understand where the problem comes in with the contract. I mean, we've addressed everything in this contract that possibly can be addressed. If it's the fees, I didn't see anybody over there in the County Commissioner's chambers jumping up the night that you wanted to pay PMSI \$135 an hour or \$40,000 to sit and write an RFQ to get to the point of where we're at. We wrote that RFQ in that office over there free of charge.

Didn't cost you one penny, didn't cost this Council one penny. Nobody said anything then.

Commissioner Mourdock: Good point, and you know why they didn't say it when we paid PMSI that money?

Commission President Mosby: I'm talking about the additional money to bring them back on board after the first of the year to write the RFQ that we wrote for nothing. You wanted to pay PMSI to write the RFQ to review, to interview them and to select an architect. We did it free of charge. I didn't hear anybody from this Council or anybody else over in that Commissioner's chambers saying hey, we need to see if this is excessive, we don't want to spend this amount of money. We're sitting here talking about a contract and everybody wants to pick it apart over 10,000 bucks.

Commissioner Mourdock: Let me use that as an example, David, and I don't – I think it's pretty well a waste of time to go into history, but I'm going to use one just for example because you brought it up. PMSI, when we wrote that contract, the much maligned contract for \$98,000, nobody in this Council complained about it. We didn't have people jumping up and down saying, why are you wasting \$100,000, because everybody had bought into the process. Half the people in this room had been involved with that process and they knew what was going on with it. And that's what you need to deal with. You're not dealing with necessarily facts, okay, you're dealing –

Commission President Mosby: But you –

Commissioner Mourdock: No. Listen to me, David. You're not dealing with facts, you're dealing with perceptions. Everybody in these chairs has a different perception of this whole project. Whether you like it or not, we have to deal with all those perceptions because we were all equally elected by the people of this county. We have to deal with everybody's perception. We do not have unicameral government. You know, it takes both branches here. And to make this process work, we've got to have both sides fully involved and engaged and committed and willing, and that's what we don't have right now.

Commission President Mosby: And I agree, but –

Council President Bassemier: Why don't we just go ahead and put all this down in the past and let's start fresh. What do you want to do from this point forward?

Commission President Mosby: Sign the contract.

Council President Bassemier: Do you want to meet, Catherine? Make a suggestion because –

Commissioner Fanello: First of all, Councilman Winnecke had two good suggestions. First of all, we need to get a contract signed. We need to get them paid and I think that they could probably provide an addendum like they said that would detail the phases and the payments that need to be made during those phases. I don't think that's a problem. They've said they're willing to do that. We need to get that established and done. We need to get our professionals here to tell us what are we getting for \$35,000,000 or \$30,000,000 construction costs. We need to get the budgets on the table, we need to get the time line from the bond counsel, all these things needs to happen simultaneously. So I'm going to ask Commissioner Mosby

if we can get a contract in place and the Council moving on the \$610,000 appropriation, you know, can we get our experts down here to give us the information. We cannot do this on our own. You have to have the professionals involved. And we cannot do this without a contract. I mean, we are not smart enough and we have never built a jail before. We can't do this without having the professionals on board.

Council President Bassemier: You know, our counselor made a point, and I don't want to use you, could you put in that contract, what was it, that 650 beds or the 500 beds or the 250 on the – whatever, they're going to do, can that be in there? I mean, like we said, there's not enough information on this contract to –

Commissioner Fanello: That can be in there, but I think we need to ask the question first, what are we getting for \$30,000,000. If they can't build 650 beds for \$30,000,000, there's no need to put it in there. If they can only build 200 beds for –

Council President Bassemier: Well, whatever we start at but –

Commissioner Fanello: I'm just saying, let's get the budgets on the table. Let's get their estimates, let's get the information from the professionals like we should have had today, and we would be probably much farther along today if we'd had these people standing here giving us the information. But I think right now, you know, we need to have some kind of agreement that we're going to fund the \$610,000, and that we've got a contract in place to get these professionals to keep them working so that we can move forward. This can all happen simultaneously.

Council President Bassemier: Let me ask you, the counselor wants to say something, would you mind if our counselor wrote up something from the first stage to kind of protect us to see what we're getting for the \$650,000?

Commissioner Fanello: I would definitely mind because this is our county attorney for the County Commissioners, and the County Commissioners negotiate contracts.

Council President Bassemier: Well, if they could work together on this then, I mean, that's –

Commissioner Fanello: We've answered all of Counselor Ahlers questions and I don't think there's – unless, I'm sure President Mosby would like to say something.

Council President Bassemier: Have they answered all the questions, legally? I mean, to protect us?

Jeff Ahlers: Well, I guess the answer is – depends on how you define answer. Mr. Mosby and I had a cordial conversation and we talked for about an hour and he responded to questions I had. At the end of the conversation I don't think either one of us agreed with each other. So, I mean, it depends on – I think they responded but I don't know that in terms of the issues that we raised, I think we've talked around it and I don't think, I guess as Mr. Mourdock said, that there's ever been a meeting of the minds as to what the real answer is for everybody to move forward. I guess one of the biggest concerns and as I hear everybody collectively saying, is that I think at the beginning when Mr. Mosby talked about that in the contract it had the scope and that we were going to get 650 beds and 225 community corrections was juvenile, then it was clarified that it was in the minutes, but not in the contract. And

it seems to me that if that is the scope, as you said, that certainly needs to be in the contract. If United Consulting says we can't do what you've set the scope for the \$30,000,000, then it seems like we don't have a contract – I mean, we've got to get a meeting of the minds here so that we make sure we're not into a bait and switch situation. I mean, either they can or they can't do that. And to define that, there were other proposals, I know, from some of the other groups that you looked at for jails that were able to tell you to a penny what you could get for \$35,000,000. So clearly it can be done. Now that's an issue for all of you to decide. It's not a legal issue, it was my intention and I've tried to stay out of all of this, but just to respond to you, the question, I've read the United Consulting response. It was furnished to me by Mr. Hayes and Mr. Mosby. Our conversations have all been cordial, although I'm not sure that we still agree on some of these points.

Commission President Mosby: Well, which point don't we agree on? I mean, I guess that's the question.

Jeff Ahlers: Well, I think the big issue – I can't speak for what we agree on or not. That's the problem. I represent seven people here which makes it a little more difficult than if you represent the governor or the mayor and you've got one client. So it's difficult for me to respond to that question. I can tell you that there are concerns by various members still, on probably more than half of the points that were raised that I don't think an agreement has been reached. But I guess you guys can take a vote and decide if you've reached an agreement. But that's what I hear, but it's difficult for me to speak for seven people, because as you've heard, they all have differing views.

Commission President Mosby: Well, I hear what you're saying and I guess I can try to interpret part of what you're saying, and if we try to address that, and you are right, the scope was in the Commissioner's meeting, the contract says \$30,000,000. We have also asked them to tell us what it will cost if we go 650 expendable, 300, and 20 to 24. In the letter that I sent you after me and you had that discussion, it also tells you in there that what a \$40,000,000 project would cost us and what a \$50,000,000 project would cost us. In their original answer, it also tells you that if the project goes from \$30,000,000 to \$20,000,000 it will be a little bit less. You know, I mean, a lot of it has to do, depends on size. And that's with anything in life. I mean, the more you buy, the more you're going to pay and I don't know how anybody can get around that. For somebody to say that the fees were going to double was totally inaccurate, because if you look at the percentage, if we go with a \$50,000,000 project, the percentage is coming down to around 9.2% as opposed to 10.3. So, I mean, we've tried – and I don't know what other, I guess, questions you're talking about. We've tried to answer, you know, the question on who owns the prints. I mean, he give you three different reasons in there, you know, why they thought they should retain ownership to the prints. They also said, you know, if we have to insert a couple of words to clarify the language, that's fine, too. So, I mean, we've tried to clarify that. I mean, I've tried to clarify every answer that I could possibly clarify. The day I was sitting at lunch with Councilman Raben he was like, I don't really know, talk to Counselor Ahlers. Well, when I talked to you, Counselor, you was like, I don't have a vote in this. You know, I don't know why I'm trying to negotiate this.

Councilmember Raben: Just to clarify that, you asked me, what would be the legal language, and I said I don't – I'm not an attorney. I'm not qualified to write legal language, that I would prefer that you would have United and your attorney get with our attorney and establish some new language.

Commission President Mosby: Well, the question I was talking about, Councilman, is when I said, what are you really concerned about, what is the main issue. And you said, well, I have two or three, but I don't really know, I need you to talk with the Counselor. That's when I said, tell him to call me. I'll be glad to talk with him. I mean, he went through Counselor Hayes and that's fine, but we did end up hooking up. I tried to answer what I thought you brought up that day and everything I talked to him about, and that's why I faxed him the additional sheet.

Councilmember Raben: A quick important point, you mentioned that in the letter, it states, this pertains to ownership of plans that they state in there that they could change some language. I don't see where that's stated in this letter.

Commission President Mosby: It's not in the one you got. It is in the one I let you read at dinner that day.

Councilmember Raben: Mr. Ahlers' letter?

Commission President Mosby: No. When we went to lunch that day and I tried to address your questions, I let you read that. I'll read it to you again.

Councilmember Raben: You read a paragraph from it but I –

Commission President Mosby: No, I gave you –

Commissioner Fanello: We're wasting time here. We're wasting time. We're going over contractual issues, contract negotiations, where are we headed today? Where are we headed?

Councilmember Hoy: Mr. President, –

Councilmember Tornatta: I got a quick question for Commissioner Mourdock.

Council President Bassemier: Go head.

Councilmember Tornatta: Of the scope, we talked about the scope and at this point the majority voted for the scope, okay, what do you see as the process of attaining that scope for the facility that we want and then how do you propose that we scale that back or what means do you propose of getting to a number if it be \$35,000,000?

Commissioner Mourdock: I'm not sure I understand the question. Are you saying –

Councilmember Tornatta: The question is, there was a scope that was voted on by the majority, –

Commissioner Mourdock: Right, 650, 300 and 24.

Councilmember Tornatta: Exactly. Now assuming that obviously we're going by that scope which I don't know why we wouldn't, what means do you see for attaining that scope and then what means do you see for bringing that to \$35,000,000 if it doesn't make that, foreseeing the future.

Commissioner Mourdock: First of all, I don't think you can answer that question necessarily as, coming back to Royce's question, you know, what's the first thing you want to do. I see that as being down the road a little bit. If we had these lines of

communication open where we were ready and we'd hired the architect, I think what we need to do is the architect, as I said before, is say, okay, now we know our budget is \$35,000,000. We're going to take out the architect's fees and whatever that number is and the construction manager's fees and whatever that is. Now we have, I'm going to make up a number: 30.78 million dollars. What can you build us in jail capacity for 30.78 million? And if the architect at that point comes back and says, well, 30.78 million of hard dollar construction costs will, in fact, build you a 650 bed jail, great. We stop right there. We know we have a 600 bed jail. If he says it's only a 400 bed jail, then I think – I'll follow up with what Catherine said, we have to say, is that what we really want to do or are we going to bite the bullet. Is the Council going to bite the bullet and say, gee, I guess we really do need to raise taxes to do something. But I think you have to keep questioning yourself through this process.

Councilmember Tornatta: I understand.

Commissioner Mourdock: You can't just draw it on the page and say, here it is without any options. I think that's sort of the decision tree you have to build on. But it seems to me we need to see what we can get for that money.

Council President Bassemier: Dave, let me ask you –

Commission President Mosby: And the professionals have that. I mean, they're ready to present exactly what he just said. Here are your fees, here's the CM's fees, here's the amount of money that's left over and here's what you'll get.

Council President Bassemier: Okay, do you need to, let me ask you, I don't think anybody on the Council here, I know several of us, probably the majority is not ready to sign this whole contract, the whole contract, because –

Commission President Mosby: Well, the contract comes as a whole.

Council President Bassemier: Well, can't we piecemeal this thing –

Commission President Mosby: No. I'm not going to piecemeal the jail, and I'm not going to piecemeal the contract.

Council President Bassemier: I tell you what, we probably are wasting our time maybe, because I don't think the Councilmembers will sign such an open ended contract, but we can meet if you want to. There's several things in here that we cannot sign because we do not know what we're getting for our money and so I will say, we can set up a meeting or whatever.

Commission President Mosby: Okay, you don't know what you're getting for your money, and when you bring the professionals on board, that's what you're going to find out. What you're going to get for your money.

Council President Bassemier: Is that before or after we sign the contract?

Councilmember Tornatta: It would have been today.

Commission President Mosby: I was going to say, it would have been today –

Council President Bassemier: We wouldn't have voted on this –

Councilmember Tornatta: It doesn't matter –

Commission President Mosby: I've done signed the contract. I mean, we've done signed the contract.

Council President Bassemier: We're going to meet with the group –

Commission President Mosby: The only thing pending here is are you going to fund it –

Council President Bassemier: – this out first and then we'll have another meeting with –

Commission President Mosby: The contract is not void. I don't guess you understand that.

Council President Bassemier: Oh, I understand it. I've read –

Commission President Mosby: Well, the contract is not void because, I mean, under, I guess I'll have to get my papers out again. Title 36 1.12.5, this contract is not void. The Commissioners have a contract. Now whether you decide you want to fund it or not is another question. If you're going to tell me that your 2.7 million dollar appropriation on February 7th doesn't fund this, and if you're going to tell me that your intent on April 4th to issue a 35 million dollar bond does not give us an intent to go forward with the project, then you back up and you take a vote and you tell me we're not building a jail. And then I'll tell the architects that we just stiffed them and gave them a false impression and that all bets are off.

Council President Bassemier: Counselor, what would you recommend to the rest of the Council? What should we be doing to protect us and the taxpayers on this contract?

Jeff Ahlers: Well, I think the Council already took action within the past month and passed a resolution setting forth that there had been no appropriation and had been no funding of these contracts and so I don't think there should be any mistake and that the record has been clear all along, and that there was no appropriation to fund these contracts. So then, I guess what I am saying to you is that unless you fund those contracts, I mean, I guess it doesn't move forward unless you resolve these differences on the contracts. So I guess it comes down to whether or not, as I hear it here, it's a take it or leave it, or you're able to come together –

Councilmember Tornatta: Right, and we don't want to stall that and may I make a plan here? May I be a liaison, a one on one liaison with Commissioner Mourdock, and may Mr. Winnecke be a one on one liaison with the two Commissioners, and we try and figure out ways to hash this out? I've had contact with Mr. Winnecke, and maybe that's a possible way to facilitate this before the facilitation.

Council President Bassemier: I would kind of like to recommend Mr. Raben, too, our finance chairman.

Commission President Mosby: There's one way we can decide this. I mean, I talked to Baker & Daniels yesterday. We can take it to the State Board of Tax Commissioners and they'll make a determination. And really, I believe that's the point we're at. Is we just need to let them determine whether I.C. 36-1-12-3.5 is

correct.

Council President Bassemier: You want to answer that, Jeff?

Commission President Mosby: So, I mean, that would be the easy way of solving it.

Jeff Ahlers: I think we've already addressed that point. I mean, unless you guys want to rehash that, I think we went through that at the last meeting. We've got our interpretation and you've got yours. I don't think that it makes any difference. You end up in the same place in the end. Regardless of what the State Board of Accounts says, there's been no appropriation, so there's no money there. I mean, you can have a contract and you can sign it and say that we've signed it, but unless it's funded, it's nothing more than that. But that's –

Commission President Mosby: Well, it can be funded out of the proceeds of the bond, so unless –

Jeff Ahlers: Yeah, but there's no bond unless this body approves it. So where's your bond?

Commission President Mosby: That's my question then, did your action on April 4th, was it not good?

Jeff Ahlers: April 4th, what?

Commission President Mosby: When they said we are willing to consider issuing a bond for either rebuilding or construction of one facility or three facilities? The resolution that you passed.

Jeff Ahlers: That resolution said nothing about a bond.

Councilmember Raben: It might have.

Jeff Ahlers: It did not.

Commission President Mosby: Give me a copy of it. I'll get you a copy of it. We've got it over in the office.

Jeff Ahlers: I've got it right here in front of me and there's nothing about a bond. All it was was a resolution to set a cap on the funding. But, I mean, I guess –

Commission President Mosby: To set a cap on a \$35,000,000 bond, okay.

Jeff Ahlers: No. It does not say bond and it's not my intention to get into an argument with you here. But, I mean, it does not say that and I guess the real problem becomes, though, is again, it goes back to consensus. You know, you're saying that we're not going to get what you define the scope as for 35,000,000, so, I guess, if we were wanting to get into questioning each other, does that mean that you intend to disregard the limit? I mean, it becomes really a matter of whether you all want to reach a consensus or whether you don't. But, and I'll be happy to speak with you, Mr. Hayes or whatever you want to do.

Commission President Mosby: I'm more than willing to reach a consensus and a limit. I mean, I would love for somebody to tell me yes, we will appropriate the

money. Yes, we'll go forward. And I'd like to get the professionals down here next week and I'd like to see the time lines on issuing bonds, and I'd like to see what we can get for \$35,000,000 and we'll have that information, and what it would cost us to go the other route.

Council President Bassemier: That's a good point. What's your pleasure? You want – I'm sorry, Mr. Winnecke.

Councilmember Winnecke: I'm sorry, I just had to raise my hand high. I was getting a little tired here. I think getting the professionals in...you know, I think that's great and I'm sure they have a lot to offer, but they'll have one piece of the puzzle, and there's a major piece of the puzzle missing and that's our land costs. And that's why I think we've got to look at this thing in phases and I don't think we're looking at the phases. I, too, want to pay the architect for the services rendered to date. And if they can offer an addendum, a one page agreement, whatever it is, with the itemized bill that Mr. Raben referred to, we can see that – we can approve that in our December meeting, we can get that behind us. I think the next phase needs to be somebody determining when – earlier someone said site selection would be done in about three months. Okay, that's February. At that point, you said one to three weeks, I believe, once they look at the sites and say, this site could work or this site cannot work. And then we get the professionals in and say, okay, here are the budgets. I mean, to me, that's where I see this thing going.

Commission President Mosby: And that's where we disagree because I just said a minute ago, I will not have a building driven by site.

Councilmember Winnecke: And I'm not suggesting that, David.

Commission President Mosby: Well, you're saying let's get a site and let's –

Councilmember Winnecke: I'm saying, let's get a site before we know whether we can live within the \$35,000,000. I mean, the issue, if the professionals come in next week and they say you can only get a 450 bed jail for \$30,000,000 and you can't get community corrections and you cannot get a juvenile detention facility, I mean, they're basing that without a land cost, and that's probably the most critical element. I'm just saying, let's figure out where the site is and then tell us what we can do within our means.

Commission President Mosby: They're making an estimation for land cost is what they're doing. And if we put it on the back forty, maybe we save our money. They're making a rough estimation on land cost.

Councilmember Winnecke: So that would be included.

Commission President Mosby: Yeah.

Councilmember Winnecke: Okay.

Council President Bassemier: Yeah, that's the first I'm hearing –

Commission President Mosby: They are going to give you what they consider a total budget. I mean, I've talked with them. They're coming up with all costs that they can think could be included. So, I mean, what you're going to see from the professionals, what you would be seeing right now is exactly what they think you'll

get for \$35,000,000 or \$30,000,000 and then they're going to tell you what they think a jail, community corrections and a juvenile detention will cost you. And they're also, I've asked them to break it down just to do two, jail and community corrections and possibly jail and juvenile detention.

Councilmember Winnecke: Okay, that's great. Then can the contract be redone, however you want to phrase it so it breaks down these phases, because the first element of the contract, of the phases that you described earlier, calls for schematic design, 15% of whole, so that's roughly \$462,000. That's why I think it needs to be, the contract itself needs to be redefined and these more clearly defined phases. The first phase being the program scope, they've already provided, and that would include the 600 some odd thousand dollars. The second phase would be however the language would be written to include determining where the land is or where the site is. The third element of that would be whatever needs to happen beyond that.

Commission President Mosby: Well, and as I said a while ago, you keep referring to site, and United and DLZ are not doing the site, Bernardin is. And that site can fall right in before design development. All we got to do is get something from the architects that tells us, you can put this on five acres or you need 20.

Councilmember Winnecke: And that's fine, but –

Commission President Mosby: There's no sense in looking for five and buying five if we need 25.

Councilmember Winnecke: But let's lay that out in the contract. And I do not think that's clearly defined in here.

Commission President Mosby: Well, and I think as the Sheriff stated a while ago, I mean, he has worked with them, they have looked at a couple of sites, and they have told us, I think, bare minimum is nine but there's probably (inaudible) more comfortable there. And that's what we're looking at. But, you know, I mean, –

Council President Bassemier: At what cost?

Commission President Mosby: I'm just saying, you know, they're the professionals, let's get them on board, let's deal with them.

Councilmember Winnecke: And I'm saying I agree with you. But let's do it in clearly defined phases –

Commission President Mosby: And I will disagree with you and President Bassemier, that this is an open-ended contract because I've addressed everything that you two have said.

Councilmember Winnecke: I'm not saying it's open-ended, I said –

Commission President Mosby: It might not agree to you, but, I mean, we've addressed –

Councilmember Winnecke: I just want to say it's not clearly defined.

Council President Bassemier: I tell you what, I've got Sandie right now, she's looking up a date for next week maybe, if that's okay, and see if we have to advertise that.

Jeff, do we have to advertise that? We probably do again.

Commission President Mosby: Next week, we're going to be out of town Tuesday, Wednesday and Thursday.

Council President Bassemier: Okay, well you all suggested a meeting, so...you got some dates? We've got to move on here.

Commission President Mosby: I guess – when are you coming back?

Council President Bassemier: We'll change the tape here.

(TAPE CHANGE)

Commission President Mosby: – do something next Thursday at like 2:00 or something. I'll just come on back.

Council President Bassemier: And to address it, the open-ended contract, the reason why I said that was because we do not have a land site, some of this ground in Vanderburgh County is going from \$50,000 to \$100,000 an acre, and we might need 20 acres. So –

Commission President Mosby: Let me ask you a question, President. Are we coming back in here to negotiate contracts or we going to come back in here and move forward?

Council President Bassemier: Well, I think we moved forward today.

Commission President Mosby: I don't. I think we're still at the same point when we walked in this room.

Council President Bassemier: Well, you know the story about opinions. But we're going to set up a meeting and we'll get your experts – I'm sorry, Jeff. We'll get your people in here and we'll go from there, but I think this was a productive meeting. I think there was some very viable points brought out in this meeting. I don't think the other group should have heard just yet, because we haven't ironed all this out yet. So can we set up a meeting to continue this meeting? Mr. Hoy, you got something you want to say?

Commission President Mosby: No, I ain't setting (inaudible) --

Councilmember Hoy: Yeah, I'm not sure we've moved at all, one point on which I agree with Commissioner Mosby. I'm not sure we've moved that far today at all. It would seem to me that we may need a facilitator a mediator or someone who would get us to the point where the process that is set up and the contract that is signed dovetailed, and work together in an orderly fashion. I do not believe that that is what we have in this contract at all and unless there are substantive changes in this contract, no, I won't vote for it. I will just say that plainly. I think that's why we need to sit down and mediate something that brings together process and contract. I think Mr. Winnecke is on the right track at that point. I think a lot of us are and I think that's what we need to do. I also am not wanting to stiff anybody. I have no desire to stiff United or DLZ, but it's my job as a County Councilman to make sure that the county is not stiffed and I think this contract stiffs the county. It's too open. It needs to be tightened down and I think that we need to do that in a mediated meeting. And

that would be my recommendation because I think if we come back without some kind of commitment to that sort of process, we'll be sitting here saying all of the same things, having all of the same arguments. Because the issue here between these two bodies can be summed up in one word and that issue, and this is not going to be popular, nobody is going to like me saying this but it's how I feel, and I always say that and I always say how I feel, we have an issue of trust here. That's the issue, and that is the major issue we're dealing with. And that's why I think we need someone to mediate us and bring us together so that we achieve a level of trust so that we can get this project done, financially take care of the architects who have been selected, that's been done, and move ahead with a contract that we can live with.

Council President Bassemier: You all have a problem with that, getting a facilitator in here and –

Commission President Mosby: I do. I mean, I'll go back to what you said a minute ago. I mean, he's talking about the contract and I think, what'd you tell me, we know what opinions are, something that like. That's what you said. I mean, everybody is going to have an opinion and I guess if he wants to do my job, he doesn't feel like I'm capable of doing my job. He's sitting there telling me I can't do my job and he doesn't feel like this contract is worth the paper it's written on. Well, I have a job to do as a County Commissioner and it's to get a contract and sign it, and he has a job to fund it. So I'm not going to come over and try to tell him how to fund it and I'm not going to tell him what's the best way to do it.

Council President Bassemier: You know, back when Mr. Mourdock had that Blue Ribbon Committee it worked very well. We had a facilitator, we had everybody involved, the Sheriff, the Prosecutors, the Council and the Commissioners, and it worked fine. So, would a facilitator, I think it would work fine –

Commissioner Fanello: I'm going to give you my honest opinion on that. If we're all not mature enough in here as elected officials to work this out and we need a mediator in here, we all better step down.

Council President Bassemier: Well, it's not exactly a mediator, you know, they bounce ideas back –

Commissioner Fanello: No, this is like go to your corner, time out.

Council President Bassemier: No, it's not. If you'd been there, it was very productive.

Commissioner Fanello: No, we were hired – I am not going to spend taxpayer dollars to get a mediator in here. We are all of an age, and adults and elected officials for goodness sakes. If we can't work this out, this is ridiculous.

Council President Bassemier: Phil?

Councilmember Hoy: I think it's ridiculous for you to ask us to sign such an open-ended contract such as this without some substantive changes in it that ensure some sort of financial safety for the Council. Mr. Mosby did –

(Inaudible – Councilmember Tornatta interrupting Councilmember Hoy)

Councilmember Hoy: If you were going to quote me, please quote what I say. Don't say I'm talking about ten story buildings when I'm not –

Commission President Mosby: I didn't say anything about a ten story building.

Councilmember Hoy: And don't say that I am telling you you can't do your job when I'm not saying that. What I am saying is, we have a roomful of major differences, they're not just between you and me, there's quite a number of them here and all I'm saying is, we need someone to bring us together. I don't think that that's an admission that we're not mature individuals. In fact, I think to have someone convene us and work with us as a mediator would demonstrate that we are mature individuals who would be willing to sit down and have genuine, thorough, thoughtful compromise that will get us to the point of building the jail that we need to build.

Councilmember Tornatta: And I agree with that, Councilman Hoy. I think that the facilitators are used in Fortune 500 companies on down. That's a, they're very positive role people. The first thing I asked was would it be possible to have a liaison to the Commissioners to see if something could not be, some of these problems, communication problems, can be brought out. Now that's one thing, Commissioner Mourdock, that you brought out about the communication lines. I'm throwing my hand across the aisle to say I'll be your liaison and go across and if Mr. Winnecke would do that, he would be liaison there, and try and work some of these issues out. Now that's what I have offered across, now what better communication can you have there than to do that even before a facilitator is on board?

Commissioner Mourdock: If that was a question directed to me, I'm certainly open to talking to you any time, any place, Troy. We've met before outside this building and I'll do that again. However, if we're going to do that, I need to be privy to all the communication. I keep hearing about a letter that's gone back and forth between the Commission and Council, I've never seen it. So I don't know what's been addressed in the letter David's talked of, so I agree with Phil. I mean, this issue is bigger than the contract. It isn't about the contract. I think in one sense, Catherine, you're right. We've wasted a lot of time here today because we're talking about the contract and it isn't the issue. It is trust. This group, everybody in this room has got to work together. And until we do that and recognize that all of us have a role, it isn't just the Commission's role to sign a contract, I mean, we have to communicate. It isn't just the Council's role to approve funding, they have to communicate. They have the right to their views just as we have the right to ours. And if we have to have some give and take, that's what it's going to take.

Commission President Mosby: And I totally agree with you. They have a right to their views and we have a right to ours, and if I don't agree with them, but it's their job to do it, I mean, I can't talk them out of it.

Commissioner Mourdock: That's right, but you can't talk them out of it just by saying here it is, take it or leave it, which is the way it's perceived.

Commission President Mosby: That's not the case, Commissioner. I told you over the last 12 days I've tried to work with them. I've tried to be the facilitator myself.

Commissioner Mourdock: David, you're not hearing what I'm saying. It doesn't matter what you think in the sense of how this is proceeding. What matters is how people are perceiving it. And they're perceiving that the issues aren't being addressed. And somehow we've got to change that perception.

Commission President Mosby: Okay, and that's what I want to ask Councilman Hoy when he says there's no caps on the funds, and I've heard him say this five times today, what is not capped? I mean, that's just my one question. What is not capped? What are you uncomfortable about?

Councilmember Hoy: I'm still uncomfortable with the fact that the scope of the project is not spelled out specifically in the contract, that's one. I'm quite concerned that we haven't, we don't have a plan in place for seeking a site. You have said quite correctly that we don't want the site to dictate, however, whatever site we choose will dictate some things. It always will. The footprint of that site, no matter where it is, will dictate some things. The other thing that will dictate the site and the building are financial considerations. I am not comfortable with the word, assume, in the contract in terms of the 30 million. That's too vague a word and it is a word that attaches to a lot of the contract that I think is too vague. I think probably as we push this down the road, we are going to have to be very intelligently discussing whether or not we do all three facilities and what we choose first. I've already gone on record as saying I do not believe we should have a 300 bed community correction complex. I realize that they're mostly gone, I think there's two judges left, three, and a juvenile judge, who is interested in the juvenile section. But I think, you know, that we may have to trim that expectation because what we're being forced to do legally is to build a jail, period. I'd love to see a juvenile facility. I think I would put that ahead of community corrections on my list but others may not do that. That's why we need to sit down together. And that's not clear. And I am not content with United's answer about who owns the plans at all. And I want it to be clear that United, DLZ and we, all of us, stick together throughout this whole process because you can get out of (inaudible) and that's always had to be in there, but that does give an escape clause. And I don't know that it's possible to change this, but I am not comfortable with the amount of fees that are connected with this contract, even though I am aware that you all have looked at other contracts in other cities. I am just looking at my own feelings about what this costs. And I think those costs are too high and they need to be more carefully delineated should we expand this project and we might. So those are the things you asked me and that's my answer, what I'm uncomfortable with.

Councilmember Raben: Mr. President –

Commission President Mosby: I couldn't remember all of –

Council President Bassemier: Jim, Mr. Winnecke and then I'll go to you.

Councilmember Winnecke: Did you want to respond?

Commission President Mosby: Well, he started at one. I was trying to keep track, but, I mean, I lost count at about six. And, I mean, I don't know which one to even refer to first, but, I mean, I guarantee you, I could sit down and answer 99% of what you just said. Do you have the paper that I sent Counselor Ahlers?

Councilmember Raben: David, let me interrupt just a moment. They answered it in their terms. I mean, the first item addresses ownership of plans and as to why they feel that under no circumstances should we own those plans. Nowhere does it address that they're willing to make any amendments to those articles. Nowhere. And if these plans, you know, if these plans are custom plans, if they're not plans for another jail, you know, I assume that for \$3,000,000, these are going to be custom. I should be able to travel anywhere in the United States and not find another jail like it. For \$3,000,000 I'd better not find it in St. Joe or Porter or somewhere else. So

if these are genuine custom drawn plans to our specific needs, then we should have ownership to them. There is one phase in the contract, give me a minute to find it, but it states – what it's pertaining to is at some point should you decide that you want to renovate or extend from the existing facility, that you would have to get written permission from United to do so. That sounds simple, but what if they decide not to allow you to do that? So then you have to –

Commissioner Fanello: What page are you talking about?

Councilmember Raben: I'm finding it. But, David, you're exactly right. They did supply a reply, but it's just because they replied doesn't mean we go along with it. And again, what Councilman Hoy is saying, I don't think we're going anywhere until we work out all these problems within the contract. And I've asked, I've begged and pleaded that one or two of the Commissioners sit down with one or two, maybe Republican and Democrat from both sides, from both bodies, sit down together, work out the problems along with our Council, work out the differences in this contract. And again, I've only addressed my concerns. I don't know about everybody else's. And Catherine, give me just a moment and I'll find that.

Commission President Mosby: Well, Councilman, you say they replied. I mean, you asked me to ask them what would be the total amount of dollars for 30, 40 and 50. I mean, they supplied the information. It's right there in black and white. I mean, now if you're going to tell me you don't agree with it and you want to pay them whatever you think they're worth, I mean, that's a different story. I don't come in and dictate a price on your tires.

Councilmember Raben: They answered part of that, but again, part of my concern was a better definition of scope, change of scope. You know, when they state throughout a contract a change of scope –

Commission President Mosby: Okay the change of scope, and it's like they addressed in one other letter that I had. Change of scope is if we go from \$30,000,000 to \$20,000,000, the fees get smaller. But if we go from 30 to 40, of course, they increase a little bit.

Councilmember Raben: Do they state that in the contract as being the clear definition of scope? Where in the contract do they clearly define scope?

Commissioner Fanello: I don't understand and I wish someone would clarify because I really want to understand. When everybody says the scope is not clarified, what are you looking for in the scope? What do you think the scope should say?

Councilmember Raben: Our point exactly. What is that? Is that change in light fixtures in the project? If we go from porcelain light fixtures to something else, is that change in the scope?

Commissioner Fanello: No.

Councilmember Raben: Okay, let's define exactly what is scope. I mean, I'm asking you. You define that for me.

Commissioner Fanello: I understand that, but we might have a hundred pages of what a change in scope is. I think –

Councilmember Raben: For \$3,000,000, what could have the potential of being ten million dollars, I'd say it's important enough that they take 500 pages. Let's have it in the contract.

Commissioner Fanello: And I don't know that the answer is not – and I don't know that the answer is not – well, I just don't know that the answer is not in the contract. I'm going to look for it myself.

Jeff Ahlers: So, Mr. Mosby defined the scope and thought it was in the contract but then said that it was not.

Commissioner Fanello: That's not the scope he's talking about.

Councilmember Raben: As to the other comment I made, Catherine, it's at the bottom of page 13. It says the owner shall not use the instruments of service for future additions or alterations to this project or other projects unless the owner obtains prior written agreement with the architects.

Commissioner Fanello: And I imagine –

Councilmember Raben: So ten years from now, if we need to add another pod to that jail, and we want to use those blueprints because we know how those walls are designed, that we need to knock holes into, they're stating no, you can't do that unless we give you written authorization. I mean, it wouldn't behoove them to give us written authorization because they may want to draw –

Commissioner Fanello: And I would like for them to clarify if that's what they mean or not.

Councilmember Raben: And again, there's tons of those. I addressed the insurance issue, I addressed there's one paragraph that states that there is no limitations on cost, let's –

Commissioner Fanello: Jim, we could sit here all day. Each one of us have a different interpretation of this contract. You know, this contract has been negotiated in the best interest of Vanderburgh County and I resent anyone at this table who says it wasn't because I don't think I was elected to take care of myself. I was elected to take care of my constituents. And what I am saying is that we can all have a different interpretation, but I think the attitude that we're taking with this is, well, you didn't negotiate that in the best interests of the county. You know, this must be wrong. That's not the case. If you have questions, that's fine. But I think we're getting to the point where we're nitpicking here.

Councilmember Raben: Okay, well again, what I think we need to do, I think what Mr. Hoy said and I think I've heard Councilman Winnecke state, this Council is not willing to go any further until first we work out the little problems that we see within this contract.

Commission President Mosby: Okay, Councilman, I just want to address scope for a minute. And in paragraph, it tells you here, in paragraph 1a, scope describes a project to contain a jail component and community corrections component and a juvenile detention component. Paragraph 1.1.1.1 –

Councilmember Raben: Wait a minute. Where are you at?

Commission President Mosby: I'm giving you the paragraph numbers.

Councilmember Raben: Page two?

Commission President Mosby: No, I'm not in the contract. I'm just giving you the paragraph numbers that –

Council President Bassemier: He's on that response back to –

Commission President Mosby: And it's the paragraph 1111 also describes the project of consisting of jail, community corrections, juvenile detention components and further states that all shall be of new construction. 1.1.1.3 establishes the construction budget at \$30,000,000, 1.1.2.1 describes the objective or the use of the facility as consisting of the three aforementioned components. We feel these provisions more than adequately set the size, scope and nature of the project. They are addressed in them four paragraphs and it tells you what you're getting and establishes a budget. And it's as far as they can go with scope until we decide the next step and that's after the architects tell us what we can get.

Council President Bassemier: Mr. Winnecke?

Councilmember Winnecke: Two things. One, to Councilman Tornatta's suggestion earlier, I mean, I'd be happy to act as liaison or I'm sure Councilman Wortman is, I think he's officially the Commission liaison, but if it's Curt or myself, I mean, I think either one of us would be glad to do it. You know, gosh I'm whipped. Now I think the horse is about dead today. And if I could offer a suggestion here, maybe the thing to do is have us and Jeff draft or draw up specifically all the fiscally related issues of the contract that we still have issues with, get them to either you or Counselor Hayes in the next week, ten days, whenever the time frame is. While that's going on, you guys continue to bring your professionals down at a mutually agreed upon date to hear what they have to say and we can keep all this dialogue going. But I think if we go much further today, you know, we've all got dinner plans, I suspect. And I've got to be at work at 8:00 in the morning.

Council President Bassemier: Catherine, hold on. Would you all agree to that? If I nominate two people to work with two of you or all three of you, would you all agree to that?

Commission President Mosby: Susan ain't going to agree to that.

Council President Bassemier: Who?

Commission President Mosby: Susan. Not if two of you is going to work with three of us.

Commissioner Mourdock: Wait a minute, who says it can't be a public meeting? I mean, just make it a public meeting.

Commission President Mosby: That's what this is. Where are we getting?

Commissioner Mourdock: Well, hopefully we're making some progress. But yes, it can work, Ed. There can be public meetings. All we have to do is advertise them.

Council President Bassemier: Okay, well, what's your pleasure? Do you want

to meet again and bring...I guess we just keep it at –

Commissioner Fanello: I just have one question. Councilman Winnecke said that we would address fiscal related issues with the contract and that's within the Council's realm to ask questions about fiscal related matters. But Councilman Raben is bringing up all kinds of questions. So are we going over every page of the contract, which is really not within the scope of the Council's duties, or are we addressing the fiscal matters?

Councilmember Raben: I addressed one that may be borderline, and if you really think about it, it has everything in the world to do with the financial aspect of it. Ownership of plans that you're paying \$3,000,000 for to design, when that project is done, I would assume that I own those plans for any future needs or use I may have for them. That is a financial matter.

Commissioner Fanello: And I understand –

Council President Bassemier: I'm going to take one more question. Evidently, we can't have –

(Inaudible)

Council President Bassemier: We're not agreeing on a facilitator, we're not agreeing on meeting, so I guess we'll have another open meeting. Do you all – Mr. Hoy?

Councilmember Hoy: I wanted to make a motion just to the Council, Council motion, I want to ask our legal counsel, Mr. Ahlers, if what I'm about – I'm going to make a motion, an overture motion. May I do that in this meeting of this Council for the Council?

Jeff Ahlers: Sure. This meeting has been advertised. I mean, you just can't make appropriations.

Councilmember Hoy: Okay. I move that the County Council overture the County Commissioners to have a joint meeting with a facilitator present to work with us on establishing a process and on making clarifications and changes in the proposed contract.

Council President Bassemier: Do I have a second on that motion?

Councilmember Raben: Second.

Council President Bassemier: Second by Mr. Raben. Any discussion?

Councilmember Tornatta: I don't know that we can change the contract. What are you talking about changing the contract?

Councilmember Raben: We have to have a contract to sign.

Councilmember Hoy: I'm just talking about discussing those changes, that we have a facilitator, that we overture the three Commissioners to have a facilitator help us get to this point that I spoke of a while ago.

Councilmember Tornatta: Can I say, if you're having a facilitator, could we not make

the facilitator address some of the problems as opposed to trying to come up with some different areas in the contract?

Councilmember Hoy: That's what –

Councilmember Tornatta: I think we talked about a process. If we're doing a process, a facilitator might be a good area to do a process, but to go through a contract, I think that's A) it's borderline stepping on the boundaries of this board and B) it is being vague for a facilitator.

Councilmember Hoy: Yeah, all I want – and your point is well taken. I don't want this person to write the contract, I simply want them to try to bring us together on a process and on points where we can have some agreed give and take in this contract. We would not be writing the contract, but I don't think, I'm not sure I can divorce the two in mind. That's why I put the two together and see where that – surely that would move us, you know, a step forward in terms of getting us together and all I'm saying is, let us overture the Commissioners and then the Commissioners, or they're also in session, they can respond. I would just like to see us try this and whatever funding it takes to bring this person in, it wouldn't be a great deal of money to do that.

(Inaudible – several conversations held at once)

Commissioner Mourdock: Turn the mike on.

Phil Hayes: (Inaudible – comments not made from microphone) and I'm just concerned that...

Jeff Ahlers: You don't think this falls in the purpose? I'm just saying, I think Council just votes, you guys, if you want to vote separately, but, I mean, this all falls within the purpose of jail contracts doesn't it? I mean, if you want –

Phil Hayes: I'm concerned about the shape of the Open Door Notice. (Inaudible – comments not made from microphone) I'm concerned that it's too broad for the Open Door Law and just (inaudible) rather than a formal (inaudible) you might still be within the framework of discussion (inaudible). That's the only, just an observation.

Jeff Ahlers: Well, and I appreciate you pointing that out. I guess my thought was is that I thought the purpose of our meeting was –

Teri Lukeman: This is the ad.

Jeff Ahlers: It says for discussion of and action on contracts and services for jail and corrections projects. I guess in my mind, I would think that this motion is part and parcel of saying this is what we propose that we do next in that step on that issue. Isn't that the intent that it is?

Councilmember Hoy: That's the intent.

Council President Bassemier: Okay.

Phil Hayes: (Inaudible – comments not made from the microphone)

Jeff Ahlers: You're suggesting you think everyone has to vote on it?

Phil Hayes: No, (inaudible – comments not made from the microphone)

Commissioner Mourdock: May I ask a –

Jeff Ahlers: That's up to Councilman Hoy. You know, I don't know. No, no, I mean, that's fine. I guess all I – I don't know. I guess I see it as being on the topic and I guess either body can take action. At first I thought you were saying we had to vote together or something.

Council President Bassemier: Let's change the tape.

(TAPE CHANGE)

Council President Bassemier: We have a motion and a second. Discussion?

Councilmember Wortman: Yes, discussion and referenced to a mediator more or less in them terms?

Councilmember Hoy: Yes, a mediator or facilitator.

Council President Bassemier: Facilitator, same thing. Okay, I have a motion and a second. Any more discussion? Roll call vote with County Councilmembers only.

Teri Lukeman: Councilmember Tornatta?

Councilmember Tornatta: Uh, because I don't understand the total scope of this I have to vote no.

Teri Lukeman: Councilmember Wortman?

Councilmember Wortman: Yes.

Teri Lukeman: Councilmember Hoy?

Councilmember Hoy: Yes.

Teri Lukeman: Councilmember Raben?

Councilmember Raben: Yes.

Teri Lukeman: Councilmember Winnecke?

Councilmember Winnecke: No.

Teri Lukeman: President Bassemier?

Council President Bassemier: Yes. So that is 4-2, it passes. (Councilmember Sutton left meeting before vote was taken). No, where are you, we will turn it over to you now.

Commissioner Fanello: I personally like Councilmember Winnecke and I will still work with you to go over these questions, but I am going to, I am going to make a motion here, I will go ahead and make it but I will also make it again at Monday night's meeting, if I need to. I make a motion that we direct our President to set up

a meeting with the State Board of Tax Commissioners, I believe the County Auditor will need to be involved in that. But, I believe that this is something that can be decided by the State Board of Tax Commissioners and we won't need to pay a facilitator and waste taxpayer dollars. So, I am going to make a motion that we get that moving and get that meeting set up with the State Board of Tax Commissioners, because I have been told by our bond counsel that that is where we can get resolution on this issue and I think that is where we need to go.

Commissioner Mourdock: Do you agree Catherine, even if, and I think that is what I heard Councilmember, I am sorry Counselor Ahlers, say before, even if they rule yes to the validity of the contracts, that it is still dependent upon the council to approve the bonds.

Commissioner Fanello: That is, I want their opinion and ruling.

Commissioner Mourdock: But, do you agree with that?

Commissioner Fanello: I don't work for the State Board of Tax Commissioners. I want to get their opinion and ruling. I can't give you an answer because I don't have all of the answers.

Commission President Mosby: What was your question?

Commissioner Mourdock: My question was, and I heard Jeff say, that even if the State Board of Accounts --

Commissioner Fanello: Commissioners.

Commissioner Mourdock: Thank you, Tax Commissioners comes through and says, yes, the Commission has done the proper thing here and that maybe the contract isn't null and void, it still becomes dependent upon the issuing of the bond.

Commission President Mosby: Right.

Commissioner Mourdock: The question is then, do you agree that the Council is ultimately involved with issuing that bond?

Commission President Mosby: Then the council will have to issue a bond, I agree. We just need to clarify who is going to sign this contract and we are not getting it worked out here, so, I mean, she has a motion on the floor.

Unidentified: Is this discussion?

Council President Bassemier: No, that is not us.

Commissioner Mourdock: No, this is ours. I don't have any problem going for that information because it is still going to be the Council's call. So, I will go ahead and second.

Commission President Mosby: Okay, a motion and a second, so ordered.

Commissioner Mourdock: Okay, I have one other motion, if I could then, just to be consistent with what the Council just did, I would move that the County Commission act in a, call it a shadow motion, to the words of Councilman Hoy here a few

moments ago regarding a facilitator.

Commissioner Fanello: I am not going to second that because I am not going to waste taxpayer dollars for things that we can work out ourselves. I am willing to sit down with Councilman Winnecke and get some questions answered. I am willing to sit down with Councilman Tornatta and have done so. I called Councilman Raben last week and he wouldn't return my phone call but I will sit down with Councilman Winnecke and get these things worked out but I am not wasting taxpayer dollars on a facilitator.

Council President Bassemier: Jim, you can address that now since you pointed your-

Commission President Mosby: Since, yeah, this is our meeting, I will just be honest, since we are going to do this and go to the State Board of Tax Commissioners just to go ahead and get clarification, I don't see right now where it is going to be beneficial to do that.

Council President Bassemier: Jim, do you want to sum this up? Evidently we didn't go anywhere.

Unidentified: It died for lack of a second.

Councilmember Raben: Now, I guess now I am confused. You have taken the position then that your actions that were taken when you signed this contract, that you stand behind that you still consider that the contract is valid and that no legal, illegal action was taken, with that, understanding your position and the statute that you quoted from earlier that states that any payments made to the contract would be paid out of bond proceeds, I guess I would interpret that that the request for the appropriation December 5th has been cancelled, correct?

Commissioner Fanello: No, I believe we need to pay them for the work to be done.

Councilmember Raben: Now, you can't have it both, the best of both worlds.

Commissioner Fanello: You are still going to get reimbursed from the bond issue, Jim.

Councilmember Raben: Again, your position-

Commissioner Fanello: You are not paying them, you are not paying the-

Councilmember Raben: It states that what you've done is legal so long as it's paid out of the proceeds of the bond.

Commissioner Fanello: And you can be reimbursed and that is-

Councilmember Raben: Well, you can't have the best of both worlds.

Commissioner Fanello: Well, the State Board of Tax Commissioners-

Commission President Mosby: Or other fees, it states, I mean it states that in the contract. You can pay them out of the fees that you set aside, the 2.7 million.

Councilmember Raben: I am going to stick to your statute and I will consider it.

Council President Bassemier: Does anybody want to make a motion for adjournment?

Councilmember Wortman: I make a motion that we adjourn this meeting right now.

Commissioner Fanello: Motion to adjourn.

Councilmember Winnecke: Second.

Council President Bassemier: Meeting adjourned.

(Meeting adjourned at 3:49 p.m.)

VANDEBURGH COUNTY BOARD OF COMMISSIONERS

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Vice-Pres. Catherine Fanello

Member, Richard Mourdock

VANDEBURGH COUNTY COUNCIL

President Ed Bassemier

Vice-Pres. Lloyd Winnecke

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Councilmember Phil Hoy

Councilmember Curt Wortman

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**Vanderburgh County
Board of Commissioners
November 26, 2001**

The Vanderburgh County Board of Commissioners met in session this 26th day of November, 2001 at 6:17 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting for Vanderburgh County for November 26, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Tammy McKinney, Superintendent of Buildings; Counselor Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: First, approval of the minutes of November 19th.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Mourdock: Secondly, although not on the agenda, we have our Executive...is that on, Madelyn? Is that mike on? Okay. Second we have our summary minutes from tonight's Executive Session which began at 5:15, ended at 6:10. The three Commissioners were present and discussed was pending litigation and county personnel matters. I move those be submitted for the record also.

Commissioner Fanello: Second.

President Mosby: A motion and a second...A motion and a second. So ordered.

Cheryl Musgrave: Award Bid for Computer Hardware and Software

President Mosby: Cheryl Musgrave.

Commissioner Fanello: I don't think she's here. I think she went home sick. I think we can, I think it was Dell she wanted to award the bid to. Was that correct?

Commissioner Mourdock: Yes. It was the same package—

Commissioner Fanello: Yeah.

Commissioner Mourdock: —that she submitted last week. She was hoping that we

would act on that last week, and we deferred it one week.

Commissioner Fanello: I would move approval except for one portion of it, which I had a question on which she did not...I believe she went home sick and she wasn't able to get back with me, and it was also a question of ACS. So, could we leave out the network traffic analyzer? Is there...can you award a portion—

Commissioner Mourdock: Just make—

Commissioner Fanello: —of it?

Commissioner Mourdock: —yeah, make the motion in the positive regarding that part—

Commissioner Fanello: Okay.

Commissioner Mourdock: —you do want to award.

Commissioner Fanello: I'll make a motion to award the bid for hardware and software to Dell for the computers and software, leaving out the network traffic analyzer—

Commissioner Mourdock: Second.

Commissioner Fanello: —and network monitoring (Inaudible).

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Roger Lehman: Weed Dispute

President Mosby: Roger Lehman. Roger Lehman.

Roger Lehman: Thank you. Roger Lehman, Building Commissioner. Mr. Mazzier is also here. I am pleased to report he has the project well under way to bringing the site to within compliance with the county ordinance. The weather got him from finishing up, and we think within a few more hours of time it will be cleaned up. So, at this time we would like to withdraw our request for hearing, and eliminate from your agenda, with the understanding that if we have problems in the future we will come back. We think that it's pretty much resolved, but not 100%.

President Mosby: Okay. Do we need a motion to withdraw?

Commissioner Mourdock: I'll move that we withdraw the weed issue brought to us last week by Mr. Lehman.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Roger Lehman: Thank you.

President Mosby: Thank you very much. Thank you.

Award Occupational Medicine RFP
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President Mosby: Next item, award OCC-Med RFP.

Commissioner Fanello: I don't know if everybody's had a chance to look, but I'm going to make a recommendation that we continue with St. Mary's. So, I would move approval on that.

Commissioner Mourdock: Is there any change to it, Catherine? I don't have anything in my packet on it.

Commissioner Fanello: No. I'm sorry, changes to?

Commissioner Mourdock: Are there any changes in the package? You are saying we continue on with what we have—

Commissioner Fanello: Yes. Yeah, we continue on with what we have.

Commissioner Mourdock: —without changes?

Commissioner Fanello: Yes.

Commissioner Mourdock: And you made that a motion?

Commissioner Fanello: Yes.

Commissioner Mourdock: And I'll second.

President Mosby: A motion and a second to stay with St. Mary's. So ordered.

Award Grant Writer for Old Courthouse
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President Mosby: Grant writer for the Old Courthouse, Commissioners.

Commissioner Fanello: I don't know if everyone had a chance to review those either, but I had reviewed it and would make a recommendation for Visions, which is located in Santa Claus, Indiana. Anybody got any comments? I mean, I would just move that we got ahead and get in touch with, I believe her name is Brenda. Debra Bennett, and maybe start negotiations with her.

Commissioner Mourdock: Okay. I'll second that we begin those negotiations.

President Mosby: What was the company?

Commissioner Fanello: Visions.

Commissioner Mourdock: Visions.

President Mosby: I have a motion and a second. So ordered.

**Resolution of Reimbursement of Certain Preliminary
Expenditures from Proceeds of a Proposed Issue of Bonds**

President Mosby: Next, Resolution for Reimbursement.

Commissioner Fanello: This is a...yes, I just got one...Resolution of the Board of Commissioners of the County of Vanderburgh regarding the reimbursement of certain preliminary expenditures from proceeds of a proposed issue of bonds. What this is is a reimbursement resolution for any expenses incurred from now until the date of the issue. I mean, it would all be reimbursed out of the bond proceeds, so. This was on our, and I apologize, I was going to bring the time line sent down to me from Tom Pitman at Bakers and Daniel, and I forgot it, but this is on the time line. I feel that we just need to go ahead and keep on moving forward with what we can do at this point, and so I would move approval of this Resolution for Reimbursement.

Philip Hayes: Why don't you tell them about the cap.

Commissioner Fanello: It is on a \$35 million issue at this point. If there is any changes to that, if it's lower or higher in the future we can change the Reimbursement Resolution, but since the Council has agreed to \$35 million at this point, we are starting from there and work forward, or backwards, depending.

Commissioner Mourdock: I have, I guess, two questions, and not having had a chance to study this in detail, but first question is with the second line:

Whereas Vanderburgh County intends to cause to be issued by a non-profit

I'm sorry:

Not-for-profit building corporation to be created.

I know you said at the joint meeting that we were looking at creating a jail authority—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: If, in fact, we ultimately locate the jail on Building Authority property, are we not doing something that we could otherwise avoid doing? In other words, if we knew for sure today that it was going to be on Building Authority property, would we need to establish a separate jail authority?

Commissioner Fanello: Well, I believe you would, because there are issues associated with the Building Authority versus a so called jail authority, and I know the Sheriff is famil....governance issues. The Building Authority, I don't believe it's the intent of this Sheriff to have the Building Authority govern the new jail. Is that correct, Sheriff?

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: And the lease, and this would also be the entity that would lease the bonds as well.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: I understand—

Commissioner Fanello: Lease the facility.

Commissioner Mourdock: Yeah, I understand. If you did that, that is what would happen, but, again, I'm just trying to say are we creating an additional step that we might not need here?

Commissioner Fanello: No.

Commissioner Mourdock: The governance issues—

Commissioner Fanello: Uh-uh.

Commissioner Mourdock: —that you are discussing would seem to me to be separate from what the Building Authority does.

Commissioner Fanello: Well, what—

Commissioner Mourdock: If we've built a private sector jail—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —we could deal with those separately as well.

Commissioner Fanello: And whether it's on Building Authority, if it's in the back 40 here, whether it's on Building Authority property is really not an issue in regards to creating a separate authority. I guess, I really don't understand your, your question.

Commissioner Mourdock: And I guess I don't understand your answer, because you just said it isn't an issue, and I'm asking why isn't it an issue? The only reason I heard stated was there are governance issues. It would seem to me those governance issues would equally apply if, by way of example, we contracted with some private sector company to build us a jail, those same things would apply—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and we would have to work through those with that private sector company. It seems if the Building Authority were to do this, we would have that same option available to us.

Commissioner Fanello: Uh-huh. I'm going off of what our bond counsel is recommending, and there is a statute that calls for a jail authority. That's personally the direction I'm headed. Not to say that this can't be changed in the future, at any point in time that we might want to change it. If we see fit in the future not to create a jail authority, this could certainly be changed, but in order to continue down the road of getting a bond issued, we need to get a Reimbursement Resolution passed. It's my personal intent, and I'm sure, I guess, we could take a vote on it, to pursue a jail authority per the Indiana State Code, as is written in the code.

Commissioner Mourdock: My second question then is, is this Resolution not, maybe the bridge between the issues that I brought up a few weeks ago with, and I don't

have the code in front of me, but the question about whether or not payment could be made under the statute prior to the time of selling the bonds. That wording was not present in the statute. I know then you said that you certainly thought reimbursement was possible, but since it's not in the statute is that what this is in effect doing? Is this a stated?--

Commissioner Fanello: This is standard operating procedure for any bond issue.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Sure. Go ahead.

Philip Hayes: If I could be recognized for trying to explain the nature of this. This Resolution is a Resolution of intent. It's one which is covered by the U.S. Treasury Regulations, which are cited in the middle paragraph, about the third paragraph down, and in addition Indiana Code, Title Five also has a provision in it allowing counties who intend, who have the intent, but have not done so to reimburse for certain expenditures, if any, and if you'll look at the body of the Resolution numbered (1), the paragraph at the bottom--

Commissioner Mourdock: Uh-huh.

Philip Hayes: --this, it proposes that this Board declare that it reasonably expects to make reimbursements with proceeds of bond issues, once those are sold, if any, for the project made by the county prior to the issuance of the bonds during a period beginning on the date you adopt this resolution, until the date that you issue the bonds. So, what it's meant to fit in with is exactly, I think, what you're talking about being a bridge. It's meant to fit in with the appropriation which is being requested to fund the adopted contracts under Title 36. Those adopted contracts being the designer and the CM contracts, which together add up to the total aggregate of fees. All of those won't be expended prior to the issuance of the bonds, but certainly as you have it now, there's \$550,000 requested for the architect, and about \$60,000 for the Construction Management that you've selected. So, bond counsel has stated that if there are...this covers that part of the compliance that's required in order to get the reimbursement that you want. If you don't have this then you do not get the reimbursement, and you've basically borne that expense out of current funds, which are the county's.

Commissioner Mourdock: If you don't get this, the literal reading of the statute that we discussed a couple of weeks ago kicks in.

Philip Hayes: Not, not exact, not exactly. It's that the State Board of Tax Commissioners need this action on the part of the county in order to get the reimbursement part of it. The Title 36 used to enter into the contract prior to monies being appropriated is a chicken and egg thing anticipated only when there are design services, accounting services and those things covered under the umbrella, including CM and legal fees, in fact, are included. So, it's, as instructed by bond counsel, and in going through it the expression of intention to reimburse those must have been made prior to the time that you issue the bonds.

Commissioner Mourdock: Okay.

Philip Hayes: It can be done in retrospect, so if...let's assume that you change this budget up or down, this cap, so this expresses that it's intention is to not exceed \$35

million. If you make a determination to go up or down, you would amend this. This Resolution is not of the kind anticipated under Title Five, it has to have the force of ordinance. It has to be adopted, but no further advertising or notice is necessary, and, I think, it's similar to the Resolution of Intent, so to speak, that the County Council passed, and it somewhat mirrors that. It responds. There is another Resolution that the County Council would have to adopt as well.

Commissioner Mourdock: Okay. My questions have been addressed.

Philip Hayes: Yeah, okay.

Commissioner Mourdock: Two simple questions.

Philip Hayes: Sure.

Commissioner Mourdock: Catherine, you said you don't have the time line for this, do you have any, without the firm date, do you have a working knowledge as to how long you expect it to be for bonds?

Commissioner Fanello: For, as far as Tom Pitman's time line that he faxed to me last week, he was expecting if everything stays on course, which it's not on course right now, would have been June of 2002. That's assuming no—

Commissioner Mourdock: Okay, so six to eight months.

Commissioner Fanello: —(Inaudible. Talking over each other.)

Philip Hayes: Well, it's not off course.

Commissioner Fanello: Well, not in my opinion, but maybe in some people's opinion.

Commissioner Mourdock: There's a legal reason why he wants you to say it's not off course.

Philip Hayes: Well—

Commissioner Fanello: I guess, it's not off course.

Philip Hayes: The....right...you know, just taking note of the agenda for December the 5th there's an item appearing for appropriation ordinance for jail project, so, I mean, it would appear that it may be off....no, it would appear for my purposes in advising you legally that it's on course and that—

Commissioner Mourdock: It's course is secured as the (Inaudible)--

Philip Hayes: The course would be secured, yeah.

Commissioner Mourdock: The last comment I'll make then, and I'm okay with this, but the last comment is given the meeting the other day, and the discussion of several weeks ago whether or not the Construction Manager would apply under this, if, in fact, as declared the other day the Construction Manager's also going to work as a General Contractor, I think you do need to look at that issue again, particularly to make sure that that position as defined under the statute would still fall under this. So, I'll just pass that on for what it's worth.

Philip Hayes: Well, and that's well taken, and I've asked for some written confirmation of that, but what we are operating from here, and I've spoken to Jeffrey Ahlers...there is no body of case law, but in drawing down off of our resources from not only our bond counsel but others, I mean, I know that the design team has had a couple of conversations, they were just voluntary and it's anecdotal, but, basically, that all of the projects tend to start under that single statutory exception because a contract has to be formed in order to scope the project. So, for that reason they work on faith, we know that part of the expenditures that are requested date back to selection, from selection time, not from contract time. So, everybody's kind of worked on the good faith with it. We'll...in response to your request, I will try to make as certain as I can. I'll report to you something firm and in writing in regard to your question.

Commissioner Fanello: So, I guess, I'll move approval of the Resolution for Reimbursement from bond issue.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second for approval of the bond issue. So ordered.

Commissioner Mourdock: And not to belabor the issue, but I do want us to continue to consider if there is a way that we don't have to do a separate authority, because it seems to me the legal cost, having all the board members appointed and all the things that come after the ribbon is cut, after people have been put in there, if we could simplify that by having one less authority, I think it's worth doing.

Commissioner Fanello: And I think, with all due respect, I think once we have our experts down here who we were hoping would be down here last week, if you would have that conversation with bond counsel, I'm sure he would be able to clarify it a lot more succinctly than I can.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board?

Commissioner Fanello: I've got one item. It's a late agenda request from Tony Greubel over at The Centre. An application for renewal of the 2002 Alcoholic Beverage Permit, and I believe the original is in the signature file, so I'll move approval.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to approve Alcoholic Beverage Permit.

Commissioner Mourdock: I have to ask a procedural question now that I've thought about that for a second, without that having been advertised as one of the issues for action, can we actually approve it tonight? Is there a date that makes it date certain that it has to be done tonight?

Commissioner Fanello: It's due Wednesday, November 28th.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: Uh-huh.

Philip Hayes: (Inaudible. Mike not on.) Take a look at the ABC document–

Commissioner Mourdock: That's why I asked the question.

Philip Hayes: (Inaudible. Mike not on.) Commissioner, he points out that on January the 8th we approved and the President of the Board signed the same 2001 filing, and so he asks that that simply be done, and apparently there are no changes that we know of. I hadn't seen this, so.

Commissioner Fanello: He just brought it over to me a little while ago.

Philip Hayes: Yeah, it's the Auditorium and Convention Centre.

Commissioner Mourdock: Okay. We've acted.

Philip Hayes: Okay.

President Mosby: Any other group or individual wishing to address the board?
Seeing none.

John Stoll: County Engineer

President Mosby: County Engineer.

John Stoll: First item I've got is a change order request for the Vanderburgh Industrial Park Railroad Spur. This is for subgrade stabilization for some poor soils that were encountered again on this project. The area that was a problem was 475' in length. Basically, the poor soils were removed and replaced with rock and geotextiles. The total cost is \$11,199.02, and it's requested that be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: There again, like last week, that's the total cost, so a third of that would be the county's share. That should be the end of the change orders as far as anything goes for the soil conditions out there, because they are to the point where they are placing rock over the majority of the spur right now. The other item I have this evening is a memo from D.L. Savage Engineering in regard to the traffic signals on Burkhardt Road. Right now the traffic signals come out of flashing mode on 9:00 a.m. on Sundays, and he's requesting approval to switch it to 8:00 a.m. based on the traffic. It's requested that this be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything.

Commissioner Fanello: I've got one question. I read your memo on the phase two regulations. Have you sent a letter like this to Council?

John Stoll: No, I haven't. I can send them a copy of that.

Commissioner Fanello: It would probably be a good idea, because it seems like there is a lot of things in here that are going to require their funding approval, as you noted, so it would probably be a good idea to go ahead and send them a copy.

John Stoll: Sure. I was going to get in touch with some other offices like Mr. Mosby said as far as trying—

Commissioner Fanello: Uh-huh.

John Stoll: —to figure out where we go from here—

Commissioner Fanello: It's just—

John Stoll: —to comply with that.

Commissioner Fanello: Yeah. Just to let them know that there might be some additional expenditures coming up in the near future.

John Stoll: Okay. I'll send it out.

Commissioner Mourdock: It made for fascinating reading, John.

John Stoll: Oh, I bet.

Commissioner Fanello: Put me right to sleep.

John Stoll: Scary reading—

Commissioner Mourdock: Yeah.

John Stoll: —considering what it's going to cost.

Commissioner Mourdock: Yeah.

President Mosby: Any other questions? Thanks, John.

Ralph Kissinger: County Highway
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President Mosby: County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. Excuse me. You have my weekly reports. What I've put in front of you is a recommendation to accept the bid from Ruxer Ford Lincoln Mercury for the two ½ ton pick ups and one SUV. They were low bidder, and their bid seemed to be in place. Everything seemed to be in

order in it. Also, since we bid these trucks, I have a truck that is in need of about \$4,000 worth of repairs, and it's an eight, seven year old truck, and I would like to replace it while we're replacing. We have the money in the account to do it, and I would like to go ahead and replace it. It's a '95 Bronco, it will be seven years old this year, and it's in need of a wiring harness and a transmission, and they told us it would be a minimum of \$4,000 to repair it. Instead of dumping \$4,000 into another vehicle, into a seven year old vehicle, I thought it would be more practical to buy another vehicle.

Commissioner Fanello: What would be the total?

Ralph Kissinger: So, I'm requesting that we add a vehicle to that.

Commissioner Fanello: What would be the total cost of?

Ralph Kissinger: It's going to come out to just at \$85,000 for the four vehicles.

Commissioner Fanello: And how much, do you remember how much you have in your?

Ralph Kissinger: Right at \$100,000.

Commissioner Mourdock: What's the average age of your fleet of trucks, Ralph.

Ralph Kissinger: We have three '92 models, one '99, one 2000 for the foreman's vehicles. The other one is an '80's model, I don't know what year it is, but the floor board is actually rusted out of it. The one '95, which is out of repair. These are foreman's vehicles. We are going to try and pass the one's that are usable down into the fleet to be used, so we don't have to replace more vehicles.

Commissioner Mourdock: Well, I'll make a motion on the first paragraph of the letter to go ahead and award as the three were bid.

Commissioner Fanello: I'll second that.

President Mosby: Okay. I have a motion and a second to award the first paragraph.

Commissioner Mourdock: The two ½ ton pick ups—

President Mosby: Right.

Commissioner Mourdock: —and the one Explorer—

President Mosby: Explorer.

Commissioner Mourdock: —which is the way we bid it.

President Mosby: So ordered on that part.

Commissioner Mourdock: Yeah, and I guess the second part is it raises the issue if we go with this, might this have changed someone else's bid when they bid it if they knew this fourth truck was involved with that?

Ralph Kissinger: I did call up the low bidder and he said it would not make a

difference in his price. Now, I don't know that that means it would make a difference in the rest of them.

President Mosby: I don't guess it would.

Ralph Kissinger: In fact (Inaudible. Talking over each other.)

President Mosby: (Inaudible. Talking over each other.) low bidder either.

Ralph Kissinger: What he explained to me is these are basically what they had quoted to the state, and these are firm prices that the state gets throughout the year from that dealership. If I decide to buy this truck in six months, he said the price should be the same. So, if I buy it now or in six months—

Philip Hayes: As a practical matter you are correct, and I'm sure that information is right, but as the Commissioner said the law anticipates that a bid could have been changed, so I would, I would think that it's appropriate that you either—

Ralph Kissinger: May I just change my request to bid another truck then?

Philip Hayes: That would be more appropriate—

Ralph Kissinger: Okay.

Philip Hayes: —I think.

Ralph Kissinger: I'll get the particulars to Phil.

Philip Hayes: Makes all the sense in the world. You are probably going to see—

Ralph Kissinger: That's fine.

Philip Hayes: —the numbers coming back, but as a matter of expectations—

Ralph Kissinger: Sure. I have no problem with that.

President Mosby: What did we have, one more bidder?

Philip Hayes: —and format I think it should be done.

Commissioner Mourdock: I thinks that's right.

President Mosby: You just had two—

Commissioner Mourdock: There were only two bidders?

President Mosby: —you had one other bidder?

Ralph Kissinger: There were three bidders. There were two Ford bidders and one Dodge bidder.

President Mosby: Yeah.

Ralph Kissinger: And these weren't really supposed to be bids, they were supposed

to be informal, or formal price quotes, but they came in as bids, so I did it that way.

Commissioner Mourdock: So, I bet they will be a little hungrier this time too.

Philip Hayes: Yeah. You'll want to go back to everybody.

Ralph Kissinger: That's fine. I'll get the particulars to Phil tomorrow. That's all I have.

Commissioner Fanello: Do we need a motion? Motion to grant County Highway Superintendent permission to advertise for ½ ton pick up truck.

Commissioner Mourdock: Second.

Ralph Kissinger: Thank you.

President Mosby: I have a motion and a second. So ordered. Don't you think if they bid two, that one isn't going to be any different? I mean, that would—

Commissioner Fanello: No, but—

President Mosby: —be my thought. I don't know.

Commissioner Mourdock: You never know.

Philip Hayes: Practically speaking, you are probably correct.

President Mosby: Well, I was going to say—

Commissioner Fanello: You're right.

President Mosby: —they were bidding three trucks a minute ago, now they are bidding one. I can't imagine—

Philip Hayes: (Inaudible. Mike not on.)

President Mosby: —can we practically just call them and ask them if it—

Philip Hayes: Well, again, I think you check with—

President Mosby: The low bidder we know is not going to be any different.

Philip Hayes: Well, I understand, but—

President Mosby: And, of course, you can't tell the high bidder it's going to be three trucks because we done accepted this.

Philip Hayes: Better get back on the record. I think because of the bidding laws and the manner in which the additional vehicle has been determined as outlined by the Superintendent, it would be in the best interest of the county to proceed with, under the presumption that the bid could possibly be lower, and in addition to that, I think, that would be the strict interpretation of the bidding law, and it would be more appropriate for you to have a Request for Bid on that—

President Mosby: I'm just thinking about the time and the money to bid this—

Ralph Kissinger: May I make a suggestion?

President Mosby: —(Inaudible. Talking over each other.)

Philip Hayes: It is...it is something (Inaudible. Talking over each other.)

President Mosby: I mean, that's fine.

Ralph Kissinger: May I make a suggestion? Before I bid these I took informal price quotes and actually got eleven informal price quotes. When I bid, I only got three bids. Could I ask for a formal price quotes on this? Since it is under \$25,000—

Commissioner Mourdock: From just those three?

President Mosby: Yeah.

Commissioner Mourdock: I'm fine with that.

President Mosby: I'm just saying if we called the three and asked them—

Commissioner Mourdock: Yeah, that's fine.

President Mosby: —if their price changes, and they say no, why advertise and bid and all that and waste money.

Ralph Kissinger: Is that acceptable?

Commissioner Mourdock: I don't see a problem with it.

Commissioner Fanello: Exactly.

Philip Hayes: I think as long as you've agreed deliberately to do that, yes, you can go back to it. My remarks primarily go to this, the integrity of the bidding process is one where you just don't want to cast any doubt on your determination, but I think you've made an appropriate record here—

Ralph Kissinger: I understand.

Philip Hayes: —and the whole body appears to be in agreement on that, so you can then go to that lower—

President Mosby: I mean (Inaudible. Talking over each other.)--

Philip Hayes: —low limit purchase.

President Mosby: I mean, to clarify my comment, he said he checked with the low bidder. We know their price ain't going to change.

Philip Hayes: Yes.

President Mosby: If he calls the other two and says would your price change and they say, not hardly, why go through the—

Commissioner Mourdock: Yeah, and just to formalize it, I'll move that we direct the County Highway Superintendent to contact the three bidders who responded to the last request, and only those three bidders—

President Mosby: Right.

Commissioner Mourdock: —for this third vehicle.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Ralph Kissinger: Thank you. Any other questions? Thank you, Ralph.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: I have no report. I have no report. We had Executive Session this evening that concludes mine.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report.

President Mosby: Okay.

Gary Hohman: Burdette Park

President Mosby: Burdette Park.

Gary Hohman: Gary Hohman, I have no, we have nothing to enter other than our work report.

President Mosby: Any questions? Thank you, Gary. Do you have a motion?

Commissioner Mourdock: I think Mike Wathen is here for Soil and Water.

President Mosby: Okay.

Mike Wathen: Soil and Water Conservation District

Mike Wathen: Mike Wathen, Soil and Water Conservation District. A couple of things. One, the training with Norma is going really well. Trying to spend as much time with her as possible. She seems to be catching on quick. That's good, because there is quite a bit to catch on to, particularly with some of the new stuff we've got on the horizon. We are using the new computer. We're transferring the files over. There is probably, I didn't do an exact count today, but I tried to get a rough idea, about 350 files in our office that date back all the way to 1983. What I'm

trying to do is deal with the one's that are active first. We've got like 69 of them that are transferred over. Those also happen to be the sites that we're, you know, doing stuff with or getting correspondence on and that type thing. So, in the winter, I guess, we're going to be busy transferring files, but how far back we go, I think, we are just going to sort of evaluate and pick out the active one's maybe starting without about 1990. I can't really see a point in keeping a lot of files that aren't active that are in excess of ten years old.

Commissioner Mourdock: In those 350 files, are basically those permits that were issued or requested under Rule Five? Is that right?

Mike Wathen: No. No. What those are, Richard, are those would be every single plat that has come in our office that we developed a file for. The one's that are specific to Rule Five, the number would probably be 30% of that. You know, maybe 100 or 120, something like that. Any plat that comes in our office though, we have a file on and we've got a record of keeping it. You know, 1983 is as far back as they go. There are some subdivisions though that are as far back as 1990 that still have unsold lots in them, and under the present definition of Rule Five, those would still be responsible for by the developer. So, I'm hesitant to do anything other than just keep, you know, keep that information and put it in. Regarding complaints, we had seven written complaints since the last time I've spoke with you guys, which has been two months ago. We've received seven erosion control plans in that time, and we've worked with 22 sites. One site, which is the Vanderburgh Industrial Park, I made you some copies of some correspondence from Bernardin Lochmueller. I've been working with Mr. Bruce Stallings, who is the President out there. I thought I would give you guys a copy of it. You can sort of see what's going on with that, and I think Bruce would like to comment on it. Does anybody have any questions?

President Mosby: Bruce.

Bruce Stallings: Thank you, Mike. On behalf of the Evansville Industrial Foundation I would just like to give you a quick update on the complaint that was filed on the erosion issue at our park. I believe that Mike with the Soil and Water Conservation District would agree with me that we've been very responsive to that complaint. We received the complaint on the 9th, and we had a letter to them on the 13th outlining 15 points that we identify that needed our attention. As of today, I believe all but one of those points have been addressed. We also have a meeting with the state Soil Conservation people tomorrow. So, I believe we've gotten those issues put to bed, and I would like to take this opportunity to thank the Soil and Water Conservation District for bringing those issues to our attention, and the professionalism and cooperation we've received from Mike to identify what needs to be done. That leads me to a comment in general that I would like to make. To reinforce the Evansville Industrial Foundation's commitment to the county and to the residents in this community to make this and keep this a first class industrial park. We are as concerned as anyone in erosion issues and the general appearance of that property. We do have...we've moved over a million dollars worth of earth on that site. We have final landscaping yet to do that will involve final seeding, landscaping and berm work. It is our intention to stay with this and then also to put in a monitoring process on an on-going basis. Specifically, dealing with erosion, but also with the general appearance of the property to be sure it is always in the appearance that I think all of us would like it to be. So, again, I would like to compliment the process that was put into place to bring these to our attention. It was successful in getting our attention and getting these matters resolved. I would like to thank Mike for his expertise in helping us resolve those issues. I would also just like to take this

opportunity to thank the Commissioners for their cooperation in this park. Principally I would like to thank the County Engineer, John Stoll, for all the work that he has done in the process throughout the park, but in particularly with the railroad. I think the park is really coming together nicely. If you've been out there, I think, you'll see that it is what we envision, a high class industrial park with some very attractive property that we hope to sell in the near future. Thank you. Any questions?

Commissioner Mourdock: What's the one point outstanding?

Bruce Stallings: It has to do with seeding a final piece of property that has top soil on it. Lot ten will be seeded. There is a pile of top soil that needs to be removed. We are selling a parcel of that property, and the final question is to get the soil moved so that we can seed it, and I believe that will be done within the next two weeks.

Commissioner Mourdock: Okay.

Bruce Stallings: But we'll meet with the state officials tomorrow to see if they have any concerns.

Commissioner Mourdock: Thank you, Bruce.

Bruce Stallings: Thank you very much.

President Mosby: Any other questions? Thank you, Mr. Stallings.

Acceptance of Ozone Officer and Other Department Head Reports
--

President Mosby: Okay, chair will entertain a motion.

Commissioner Mourdock: We also have the Ozone Officer's Report, so I would move that we accept that and the other written reports into the record.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent Items.

Commissioner Mourdock: We have one additional Consent Item from the Auditor's Office, and I'll move that be entered into the Consent File.

Commissioner Fanello: Second.

Commissioner Mourdock: It's down here she said.

President Mosby: Oh, motion and a second. So ordered.

Commissioner Mourdock: Then, I believe, all the other Consent Items are as submitted. So, I will move approval.

Commissioner Fanello: Second.

President Mosby: A motion and a second to accept. So ordered, as amended.¹

Scheduled Meetings

President Mosby: Scheduled meetings.

Commissioner Mourdock: I have a question. Do...two issues, number one, we spoke briefly during our joint meeting the other day of having another joint meeting later this week. Did that get scheduled or did it not? The last I knew it had not been scheduled.

President Mosby: I don't...did we advertise anything?

Philip Hayes: No.

Suzanne Crouch: There was a lot of talk. There was a lot of talk, but as my memory serves me, there was never any motion or second or vote.

Commissioner Fanello: Not that I can remember.

Suzanne Crouch: Correct.

President Mosby: Okay, so is that too late then to do that? I mean, I guess, if we wanted to have a meeting?

Commissioner Fanello: We can call one. I mean—

Philip Hayes: They wouldn't have time—

Commissioner Mourdock: Yeah, I doubt they would be able to do—

Philip Hayes: They wouldn't be able to meet.

Commissioner Fanello: For when?

Philip Hayes: (Inaudible. Mike not on.) Meeting is December the 5th, that would be the next opportunity (Inaudible. Mike not on.).

Commissioner Fanello: They have a meeting next Wednesday, but we're all out of town this week. All three of us.

President Mosby: Well, I mean, I don't know what's going to happen at the meeting Wednesday. I'm going to probably try to get a hold of the President or Finance Chairman and see if they are going to discuss anything. If they are, I'll come back.

Commissioner Mourdock: Okay, as just...I don't want to use the word precaution, that sounds like something we are trying to avoid. As a contingency, should we go ahead and move and advertise for a meeting? If it doesn't take place, we can,

¹Consent items listed on Page 24.

obviously, cancel it, but at least we could set the wheels in motion.

Commissioner Fanello: I would like to, but I would like some stipulations kind of put down first, and that's the fact that we all agree on a joint agenda. Second of all, that we get all of Council's concerns up front because last week was just too confusing. I mean, everybody was talking about a lot of different thoughts that they had, and that's fine, I appreciate all their thoughts, but it would be nice if we could have some kind of collective letter from the Council that they all agree on, one sheet of paper or two sheets of paper that has all their concerns, so that we get all the questions answered so we don't answer one and then somebody comes back and says, oh, I've got another one.

Commissioner Mourdock: Okay, well, with regards to the schedule then, it sounds like we're not ready to schedule anything until those discussions take place.

Commissioner Fanello: Yeah, those discussions—

President Mosby: I was going to say, those would be discussions that we would bring—

Commissioner Mourdock: Right.

President Mosby: —the professionals down for.

Commissioner Fanello: Uh-huh. Exactly.

Commissioner Mourdock: My second question then on scheduled meetings, both Christmas this year, and the, I'm sorry, Christmas Eve and New Year's Eve are on Mondays. As it presently stands, we will not have a meeting for two weeks, is that—

President Mosby: You don't want to spend time with me?

Commissioner Mourdock: I'm offering to right now. I'd really rather not skip two weeks. If we could get together somehow in that interim, that would be fine with me. I'm just making us all aware of that as at least of at the moment, correct me if I'm wrong, Tammy, but that's the way the schedule was published.

President Mosby: Well, that's just saying I'm sure the Civic Center's closed, so.

Commissioner Mourdock: Well, on those days.

President Mosby: Right

Commissioner Mourdock: It will be open between—

President Mosby: I was going to meet with you either one of them. We can do it on the following Wednesday—

Commissioner Mourdock: Want to do it on Wednesday the 26th?

President Mosby: Yeah, because if we wait till then it's after the first of the year, if we want to clear up anything, it wouldn't help us.

Commissioner Fanello: Do we want to do it the 26th or the 27th? I mean, the 26th

everybody's just getting, that's the day after Christmas. I'm not in meeting mode then.

Commissioner Mourdock: Sounds like a recipe for a short meeting to me. I'm okay with either date.

President Mosby: It doesn't matter to me, the 26th or the 27th. I'm just saying that we have to do, I would say we do it there rather than after the first of the year.

Commissioner Fanello: I agree with that.

President Mosby: So, in case we want to clear up something before the 31st.

Commissioner Mourdock: Okay, I would move then that we schedule for a regular meeting—

President Mosby: You pick it, I'll agree with you.

Commissioner Mourdock: —of the Vanderburgh County Commission at 6:00 p.m. on Wednesday, December 26th.

Commissioner Fanello: Second.

Madelyn Grayson: I'll need permission to advertise that.

Commissioner Mourdock: That's what I was trying to do there.

President Mosby: Okay.

Commissioner Mourdock: No, that's a regular meeting.

Philip Hayes: (Inaudible. Mike not on.)

President Mosby: It would just be a regular meeting since we're not going to meet the 24th or the 31st, so.

Commissioner Mourdock: Then just to confirm, we would still not meet the following week when New Year's is on the Monday night. So, we would not meet Tuesday on the 1st, obviously, nor would we meet on Wednesday, so.

President Mosby: There's not anything that we have to do to put anything in place right after the first of the year is there?

Suzanne Crouch: At your first meeting—

President Mosby: That's what I'm saying—

Suzanne Crouch: At your first meeting, whenever it is—

Commissioner Mourdock: Board appointments.

Suzanne Crouch: —you set your Board appointments—

President Mosby: Okay, that's—

Suzanne Crouch: –and you set your meeting schedule for the following year.

President Mosby: –what I was wondering, if there was anybody that had any meetings like Thursday or Friday where we had to have appointments in place.

Commissioner Mourdock: The only meeting that would be coming up that I'm aware of, the first Wednesday of each month, so that would be the 2nd, so that would be the night of Area Plan Commission, and short of redoing the schedule, I can certainly make that meeting.

Suzanne Crouch: And I can check on APC. It seems like that appointment–

President Mosby: I can go ahead and reappoint you to that Board if you want.

Suzanne Crouch: –has to be made–

Commissioner Mourdock: And I'm willing to do that. I happen to like that board.

Commissioner Fanello: Let's make a motion.

President Mosby: We can do it.

Commissioner Mourdock: We got one Board appointment down.

President Mosby: Well, no, we'll do that on the December 26th meeting.

Commissioner Fanello: They had sent a letter, I don't know if anybody saw it in their box, but Area Plan did send a letter, either, I guess, today about making an appointment as soon as possible.

Tammy McKinney: They just sent that today.

Commissioner Fanello: Was it today?

Madelyn Grayson: The only other thing, Tammy, I don't know if there is going to be any conflicts with this room for that night, the 26th. I doubt it, but–

Tammy McKinney: I doubt it too, but, I'll check on that, but I doubt it.

Commissioner Mourdock: Okay, so we're on for the 26th, and off the following week.

President Mosby: Right. So, I've got December 26th, regular meeting. Then we decided we are not putting any other meetings in right now with the Council.

Commissioner Mourdock: That's what it sounds like.

President Mosby: Is that what? Okay.

Commissioner Fanello: Until you have your talk with the President or the Finance Chair.

President Mosby: Well, I was going to try and talk to them tomorrow and see what Wednesday's meeting... I will say I had some dialogue with Lloyd Winnecke over the weekend, so. We'll see what happens.

Old Business

President Mosby: Old Business. Any Old Business? New Business.

Commissioner Fanello: I was just going to say I have one quick thing. I don't know how we proceed on this, but whenever the Health Department was here they were talking about some parking spaces, and I don't know what...we can't obviously, I know they asked for ten to 15.

Commissioner Mourdock: Yeah, they did ask for that many, and I've had some discussions with Steve Utley, that's why I was asking earlier in the other room about getting Maria's phone number, because we have a tentative plan in mind. If it's something they could work with, whereby we would dedicate several spaces and, basically, require the people who use those spaces to receive a voucher when they get services through the office. If they don't, if they go out and find their car ticketed for using those spaces, they simply would return the ticket with the voucher. That takes it away. Whereas if someone else uses that space and they get ticketed, they get ticketed. So, I want to talk to her and see if something like that—

Commissioner Fanello: Okay.

Commissioner Mourdock: —is possible.

Commissioner Fanello: What's your thought on the number of spaces though, because—

Commissioner Mourdock: Yeah, that's way excessive. I would say at most maybe, and this is my number, five.

Commissioner Fanello: I agree with that.

President Mosby: I'll go along with that. I was sitting there—

Commissioner Fanello: I'll agree with that, definitely.

President Mosby: Okay. Any other Old Business?

New Business

President Mosby: Any New Business. I've got one thing. The DMD sent over a letter today and the city is applying for a grant for Brownfield Assessment Demonstration Pilot and it's a \$200,000 grant, and they are looking for letters of support and want to know if the Board would write a letter of support? So—

Commissioner Mourdock: I will volunteer to write that letter, and the reason why I'm willing to do that is having been involved with APC for a long time, whenever we have a major plant come into the area or something commercial, people always say why don't we use some of the existing space, the old Brownfield, not using that term, but the old industrial space that is not being utilized. So, if we can get some money to otherwise encourage that, I think that would be worthwhile. So, I'll volunteer to write the letter if this Board wishes.

Commissioner Fanello: Okay. That's fine.

President Mosby: Do we need a motion? Or anything?

Commissioner Mourdock: I'll bring the letter back, and we can make the motion when it's ready for approval.

President Mosby: Okay.

Unidentified: (Inaudible. Not at mike.)

Commissioner Fanello: Yeah, they have a sample.

President Mosby: Oh, they will?

Commissioner Mourdock: That was easier than I thought. Let me review the letter, and we'll check their spelling.

President Mosby: Put your signature on here.

Commissioner Fanello: It doesn't have much thought into it.

President Mosby: My motion is you sign off. I'm just kidding. Any other business? New Business?

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. I guess, Drainage Board will start in ten minutes.

The meeting was adjourned at 7:05 p.m.

CONSENT ITEMS:

Employment Changes:

Treasurer	Auditor	County Clerk
Prosecutor	Board of Review	

Travel Requests:

Health Department	Perry Assessor
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Requests for Service:

Legal Aid	Center Assessor
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County Assessor:

Advertise for Extra Help position.

Treasurer:

Submit monthly report.

Sheriff:

Submit weekly jail information and reports.

The Centre:
Renewal of ABC permit.

Those in attendance:		
David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Roger Lehman	John Stoll
Ralph Kissinger	Gary Hohman	Mike Wathen
Bruce Stallings	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.

**Vanderburgh County
Board of Commissioners
December 3, 2001**

The Vanderburgh County Board of Commissioners met in session this 3rd day of December, 2001 at 6:05 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting for Vanderburgh County for December 3, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight we have Superintendent of Buildings, Tammy McKinney; Counselor Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch; Recording Secretary, Madelyn Grayson. If we could, please stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: Motion to approve the minutes of the November 26th meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: Auditor, approval of the minutes of the 11/20/01 joint Council/Commissioners meeting.

Commissioner Fanello: So moved.

Commissioner Mourdock: It's just the same as our normal minutes, so I'll move approval of those minutes.

Commissioner Fanello: Second.

Commissioner Mosby: Motion and a second, so ordered. John Stoll.

Open Bids for VC00-08-01 Reconstruction of Burkhardt Road

Commissioner Mosby: Permission to open bids for reconstruction of Burkhardt Road. John is here, if you want to make a motion.

Commissioner Mourdock: Okay, I will move that we go ahead and open bids for the reconstruction of Burkhardt Road, VC-00-08-01.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, so ordered. We will come back to that. Marsha Abell.

Marsha Abell: Outside Equipment Concerns

Commissioner Mourdock: Just to be sure, while Marsha coming up, I know that there are several contractors here. Everyone did get their bid turned in, I trust, on the Burkhardt Road? And for the record, all the heads are nodding in the affirmative.

Marsha Abell: Thank you. I am Marsha Abell the County Clerk. I have an issue in my office that I think needs to be decided by the Commissioners because this is your money and not mine. I now have several outside companies that are bringing their own copy machines into my office and making copies of our documents. I have passed out the statute that says, the clerk's office is supposed to request \$1.00 per sheet for every copy that is made in my office. Now, I understand that the Recorder also has this going on, however, those people rent space from her, they don't rent from me, and her money is her revolving fund. My money goes into your General Fund, so I need a decision from you as to whether you want to continue to allow this to go on. I send, I don't know if Suzanne can think off of the top of her head, but several thousand dollars a month to the General Fund just in copy fees. So, these are probably the biggest users, the ones that are bringing their own copy machines in. I think what brought this to a head is that Evansville Title brought a copy machine in last week that is huge, like bigger than this podium, and I don't have room for it to begin with, and I have 30 other companies bringing in that size equipment, I wouldn't have any room for it, and I don't know if I allow them, how I can not allow someone else. The press would like to have a terminal in my office, so I think the Commissioners need to address this and tell me how you want this handled.

President Mosby: My question is, are they leaving these copy machines day in and day out?

Marsha Abell: Yes, they leave them overnight. This one is left overnight, this one by Evansville Titles, is left there overnight.

President Mosby: Can we do what the Recorder does and start charging a monthly fee?

Commissioner Mourdock: Rent them some space?

President Mosby: I was going to say, we will just start charging them \$500 - \$600 a month.

Marsha Abell: If you tell me how you want that handled or write me some kind of letter telling me how much you want to charge them and how you want to do it.

Commissioner Fanello: Do you have even have enough space to rent to them?

Marsha Abell: I would have enough space for that particular one, but if everybody started asking, I wouldn't. It is just a counter top but they sit this big copy machine on top of my counter top, and I am eventually going to run out of counter top because I have computers up there for the general public to use.

Commissioner Mourdock: How many companies, if you were to do this, do you think who would-

Marsha Abell: We have 30 abstract companies that come in every day.

Commissioner Mourdock: There is no available space for thirty.

Marsha Abell: We would have to get another room, if you had thirty people bringing them in.

President Mosby: I mean, I have seen the setup that the Recorder's got. I have been down there. So, she's got the space and, I guess, they actually have a desk and everything in there.

Marsha Abell: Yeah, they have their own facilities in the Recorder's office and that isn't the case in my office. Again, her copy money goes into her revolving fund, so I guess it's her call whether she wants to keep it, eat it, or whatever. My money goes to operating expenses of the county into the General Fund. So, I figure since it is your money, you ought to make this call.

President Mosby: Do you still have to pull the documents for them to make copies of?

Marsha Abell: Some of them we do. Some of the docket sheets are within the computer but some of the older book pages and things, we have to take the book out. But now the company that has their own copy machine in there takes the books apart themselves, makes their own copy and puts it back together.

President Mosby: Okay.

Marsha Abell: If you don't want to give me an answer tonight it is okay. It's just that it has come to a head. I am going to tell them that they need to move theirs, because that one is way too big and they had a small one and they replaced it with this monstrosity. I think that other people are coming in with portable ones that they make copies and these are, this isn't the taxpayer, this is people that are going to sell these documents back for a profit. So, you know I don't feel like we are jabbing the taxpayer for it.

Commissioner Mourdock: But, are you saying that when they bring in the portable ones, just one of those little scan type units, when they are doing that, then, obviously, yes, it's keeping you from receiving this dollar, but are they in any way disrupting, I mean, they are not taking up too much space?

Marsha Abell: No, those don't take up too much space.

Commissioner Mourdock: So, if everybody went to that system.

Marsha Abell: It would just be the matter of the money that you would lose.

Commissioner Mourdock: Yeah.

Marsha Abell: There are two issues. One is the space, if everybody brought in one the size of Evansville Titles, needless to say, I would not have enough room for them. The other issue is the dollar a copy, whether or not you are willing to give up that money.

President Mosby: Okay. I will accept a motion to take this under advisement until

next week and see what kind of, unless you have a suggestion.

Commissioner Mourdock: That's fine. We can take it under advisement. I am, I don't know, the statute obviously is what it is, it is a \$1.00. I hate to see us lose that \$1.00 but on the other hand, the people who are working over there, when they are just coming in, if it is just running a scanner on it. I don't know that I have a problem with it. I do have a problem with trying to allocate space out to everyone of them or trying to say that you get space and you don't, because I don't think that would work. So, I will move that we take it under advisement for one week.

Marsha Abell: That is fine with me. I am not pressed for an answer tonight.

Commissioner Mourdock: Could you report back to us, Marsha, between now and next week? Talk to some of the folks who want to do this and see if, in fact, they had the option of doing the portable scan then, would they do it?

Marsha Abell: Like the people, like Evansville Titles has the big, or the people that are not doing it at all? Or the people with the small ones?

Commissioner Mourdock: Yes. How many people are using the small ones now?

Marsha Abell: I think that there are about five people that have come in with the small hand helds, and I am not sure exactly what Evansville Titles does. They may be making some copies for other people for fifty cents a piece instead of paying me a dollar.

Commissioner Fanello: Are you saying that even if they brought in portable ones that you don't want to charge them rent either?

Commissioner Mourdock: If it is a portable one, as I understand a portable one, it is smaller than what this laptop is. They come in and just do it and they walk out and leave and take this with them.

Commissioner Fanello: Yeah, but we don't get any revenue with it.

Marsha Abell: See that's the thing, they don't just make a copy and walk out. They do, but they do it eight hours a day, five days a week. You know, you are losing a lot of money, not just a dollar or two.

Commissioner Mourdock: Okay, next week, would you report back to us what over the last twelve months that monthly dollar has been?

Marsha Abell: I can do that, I will get with the Auditor and do that.

President Mosby: The other concern is, what I asked her, if her people are having to perform a service to remove the pages and put them back in and they are just scanning, we still have a ton of time tied up here with county workers.

Marsha Abell: Well, you are paying a full time staff person to stand in there because I can't allow them in there without somebody watching them because they would walk out with all of my documents.

Commissioner Mourdock: But, if they scan them, do you still have to take the books

apart?

Marsha Abell: Oh, yeah.

Commissioner Mourdock: I thought you didn't have to.

Marsha Abell: Oh, no.

Commissioner Mourdock: I thought that is where the savings would be.

President Mosby: No, that's what I said, we are still performing a service here so, I have a motion to take this under advisement, we will put this back on the agenda next week.

Marsha Abell: I will be back.

Commissioner Fanello: Second.

President Mosby: Thank you very much, Marsha. Anthony Stokes?

Anthony Stokes: Complaint About Trailer Park

Commissioner Mourdock:: I have no idea what that is about.

President Mosby: I don't either.

Tammy McKinney: He came into the office last week and had a complaint about a trailer park. I really didn't understand it all, it was something about a gentleman in his trailer park that is trying to also sell out trailers, kind of like doing it as a business in a residential area.

Commissioner Mourdock: So, it is a zoning issue? Okay.

Tammy McKinney: So.

Commissioner Mourdock: In lieu of seeing him, if he calls back, send him to APC.

Tammy McKinney: Okay.

Commissioner Mourdock: And then they will probably send him here.

President Mosby: Okay, next redistricting. Everybody got their maps?

David Mosby: Redistricting

Commissioner Mourdock: I received them today, yes, or at least they were in my packet this morning.

Madelyn Grayson: David, I will need a copy for the permanent file, I don't think that I have one.

President Mosby: Do you have an extra copy that we can give her?

Commissioner Mourdock: Where do you want to start first?

President Mosby: We can do the Commissioners district. They are real simple. It's the one you got right there.

Commissioner Mourdock: As far as my comments on the Commissioners districts, they are very short and sweet. Obviously, Commissioner districts did not have to be set up by population, and by looking at what's here, I don't see any or have any great objection to these.

President Mosby: Okay.

Commissioner Mourdock: I don't know that they have changed much but I would like to ask Bill Jeffers, though, one question, Bill I know that you brought to our attention at one of the first meetings about changing Commissioner districts and how it might affect the School Board. Has there been anything done here that does impact that? Because if so, we will ultimately hear about it.

Bill Jeffers: On the Commissioner districts, District Three which is shaded in green, on the far east side of that district, Precinct Numbers 3-9 and 3-11, when the precincts were redrawn, those precincts were extended from Boeke Road east to Stockwell Road, and the only population in those districts that then was incorporated into the new Commissioner districts is the nursing home just north of the entrance to Wesselman Park and the neighborhood north of that between the railroad track and Morgan Avenue. All the rest of that is Stockwell Woods or Wesselman Woods, McDonald Golf Course, the Armory and the Stadium. So, unless there was a School Board member living either in the nursing home or in the small neighborhood north of the nursing home up to Morgan Avenue, I don't think it changed any School Board members location in a district. Then along the easterly line down through the Fourth Ward all we did was make some adjustments from Governor Street, I believe east to Elliott, which is just over one block and the rest of those precincts remain the same and all of the other districts remain the same. So, in essence we just changed the outline of District Three to incorporate the expanded precincts where two precincts were combined.

President Mosby: Any other questions?

Commissioner Mourdock: No for the Commissioner District?

Commissioner Fanello: Since there are no other questions, I will make a motion to approve.

Commissioner Mourdock: Before you make a motion, can we do the other ones? On the Council Districts? I will start out with a compliment here, because I thought, as I think many people felt perhaps in the community that this would be a little more of a partisan exercise than it was, and there might be people put into the same district or whatever, and I see that wasn't done and I appreciate that fact. The one thing that I do see here that I would ask you to consider though, one of the things that seems important to me, since this is an exercise that only happens once every ten years, is that we need to plan for some future growth. The several precincts, 6-1 through 6-7 plus 6-1 through 6-8 effectively, that were previously in District Three have now been moved into District Four. The least amount of growth that we have in the entire community is in District Three. The fast growing part of the community

is in District One, and if I said District Four a moment ago, I meant the westside District One. So, that's the fastest growing side, it's also by adding those precincts, being made even larger, and it's the fastest growing. It seems to me that District from which they were taken has been made smaller and, again, it remains the lowest growth district. Since the whole purpose of this, from the Council's point of view, is to balance out by population, it seems to me that we ought to look to put all or at least some of this 6-1 through 6-8 from whence they came back into the Third District. Does that make sense? Do you understand what I am saying in the course of growth?

Commissioner Fanello: No.

President Mourdock: I mean, yeah, there is some growth out there. I tell you the reason I didn't do that because if you'll notice now in District One, all of the Sixth Ward is in one district. If you look down at District Three, all of the Second and Fourth is in one district. Now granted, I couldn't get all six wards into a district, but this way if somebody from the Sixth Ward says what District am I in, you are definitely in District One. If you live in the Second or Fourth Ward you are definitely in District Three. I couldn't do that with the Third and Fifth. I tried to get as much into one district as possible and keep the numbers as balanced as they are, and that's the reason that I would be against trying to change any of that.

Commissioner Mourdock: But, if you use that same argument it would seem to me that C-9 ought to be back into with all of the other Center Township Districts, and yet that one was pulled out.

President Mosby: I really did try to do that. I asked the Surveyor two or three, on two or three different occasions, we tried to run C-9 over here. That was my hope at one point, but I am already at 43,772 and only 42,906 over here. If I put C-9 over here--

Commissioner Mourdock: Would you say those numbers again, and which was which?

President Mosby: Well, see there is your population and I am already 800 higher up here and if I drop C-9, I think C-9 was, it was heavy and was another 2,000 voters. So, I mean it was virtually impossible to take it, no, C-9 is another 800. I would have had this at 44,005 and then this would have been 42,100 so you would have been 2,000 off. I tried to do, we did put C-2 over there.

Commissioner Mourdock: Yeah, but we are almost 2,000 off. Again, between the Third and the First, we are 42,145 to 42,906 and if we look at the Sixth, even if you were to take 6-1, 2 and 3, and I don't have the specific numbers in front of me, it just seems to me and again, I am not trying to look at this politically although I can certainly be accused of that I suppose-

President Mosby: I will be too.

Commissioner Mourdock: Yeah, whoever is here. But, just again think of it, where are we going to be in ten years. The area that is going to grow the least, I think by all standards is the one that is already the lowest district. It seems to me that we ought to try to keep some of the Sixth back in there.

President Mosby: Okay, if you took 6-1, 2, 3 and 5, then four right there and you drop

them into here, you just switched 6,000 voters. So, you would put this at 48,000 and this at 36,000.

Commissioner Mourdock: Okay, what does 6-5 have on it's own.

President Mosby: Okay. 6-5 on it's own is 1,441, so that would put that at 43,600 and you would drop this to 41,000. So, then you would be a discrepancy again of 2,300. Believe me, I think that I had Bill Jeffers and Linda Freeman work every scenario possible to get these things within 700 or 800 votes, and I don't think that you can get them any closer than that. Even if you took C-9, I mean it throws this at 44,500 and this down to 42,000, and then we have a discrepancy of 2,500 again by just moving one precinct. But, you know like I said, I also wanted to keep as much of the Wards in one district as possible, and I was able to do that with the Second, Fourth and Sixth. Granted, you know, the First is all over here but I couldn't do it with the Third and Fifth because you had to split it up. One more, being Six Wards and only Four Districts, that was going to happen, but if you live in the First Ward, you are out here in District Four, and if you are in the Sixth you are in District One and if you are in the Second or Fourth you are in District Three. Third and Fifth, you are split up between, you know, a couple of districts, but that is as close as I can get them and closer to getting the numbers, you know, within about 800 of each of them, so.

Commissioner Mourdock: Well, I will go back to the Commission maps for just a second then. Obviously we need two separate votes on these. The Commission, I am certainly okay with, this one I think, I think could require some other thought. Obviously, the two of you are the majority on this, and you are going to do what you feel compelled to do, but I just, I don't know, I am not comfortable with the way those numbers work. I think if you're planning for growth, we might of, and I understand your point saying that we want the whole ward in there, but the fact is that most people when they vote don't know necessarily what Ward and Precinct they are in anyway. They need to know what their polling place is, certainly, and that seems to me to be greater validity than simply saying well, we want all of Six in one or Five in another. So, Catherine, if you want to go with your motion on the Commissioners, we can at least deal with that one.

Commissioner Fanello: Motion to approve the Commissioner Districts.

Commissioner Mourdock: I will second that one.

President Mosby: I have a motion and a second on Commissioner Districts, so ordered.

Commissioner Fanello: I just want to say that I have talked with Bill numerous times and Linda numerous times and I think the numbers are as close as we are going to get them with what we can do with them now. So, I am going to make a motion to approve the County Council Districts.

President Mosby: I will second. I have a motion and a second, do you want a roll call?

Commissioner Mourdock: Sure.

President Mosby: I have a motion and a second on approving the Council Districts and we will do a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: On the Council map, I will vote no. But, even in doing that I will compliment Bill and Linda. I know that you did work a lot of long hours on this in trying to put the thing together fairly, and I do just have that one bit of concern, but, I will go with principle here and say no.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes, and thank you, Bill, for all of your work, and Linda.

President Mosby: And I will vote and I promise that now until the end of the year I won't bug you no more. I don't know how many trips I made down there and I won't bug you, but I will compliment you and Linda on the work you did and also on the expedient manner that you did it in and having the numbers as close as we could put them I will vote yes.

Marsha Abell: Can you get me the narrative copy for that? I will get it back to you.

Bill Jeffers: Oh, you can have that copy, that includes each precinct .

Marsha Abell: That was fast. Oh, okay. Say like so and so, odd numbers vote on this side, even numbers vote on that side.

Bill Jeffers: No, the Voter Registration has the street guide. (Inaudible) By the way, Tony Bushrod and Connie Carrier (Inaudible).

President Mosby: Okay, thank them too, we appreciate that and make it a part of the minutes that we had thanked Tony Bushrod and Connie Carrier. Yes, we will go back to the opening of the bids on VC-00-08-01, Reconstruction of Burkhardt Road.

<p>Revisit Opening of Bids for VC00-08-01: Reconstruction of Burkhardt Road</p>
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Phil Hayes: The following bids have been received and opened on the stated project. Deig Brothers Lumber and Construction Company, Incorporated, total bid is \$2,914,830.73; E & B Paving Incorporated, \$2,946,255.20; J.H. Rudolph and Company, Incorporated, \$2,655,047.67; Ragle, Incorporated, \$2,850,537.95 and that completes opening and reading of all of the bids.

Commissioner Mourdock: I move that we take the bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to take under advisement-

Steve Titzer: Excuse me, you didn't read Blankenberger Brothers blanket bid.

Phil Hayes: Excuse me, we didn't read, there is a Blankenberger bid here. I am sorry. Hold on just a moment.

Commissioner Mourdock: Thank you for speaking up. What was your name, sir?

Steve Titzer: Steve Titzer.

Commissioner Mourdock: Steve Titzer. Okay, thank you. I bet that you are glad that you are here tonight.

Phil Hayes: Blankenberger Brothers is here and it was not read. I apologize for that. The record should be corrected and reflect that we have a bid from Blankenberger Brothers, Incorporated and that total bid is \$2,691,411.15.

Commissioner Mourdock: Okay.

President Mosby: Five bids?

Phil Hayes: There is a total of five bids, yes.

Commissioner Mourdock: Okay, to clarify with Blankenberger added back in, I move that we take the bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to take bids under advisement, so ordered. Any other group or individual wishing to address the Board?

Any Group or Individual Wishing to Address the Board

Troy Tornatta: Troy Tornatta, County Council. Just one item that I would like to bring up for the Council meeting. The County Clerk had made some reference that there was a possibility that we are not, we are not going to get some of our records back from Willard Library, and it would probably behoove the County Commissioners to maybe draw up something to send to them to just say that we are going to need to have those records back. I think that they want to charge us to get those records back and then, obviously, then that drops back to the Council, but maybe lets get a head start with the Commission to make a move and then the Council will follow suit, but I think it is good to get close in line by doing that.

Commissioner Mourdock: Does the contract signed with them not provide for the return of those records, Marsha? I am sure it does in some manner or form.

Marsha Abell: The contract that was signed does provide for the return of our records. Their impression is that the microfilm belongs to them. Our impression is that the microfilm belongs to us, because that is our data and we should not have to pay for our data back. They use, they contend that they did not use our money to do the microfilming. I contend they did because they sent me a monthly report on it as to how much they had gotten to date. We had started microfilming marriage records from the beginning of time up through 1926 with the Utah Gynealogical Association, Genealogical Association. I knew that I would say that wrong.

President Mosby: I sat there and listened and thought okay.

Marsha Abell: I will never live that one down.

Troy Tornatta: That will be in the county records.

Commissioner Mourdock: They do things different in Utah.

Marsha Abell: Those old people that trace their family tree, those (Inaudible). From the beginning of time until 1926 was Utah and they did them for \$25.00 a roll. They came here and did them and they are actually are out on the Internet nationwide if you want to pull them up. Then Willard said that we could do it here, instead of, so we told them not to come back, that Willard was going to do it. If I had known Willard was going to keep them, well, I wasn't here then, that was my predecessor, however, this is the story I get from all accords, is that had we known they were going to keep them, we would have had Utah come back and continue doing it. Now, we are sitting over here with nothing on microfilm. I have books that are falling apart and people are sending me money daily to make copies and I don't have the staff nor will the books hold up. Eventually, they are going to fall apart. You can't keep taking those old books apart that are handwritten and make copies of them.

Commissioner Mourdock: So, sounds like point one with all of this from Troy's request is to make sure that we get a legal opinion from Phil on the status of the contract to see if in fact, as Marsha says, it's our data. If it is our data then it ought to be returned, is it safe to say?

President Mosby: I would agree with you.

Commissioner Mourdock: So, Phil, can you get us a report on that one for next week as far as your review of what that contract is? And then we can go from there.

Marsha Abell: Do the Commissioners have that contract? Do you have that contract?

President Mosby: I don't know if we have the contract or not. Do you have a copy of it?

Marsha Abell: I might have.

Commissioner Mourdock: When was it executed?

Marsha Abell: It gets renewed like every year. Judge Lensing originally wrote it a long time ago.

President Mosby: I am sure that there is a copy somewhere but if you've got one at your fingertips it'd probably be quicker.

Marsha Abell: I'll look around and see if I've got a copy and can get it to you.

President Mosby: Thank you, Marsha.

Troy Tornatta: There is a request before the Council Wednesday, I guess, is that right? So, is there anyway to find out anything before then? Or to have something sent, you are going to be tight lined but do you?

Marsha Abell: I am coming back from Indianapolis (Inaudible. Not at the mike.)

Troy Tornatta: Okay.

President Mosby: I really don't see why the Commissioners, I mean, even if we don't have the contract by Wednesday, why we can't get a letter over to them.

Troy Tornatta: Right.

President Mosby: So, I mean.

Troy Tornatta: Well, then we can get it on our appropriation then.

Commissioner Mourdock: If Phil drafts a letter that upon review of the contract that his opinion is whatever it is, just send a copy to us, a copy to the Council and you are off and running.

Troy Tornatta: Okay, thanks.

President Mosby: Thank you. Any other group or individual wishing to address the Board?

Commissioner Fanello: I have asked Phil Lawrence to be here tonight so if this is a good time, we can move on with discussion of the fuel bid. Phil-

Phil Lawrence: Yes.

Commissioner Fanello: I met with Charlie Wolfinger from Busler's on Friday. I met with him and several people that work at Busler's at the billing department and then also Councilman Steve Melcher, City Councilman Steve Melcher was there. I don't know, it is my impression from Charlie that he had a conversation with you, maybe early Fall, that he was under the impression that we were going to extend the fuel bid. Then apparently some other conversation took place with the Mayor that he was more interested in rebidding the fuel bid. I guess, I need to know from you, were you aware of some of the billing issues that Busler's was having problems with? And then why, I guess, why weren't the Commissioners involved in those discussions early about extending or rebidding the fuel bid? And why you came to the conclusion that you needed rebid it?

Phil Lawrence: Uh.

Commissioner Fanello: Those are a lot of questions.

Phil Lawrence: Yes, those are a bunch of questions. I will try and again, I don't think that we had a discussion about whether or not we were going to rebid the contract. I certainly took a position that we possibly should extend the contract once September 11th happened. I mean, my thought is that the oil fields were going to be turbulent. It is no telling what would happen. In fact, I talked with Billie Sanders, my boss, about the possibility of not rebidding the contracts and extending them and so forth, and everyone agreed. Then later it was decided, after much discussion, after the market kind of settled, prices went down, which really prices doesn't have much to do with whether or not you bid the contract, because the prices will float with the OPUS of the pricing index. So, then I met a couple of times with Billie because she had discussions with the Mayor, they expressed to me an interest to rebid the contract, and I said that is fine. I talked with Charles one time about pricing.

President Mosby: Can I stop you here for a minute?

Phil Lawrence: Sure.

President Mosby: What was their reasoning for even wanting to rebid this contract?

Phil Lawrence: Because the approach is to rebid every contract every year. To bid every contract every year.

President Mosby: Okay, I will give you my opinion.

Commissioner Fanello: Then I am going to add to that. That is their approach, but this Board wasn't involved in any discussion with you about that.

Phil Lawrence: Right, correct.

Commissioner Fanello: And this is, Purchasing is a joint department, 50-50.

President Mosby: Well, I will elaborate on that, because if I understand this contract right and your price is based off the rack.

Phil Lawrence: Right.

President Mosby: Right now your margin with Busler's is seven cents on rack, and your next lowest bid was 23 from Thornton's. Why would you even think about rebidding that? Price has nothing to do with September 11th.

Phil Lawrence: What pricing are you talking about?

President Mosby: I am going off of the previous bid.

Commissioner Fanello: The margin.

President Mosby: The margin that Busler's is getting right now is seven.

Phil Lawrence: Seven cents.

President Mosby: Right.

Phil Lawrence: That is what they bid.

Commissioner Fanello: Yes, but last—

President Mosby: I understand that and their contract ended but when they bid it the last time what was your next lowest price?

Phil Lawrence: I don't know, I wasn't here.

Commissioner Mourdock: You don't mean price, you mean difference in the margin?

Phil Lawrence: Difference in price?

President Mosby: The difference in price. Your gas bid has been on rack-

Commissioner Mourdock: Seven cents.

Phil Lawrence: Yeah.

President Mosby: So, whatever that price is on a given day, when OPUS brings down their average, you know Busler's gets seven cents on top of that. Your next lowest bidder, my understanding was twenty-three cents on top of that. You are talking three times more. You had a chance to extend a bid at seven cents as opposed to-

Phil Lawrence: Well, I don't

President Mosby: Well, I guarantee you that you are not going to get it. If you would have rebid or let the bid go, that bid could have been optioned out for one more year.

Phil Lawrence: Do you, I mean, I have his letter right in front of me that says-

President Mosby: Well, you are not going to get it now.

Commissioner Fanello: But, his letter was dated to you after you had already sent him a letter that we were not going to extend it.

Phil Lawrence: Right.

Commissioner Fanello: But, I believe if prior discussions would have taken place, they would have extended. Now there is no way that they can offer that same margin.

President Mosby: No, we blew that. Go ahead.

Commissioner Fanello: I will let you finish but I have several more questions.

Phil Lawrence: Okay, I mean, and then it was decided to bid the contract annually which is something that the Mayor has expressed to me to do every year, is to bid every contract, every year. To give every business an opportunity to have the business.

Commissioner Fanello: I appreciate that and that is at the Mayor's discretion, but my concern is that the county, we may have a different opinion, and if it is a joint bid we need to be asked our opinion. We need to be communicated with to know what's going on. I mean, I am not going to try to micro-manage your department and run after you and look at all of the bids, but I expect you to come to this Board and let us know what your conversations were with the Mayor, and what his feelings are so that we can see if those are also concerns of ours.

Phil Lawrence: Okay.

Commissioner Fanello: Had I known about this earlier, I definitely would not have rebid this fuel bid, because I believe, like David said, we have shot ourselves in the foot.

Phil Lawrence: Well, I don't necessarily agree.

Commissioner Fanello: Well, I am going to bring up some points which I need to ask you about. I mean, your bid states that the bid should be based on a OPUS weekly average. OPUS puts their reports out on a daily average and the bid should have said a specific date that you asked for that.

Phil Lawrence: It is in there.

Commissioner Fanello: Yeah, it asks for November 1st, but it asks for a weekly average. How did you come to the conclusion to ask for a weekly average when the norm is a daily average?

Phil Lawrence: Basically, I used the bid that was used last year. I mean, it, weekly, daily is not going to be a lot of difference.

Commissioner Fanello: From what I understand, from people that know a lot more about it than I do, the daily average is a more fair average.

Phil Lawrence: I mean, I bought and sold fuel myself and between the weekly and the daily is not that much of a difference, so I figured—

President Mosby: Now, I beg your pardon there and my father was in the gas station business for thirty years and I have seen gas go up and down twice in one day.

Phil Lawrence: Well, I have too.

President Mosby: So, I mean.

Phil Lawrence: But in a weekly average you have it and in a weekly average they average themselves out, and that is why they use weekly averages.

President Mosby: Okay, I disagree.

Phil Lawrence: Especially when you're talking about a Purchasing Department and you are going to try to use a daily average? I beg to differ.

President Mosby: They give it to you every morning.

Commissioner Fanello: They run a report every day.

Phil Lawrence: Why would you base it, why would I base it on November 1st?

Commissioner Fanello: You would ask for that daily average on November 1st.

Phil Lawrence: And then open the bids three weeks later?

Commissioner Fanello: That doesn't make any difference here, Phil. The issue here is not the fuel prices, it is the margin by which they are going to mark it up as their cost for doing business.

Phil Lawrence: Right.

Commissioner Fanello: The fuel prices are not the issue. A fuel provider is not going to come in and say that I am going to sell you gas all year at 92 cents a gallon.

Phil Lawrence: Correct.

Commissioner Fanello: They are going to give you the daily average put out by OPUS and add they are going to add their margin to it. So, that is the issue here. Where Busler's margin was seven cents we are probably looking at tripling that margin at this point.

Phil Lawrence: Possibly.

Commissioner Fanello: I can probably, I'll bet you a hundred dollars that we are.

Phil Lawrence: I guess, I am looking and I understand what you are saying and I am reading his letter that says he couldn't do it for seven cents and that he was losing money at seven cents. Are you going to try to convince ne that he was going to agree to extend a contract that he was losing money on?

Commissioner Fanello: I believe that his issues could have been worked out had he known about them earlier. My concern right now is the fact of the timing of the bids. The bids are due back on September or December 10th. Now how much time is going to be allowed in there for the new vendor? Let's just say that Busler's doesn't get it, and the new vendor has to come in. Are they going to have the cards ready for everybody on January 1st? I don't think so, because it takes about 45 - 60 days to get cards. From what I understand, this is going to be mass confusion on January 1st for city and county departments to get fuel.

Phil Lawrence: Well, I have talked with Mr. Wolfinger and he has agreed to work through the period of the new bidder.

Commissioner Fanello: Well, I think that he will help you out as much as possible but I don't think that he is not going to do himself a disservice in doing that.

Phil Lawrence: No, and I don't think that we should expect him to.

Commissioner Fanello: The bid, I guess, did you specify in the bid and I looked at the bid and didn't see it, but some deadlines on getting the cards made or how the new vendor should bill? Because Busler's, when I was in the Controllers office, I worked with Busler's when they first got the bid, to get down the billing format that we would need, documentation to pay the bill and I am sure, I know the Auditor's office asks for just as much documentation to pay a fuel claim, so I didn't see those things outlined in the bid. How are you going to approach that?

Phil Lawrence: That is a good question? I will have to lean heavily on the finance department as to how we do that or how it was done in the past, in how we make that transition.

Commissioner Fanello: Does anybody else have anything that they want to add? I am really concerned about this bid. The timing of it and I don't know what we could do at this point. I talked with Charlie again this morning, and I think we have the billing concerns worked out. It was a matter of him also explaining the Auditor's office bills, I would like to ask Suzanne a question about that.

Phil Lawrence: Would he call me?

Commissioner Fanello: I have a lot of concerns about this fuel bid.

Phil Lawrence: I am concerned as well, but when he called me several months ago to talk about pricing, probably a month or two months ago, his main concern was that he wasn't getting paid. His payment terms are ten days, which I said if you are talking about city government, ten days ain't gonna happen.

Commissioner Fanello: It used to in City.

Phil Lawrence: So, when we looked at his bill. When he called, I called out his bill and we went through it and it is very difficult from this bill to understand whether it is city or county and then once I finally figured out what was city and what was county and then what was happening was that the city was paying within 20 days, the county was paying in about 120 days. So, there was his major issue, was that the county was not paying him for at least 120 days.

Commissioner Fanello: I told him that I wish he would have come to one of us on the Commission sooner so that we could address that issue sooner. I worked with Bill Fluty last Friday and the other departments in question in trying to get this resolved. I believe that our departments, from what I understand and the dates I have to them, they are turning the bills in on time but, because the county is blessed with this wonderful statute where we have to advertise our bills every month it really does do us a great disservice. We are going to have to figure out a better way to do that. But, I think we could have worked out those issues. Like I said, my concern is first of all, you are paid 50-50 City/County, and you didn't come to us and talk sooner. I appreciate what the Mayor does and he has the right to do whatever he wants with the city, but that may not be our same conclusion over here.

Phil Lawrence: Someone needed to...no one has told me what that means.

Commissioner Fanello: What do you mean, what that means?

Phil Lawrence: Everyone is saying that it is 50-50.

Commissioner Fanello: Your salary is paid fifty percent by the county.

Phil Lawrence: No one has—

Commissioner Fanello: That means you work fifty percent for the Mayor and fifty percent for the county.

Phil Lawrence: Okay, but no one from the County has ever expressed that to me. I mean, I accepted the job from the Mayor and no one from the county has ever said anything to me.

Commissioner Fanello: I can explain that and that is because there is an inter-local agreement with the City and the County and the City has always traditionally administered the Purchasing Department's budget and they have always traditionally hired the Purchasing Director, but that doesn't mean that you do any less work for the county.

Phil Lawrence: I appreciate that. But—

Commissioner Fanello: I just wanted to get some of these questions answered. I don't know what action we can take on the fuel bid or how everybody feels about it, but I am really concerned about the timing and I do think that we are going to have problems come January 1st, and I believe that we are going to be in a cost situation where we've probably cost ourselves a lot of money with this bid.

President Mosby: I'd say from conversation with Charlie Wolfinger, we have doubled our cost—

Commissioner Fanello: I think so.

President Mosby: –because he is willing to extend it for double of what he is getting.

Phil Lawrence: But, you can't extend a contract and change the price.

President Mosby: We could have extended it before you re-bid. If you hadn't advertised to rebid it, there was a one year extension in that contract.

Phil Lawrence: You can not extend, you can not change a contract and then extend it.

President Mosby: I understand that, but if we had talked with Charlie and he had of been willing to extend that contract with one year, we would have been at seven cents. Instead, we are probably looking at 21 cents probably.

Phil Lawrence: Now, you haven't given any consideration to the other bidders.

President Mosby: We'll go back off of what they did three or four years ago.

Commissioner Fanello: I will be interested to see what happens.

President Mosby: And Charlie has done said that he won't even do it for seven.

Phil Lawrence: And he has done a yeomen job, I mean, for what he has been asked to do.

President Mosby: I mean I am just saying, he's done said that he won't even do it for seven. He won't even extend for seven, to help us out through you know. (Inaudible). I mean, we have cost our self money by wanting to go back and rebid this. I mean, if we'd have went to Busler's and just said ,you know, we would like to extend this for one year and we are not going to rebid it, I can assure you that we weren't getting any lower than seven. If we would, I'd just about drop over on that floor over there, if we could. I got another question that brings up a point that relates directly to this. Whatever happened with the salt bid?

Commissioner Fanello: The salt bid.

Phil Lawrence: It was reaccepted. A bid from International Salt.

President Mosby: So we do have a contract?

Phil Lawrence: Yes.

President Mosby: Who signed that contract?

Phil Lawrence: I did, I signed, I sent it back to them that we okayed the deal, the deal was okayed.

President Mosby: So what did that end up coming in at?

Phil Lawrence: 49 something, 47 something.

Commissioner Fanello: I would like to sign that. I think that the Commission should sign off on something like that.

President Mosby: So, 49 a ton, right?

Phil Lawrence: I think so.

President Mosby: Okay, but the city's is 33?

Phil Lawrence: 37.

President Mosby: 37?

Phil Lawrence: I think, I mean, this is off of the top of my head.

President Mosby: I thought the city was 33, I am not sure.

Phil Lawrence: I don't think so.

President Mosby: I guess my point is again, you know, we got left out. The County got left out. I mean it is a City/County deal. We need salt. They need salt. The City was bid and you did not bid ours, Phil, and now we are going to pay anywhere from \$12 to \$14 a ton more for salt and probably—

Phil Lawrence: Let me explain.

President Mosby: Okay.

Phil Lawrence: When I came aboard. It was explained to me that any bid that is, that has the prefix APA, which is Annual Price Agreement, was a City-County bid. So, when I looked at my little sheet that my predecessor left me and it says APA 05 Salt—

(Tape Flipped. Problem with tape and machine.) (Tape Changed)

Phil Lawrence: Okay, so I had no reason to believe it wasn't a City/County bid. All the bids, I was told, APA were City/County. CE were City, VC was Vanderburgh County.

Commissioner Fanello: And I'll stop you right there. It says City/County, that means you have to come, you still have to come to the county and get our permission, and we still need to be involved. That doesn't mean that the BPW signs off on City/County stuff, because they can't make decisions for us.

Phil Lawrence: Okay.

Commissioner Fanello: So even though it says City/County, we still, you still need to come to us to do the permission to advertise, and we still need to be involved, and we still need to make our decision on our end.

Commissioner Mourdock: Keep going on the salt for a second, because just looking at my notes, on October the 8th you told us that we opened the salt bids and no one bid on salt.

Phil Lawrence: Correct.

Commissioner Mourdock: Okay. Keep going from there—

Phil Lawrence: Okay.

Commissioner Mourdock: —I haven't moved that far forward in my notes yet. What happened from there, Phil.

Phil Lawrence: Then I called all of them back, no, I called the State of Indiana to ask them if, if we could purchase off of their agreement. They said we were not a part of their, for whatever reason, we are not a part of their jurisdiction. So, I asked them do they have any additional company names that I could call direct, and I called five other companies directly, asked them...Detroit salt was added, International Salt that hadn't bid before, so I called them. The only one who gave us a quote was International Salt.

Commissioner Mourdock: And that's the price you quoted a minute ago that was—

Phil Lawrence: 47 or 49.

Commissioner Mourdock: —47? I'm just trying to bring my memory back on this. On the salt this year that we talked about, didn't we get to the point where, Ralph, you said we were pretty well covered with that or something? Because I remember we had some conversation, and my notes aren't complete here—

Ralph Kissinger: What I said was, and when I called Phil I told him that I did have the foresight in the Summer, before my contract was up, I did fill my barn—

Commissioner Mourdock: Okay.

Ralph Kissinger: —so I have a full barn, which is approximately 1,500 tons.

Commissioner Mourdock: That was filled up last year at 47 bucks—

Ralph Kissinger: And our contract—

Commissioner Mourdock: —27 bucks, or something like that.

Ralph Kissinger: —right. Our contract last year was for 3,000 tons, or 3,500 tons, is that not correct? We, before I came, the county sold the city, I think, 575 tons, and we took delivery on, and we had maybe 400 tons left on our bid at the end of June, but I had no place to store it. Our barn is full. I have 1,500 tons at the old price, and it's paid for. It's been paid for since last Winter, or last Summer when we got it. At the end of the snow season I told them to fill the barn up so that we would have it for this year, but that is all I have. I do not have anything remaining on the Cargill contract.

Commissioner Mourdock: Okay, so the salt that you are talking about that's at 40, what was it, 43 or 47?

Phil Lawrence: 47, yeah.

Commissioner Mourdock: You've not taken delivery of any salt on that order?

Phil Lawrence: No.

Ralph Kissinger: No.

Commissioner Mourdock: But the city currently has a contract in place, if they take delivery, they pay \$33.

Phil Lawrence: Yeah. \$33 or \$37.

Commissioner Mourdock: Then, Ralph, you just said a moment ago that we sold salt to the city?

Phil Lawrence: Yeah.

Ralph Kissinger: Before I came last year, the former Superintendent, Erik Bente, had sold, I think it was just a little over, 575 tons to the city because they could not get salt at that time. So, they made an agreement to pay him for the salt.

Commissioner Mourdock: At \$47, I would hope? Never mind. Scratch that.

Phil Lawrence: \$55. It was \$55.

Commissioner Mourdock: Was it \$55?

Phil Lawrence: It sold on the open market for \$55 a ton.

Commissioner Mourdock: Give Erik the golden star for the day.

Ralph Kissinger: They paid the county what our bid was.

Phil Lawrence: Right.

Ralph Kissinger: For our, for what Erik had given him. Then after I came in, Kerry Kamp, actually, I got the receipts and he paid us.

Commissioner Mourdock: Okay, so we now—

Phil Lawrence: An additional 1,500 tons on the open market for \$55 last year.

Commissioner Mourdock: The county did--

Phil Lawrence: The city.

Commissioner Mourdock: —or the city did? Okay.

Phil Lawrence: The city.

Commissioner Mourdock: The city did. Okay, so at this point, as of today, we've got our barn full?

Ralph Kissinger: Yes.

Commissioner Mourdock: I presume the city has its barn full? You don't know,

okay. But the city has a contract when they start replacing, they replace at \$33.

Phil Lawrence: \$33 or \$37, I don't know which.

Commissioner Mourdock: Alright. And yet ours is something higher than that?

Phil Lawrence: Yes.

Commissioner Mourdock: And the question is, can we deal through the city's contract? Just as they dealt through ours?

Phil Lawrence: That's a possibility. I mean, depending on the weather...what happened was, last year one of the salt mines had a mine fall out—

Commissioner Mourdock: Collapse, right.

Phil Lawrence: —and it, they just could not supply coal to the city, so the city went out and bought coal, bought salt. We also had that bad December last year, so as I'm talking to the salt miners and dealers, I'm asking them what happened from last year to this year? They said essentially everyone who requested salt this year, requested more. So, if they bought 5,000 last year, they requested 6,000, 7,000, 8,000 more this year. So, by the time they got to October, or somewhere around just two days before we called, they found out they were all over sold.

Commissioner Mourdock: Okay, so with the contract the city has in place at 33 bucks, is that ton limited? In other words it's only good—

Phil Lawrence: It's 5,000 tons.

Commissioner Mourdock: That's what I thought.

President Mosby: You've got to specify.

Commissioner Mourdock: Okay.

Phil Lawrence: Yeah, you've got to, if you don't specify a tonnage they won't, they won't guarantee you anymore than whatever you said—

President Mosby: And I doubt they would be willing to sell us half of that, not knowing what the Winter is going to be like.

Phil Lawrence: Right.

Commissioner Mourdock: I mean, we've had Winters where we haven't used any, we've had Winters where we've used a bunch. It's anybody's guess.

President Mosby: If we don't use any, we don't have to have any.

Commissioner Mourdock: That's true.

President Mosby: That would be the best thing that could happen to us at this point.

Commissioner Mourdock: That's right, in which case this part of the salt discussion is kind of a moot point.

President Mosby: But I think when we sold the city salt last year, it was to the pure and simple fact the city had no salt—

Phil Lawrence: Yeah, they had none.

President Mosby: —and they couldn't get any salt. I mean, we more or less just bailed them out of a major problem.

Phil Lawrence: Yeah.

President Mosby: But, you know, whether they would, I'm sure they are not going to let us start drawing off their 5,000, if they are emptying their barn too, and my point is, outside of the city or the county, you know, our bid once again, the county did not get let. I mean, he, you, you know, you're a City/County Purchasing Director, and I would think that the title alone would tell you that you work for us too.

Phil Lawrence: Yeah.

President Mosby: I mean, we pay 50% of everything in that department, you know, so, I mean, this is going to cost us. This gas bid is going to cost us, and the County Council can fund that one.

Phil Lawrence: So, what, for my own help, what are you saying to me? I mean, what is the direction that you are giving me? Is that the city, when a City/County bid comes up that I should be in discussions with you as well as the city? I mean, that's—

President Mosby: The first thing I would say is—

Phil Lawrence: —the first time I've heard that.

President Mosby: Well, the first thing I would say, is don't forget us.

Phil Lawrence: Yeah, I mean—

President Mosby: I mean, we're sitting over here as a county, don't forget us. The second thing I would say, is run it past us—

Phil Lawrence: Okay.

President Mosby: —because we might not agree with the Mayor. I mean, I definitely would have not agreed with the Mayor in any way, shape or form on this gas bid. When I knew we had seven cents over margin, there is no way I would have ever agreed. If Busler's's would have said, I'll renew that contract for one year, I would have told you not to bid the county, regardless of what they wanted to do, and knowing that, I think, the second lowest bid to Busler's's was 23 cents, which is triple the price. Now Busler's's has done said, even if we help you out of a bind, it's going to be double that.

Phil Lawrence: Yeah.

President Mosby: I mean, it's going to be at least 14, so, I mean, you've cost us, you know, twice the money already.

Commissioner Mourdock: You asked a question a moment ago, Phil, part of my answer would be to that, you said earlier on one of these, I think it was the salt issue, that you had signed the contract and sent it back. Save yourself a lot of trouble and hassle and make sure that comes through here. That is clearly for this Commission to do. We need to sign the contracts.

Commissioner Fanello: I've just got two more things, I promise, I'll let you. Towing contracts, I've seen some conversation go back and forth through my e-mail between you and Chief Deputy Williams about the towing contracts. Supposedly, well, they did expire on October 31st, so are we planning on extending those?

Phil Lawrence: I have called all parties and they have agreed to extend them—

Commissioner Fanello: Okay, is there something we need to sign to extend those?

Phil Lawrence: I've got that. I was going to wait until next week and do it appropriately.

Commissioner Fanello: Okay, okay. Then I know that Eric had said that the Sheriff's Department had some concerns or something that they would like to get with you on that. I guess, in order to answer your other question of what you need to do. I would probably like to see a report that shows every bid that the county has, and the date of the bid and when it will expire. Kind of give us something that we can keep in our office to help us remember also, but then would expect you to communicate with us as needed, to let us know what is going on.

Phil Lawrence: I appreciate that, I mean, but you also have to understand that I walked into a mess.

Commissioner Fanello: Oh, I understand. I know what a mess Purchasing Department has been before, but—

Phil Lawrence: And so, it has been difficult for me to try to decipher, I mean, for instance the towing bid. For whatever reason, my predecessor gave the same number to the city bid and the county bid. So, both of them were APA-026 Towing Contract.

Commissioner Fanello: But the way to always try and get those, or when you don't know the answers, is just to ask and—

Phil Lawrence: Yeah.

Commissioner Fanello: —if you would have asked us we could have, you know, helped you find the answers. So, I would just say communicate, and I would like a report as early as sometime in the middle of this week on those bids.

Commissioner Mourdock: Just to clarify for Phil's benefit, one of you or perhaps both of you said early in this discussion about, and I may have taken it out of context, but you indicated that you weren't pleased with bidding things each year?

Does that go beyond—

Commissioner Fanello: Oh, it just depends. I mean—

Commissioner Mourdock: Okay, it wasn't blanket. For instance, Sand & Gravel—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —you weren't necessarily—

Commissioner Fanello: No, no. It would just depend on what the bid was, or what the circumstances were surrounding the bid. Yeah. It would just depend.

Phil Lawrence: You know, I mean, that's why I say I appreciate that, because I've gotten no, very little direction up to this point from, from city or the county, actually. I've been kind of thrown in there.

Commissioner Fanello: I mean, I just expect, you know, like I said I'm not going to try and micro manage a department, and you're the director of that department. I can't be down there knowing what you are doing all the time, or expect to know what is happening in Purchasing. I expect you, as the director, to communicate with us as well. Because you've got two new Commissioners sitting up here as well who are still figuring out what is going on around here.

Phil Lawrence: Okay.

President Mosby: Any other questions? Thank you.

Phil Lawrence: Alright.

President Mosby: Any other group or individual wishing to address the board? Seeing none.

John Stoll: County Engineer

President Mosby: Department Heads, John.

John Stoll: First I've got a street acceptance request for Columbia Street and Glass Subdivision. This is for 340' of Columbia Street east of Burkhardt Road that was built in conjunction with the Sam's Club development. It's requested that the street be accepted tonight.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Second, I have a right-of-way engineering agreement for Section Three of Lynch Road. This is for a portion of the road between the east ramp of the I-164 interchange and the Vanderburgh/Warrick County line. This is for the right-of-way engineering to be done by Bernardin Lochmueller and Associates, and it's for an

amount not to exceed \$45,700. It's requested that that agreement be approved.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a counter offer on, in the University Parkway Project on the Nurrenbern Parcel. The Nurrenbern Parcel is located right here along the CSX Railroad. You can see, you know, with both sides of it. As a part of what we are purchasing off him, he is going to have a land locked parcel. Basically, for this right-of-way we were purchasing off of him, the offer was \$128,100. Mr. Nurrenbern provided a counter offer. He requested that we give him access on University Parkway here and here, but the dollar amount was acceptable. Both Bernardin Lochmueller's engineers and I would recommend against that, for two reasons: one, the appraisal included compensation for leaving that as a land locked parcel, and on the west side of the road he has adequate access through an existing county road that runs right through here. We didn't want to provide right-of-way breaks everywhere, because it would go against what the intent of the road was, and that was to provide a way for through traffic to go through. We don't want to be causing safety problems by providing driveways everywhere. So, it's requested that his counter offer of no additional money but access at these two locations be denied.

Commissioner Fanello: I'll say so moved (Inaudible).

Commissioner Mourdock: I will second. First comes a driveway request, and then the caution light and then a stop light.

John Stoll: (Inaudible. Not at mike.)

Commissioner Mourdock: Don't go there.

John Stoll: The last item I've got is a request for street plan approval for East Pointe Business Park Subdivision. This is located in the northeast quadrant of the Morgan Avenue, I-164 interchange. Here's an overview of the entire subdivision. Basically, phase one will consist of what they are calling Jeffrey Drive down to this point, and then they are going to build a few hundred feet of Arabian Way and Mustang Drive in these locations. In conjunction with this they are also adding a right turn deceleration lane on Telephone Road, and they are also doing some radius improvement up here at the intersection of Old Boonville Highway and Telephone Road. We've reviewed the plans and would request that they be approved.

Commissioner Mourdock: Is this the one the Working's are involved in?

John Stoll: Yes. Their new operations will be right here.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered. Board of (Inaudible) tell them I'm a new member.

John Stoll: Good, maybe you'll have some pull and get something done out there.

President Mosby: (Inaudible).

Commissioner Mourdock: Nothing like here, one signature isn't enough pull.

John Stoll: That's all I have, unless you've got any questions on anything.

Commissioner Mourdock: One question, and I should have asked Bill Jeffers when he was here, he had sent through a thing to us, we have some driveway ditches that were put in along Walnut Road. Where the heck—

President Mosby: I got it right here.

Commissioner Mourdock: Where the heck is Walnut Road?

John Stoll: It's, do you remember a few years ago the three women out Radio, Walnut, Campbell Road area?

Commissioner Mourdock: Yes.

John Stoll: With all the drainage concerns they had? The county had gone out and put in numerous driveway culverts and tried to open up some ditches, and it's out in that area.

Commissioner Mourdock: Okay, is this a new problem that was not part of their original...that has been awhile back, that was first when I came on the board, I think.

John Stoll: I was going to say, I knew it was a few years ago. I just couldn't remember exactly when.

President Mosby: Have you seen this letter?

John Stoll: Is that the one Bill—

President Mosby: Mr. Mike Gourley?

John Stoll: I got a copy of it, but I haven't read it.

Commissioner Mourdock: Okay.

President Mosby: Okay.

John Stoll: Bill faxed me a copy of it as well.

President Mosby: I was just wondering, I was going to see if there was anything we could do, maybe through the garage to go out...it says something about obstructions, culverts, leaves, debris, possibly some permanent obstruction or partially collapsed, so I was wondering if there was anything we could do to relieve some of that.

John Stoll: I was going to say, I know back when that project was done we had some problems with some property owners did not want to purchase the pipes to allow the County Highway crews to install the pipes. Whether this parcel was one of them, I really don't know off the top of my head, but I could take a look at it and see.

Commissioner Mourdock: But, it's also my recollection, and it's been seven years ago, that we did go out there and I think we used the, a backhoe and cleaned out a bunch of those ditches, and a bunch of people did replace at their own cost their driveway ditches.

John Stoll: Right. There were quite a few people that did purchase pipes—

Commissioner Mourdock: Yeah.

John Stoll: —and the county crews did install a few driveway pipes. There were quite a few ditches cut in conjunction with this. Whether or not this one property was—

Commissioner Mourdock: Right.

John Stoll: —one of the problems or not, I don't know.

Commissioner Mourdock: Yeah.

John Stoll: I probably need to talk to Valerie more than anything else, since she was the one sizing the pipes at that time.

Commissioner Mourdock: Yeah, because that was a big problem, and I have not heard a word out of those folks for seven years, so it must have been solved correctly the first time if we didn't do it again.

President Mosby: I just got that letter. That was one of the questions I was...the other thing I was going to ask you, did we ever do anything with Johnson Lane?

John Stoll: Sitecon, I talked to them last week about their price, and they were going to have a quote of around, I believe he said it would be \$3,000 to \$4,000. The issue was whether or not the discrepancy with the property lines on further south on Johnson Lane was something they wanted us to resolve, or whether or not the, we just wanted to know what the right-of-way lines were out there on Broadway and on Johnson. I told Keith Poff that we just needed some defensible right-of-way line location given the nature of the city's lawsuit and things like that. So he was going to finalize his agreement on the basis of establishing a right-of-way line for Johnson and for Broadway, and then that culvert structure relative to those right-of-way lines. I would hope that he'll get me an agreement within the next week or so.

President Mosby: Okay, it was just something else I had on my stack here. Any other questions?

John Stoll: I'll see what I can find out about that, and work with Ralph and see what we can do.

President Mosby: Do you want this?

John Stoll: I've got a copy of it as well.

President Mosby: Okay.

Madelyn Grayson: Can I have that for the record, David?

President Mosby: Yeah.

Madelyn Grayson: Or a copy of it?

President Mosby: Yeah, that's fine.

Ralph Kissinger: County Highway
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President Mosby: Ralph, County Highway.

Ralph Kissinger: Ralph Kissinger, County Highway. I got that letter this morning. In an interdepartmental envelope. As soon as I got it I faxed a copy to John, and I was going to talk to him. He was in meetings today. Tuesday is usually a good day for John and I to get together. He's got Area Plan and other meetings on Mondays, so we usually communicate on Tuesdays. So, tomorrow morning we will go out and look at it. I'll go look at it, and then if John has time, we have another project to look at tomorrow, and if he has time we'll both go to look at that one together. As requested last week, I have the quote information. As I told you last week, Ruxer told me they would honor the same prices on their bid. Actually D-Patrick came in 75 cents higher, I don't know why. Westport Auto sent theirs in at exactly the same price as their bid. If that satisfies you, I would like to take the low quote and go ahead.

Commissioner Mourdock: And, again, it is in the budget?

Ralph Kissinger: Yes, yes. There is money in the budget, yes, sir.

President Mosby: I don't have a problem.

Commissioner Fanello: I'll go ahead and make a motion to approve.

Commissioner Mourdock: Second.

President Mosby: I have a motion to take the same low bid and approve a third vehicle. So ordered.

Ralph Kissinger: Other than that, that's all I have this evening.

President Mosby: Any questions? Thank you, Ralph.

Ralph Kissinger: Thank you.

Phil Hayes: County Attorney

President Mosby: Do you got anything for County Attorney's.

Philip Hayes: Yes, sir. You have a question that was requested for response, Commissioner Mourdock, on the occasion of the last meeting and it had to do, I think, with the gentleman's concern with whether or not the city had extra territorial authority. The answer is it does not on noise. I mean, a municipality can have extra territorial powers with regard to matters that introduction of odor from one thing, or air and can enforce that within four miles outside, but can't enforce noise. This particular noise section was one of them that was excluded, and that's under IC36-8-2-13. So, the quick answer is that that is one of those that's not allowed to be done extra territorial. That's under the public safety powers section of the law, so I don't—

Commissioner Mourdock: So, the question becomes then, if the city's new legislation doesn't deal with that, does this board wish to try to start down the road toward some sort of noise ordinance for, I guess, regulating businesses, or a specific part of the public out there. That's a big pie. David, I think, you said you went through this with the City Council, right?

President Mosby: Yeah, we went or, uh, yes. City Council, we dealt with this for, I guess, a little over a year. I mean, we went to five or six different cities and there's noise ordinances out there, basically, we never came up with anything that you could meter noise, because there is not such an animal, but what we ended up, and I wouldn't want to be quoted, on quoting the ordinance exactly, but it was similar to if an officer could hear the noise outside of the vehicle at the front of his vehicle from coming from inside the car, it was, basically, too loud. There's ordinances like that that other cities have passed, and it's not been challenged yet, I don't believe. So, but there is no such animal to actually meter the noise, so. We could get the city's copy. I know Kevin Winterheimer worked on it for about nine months, when we did the noise ordinance. So, we could possibly get that from Kevin, and probably look at it and—

Commissioner Mourdock: Historically, and this goes long before I was on the board, I think the concern has always been out in the county that agricultural operations may routinely, especially grain dryers, during the Fall. I don't know where the grain dryer is, I've lived there 21 years and I can hear it when the grain is being dried. I know there is always that need for some sort of agricultural exemption. So, I guess, it becomes, Phil, how specific can you make something like this if you choose to go down that road? I mean, do you limit to places of entertainment? Then, obviously, they are going to complain that we're no louder than the farmers grain bin, so is there a practical way to go forward to specify which business affect it, which activity affects it?

President Mosby: I would tend to say we would look at noise and it would be in the line of, I guess, what we're referring to. We know Maria Pointe, a business projecting that much noise over into the neighborhood, same as a vehicle going down the road, that is projecting a noise, but you would have to exclude any farm machinery, what I would consider working. You would have to exclude hunting. Which you can hunt in the county, but you can't hunt in the city. So, I mean, it didn't fall into effect when we were dealing with the city. I'm trying to think of what else we excluded. There was a couple of things in there.

Commissioner Mourdock: Let me use the example, and I'll use a name, but I probably shouldn't. PPG up on 41, that during the night shift, or whatever, they have a lot of small, not end loaders, but freight, you know, pick up and move it around the warehouse. I can't think of the term.

President Mosby: Fork lift.

President Mosby: Fork lift, thank you. They all have back up beepers. So, those kind of back up beepers are going to be going around.

President Mosby: That's a working vehicle.

Commissioner Mourdock: Okay.

President Mosby: So, you would exclude a working vehicle.

Commissioner Mourdock: Yeah. So, it sounds like what you are suggesting is that this thing be targeted specifically to what I'll call the entertainment sector. Again, you don't have to say yes, absolutely. No, absolutely. I guess, that's where we get the most complaints. Is that where the city was getting complaints as well?

President Mosby: The city was getting most of it's complaints from vehicles. Loud, I mean, kids, people dragging up and down Green River Road. Vehicles in neighborhoods with the loud stereos, the boom, boom, boom. Then, basically, what it came down to is we had to find a way to regulate that to say if you could hear it...if the officer could hear the noise at his car, approaching the car that he had pulled over, it was basically too loud. We also deemed it necessary in the line of emergency vehicles. Because—

Commissioner Mourdock: (Inaudible. Talking over each other.)

President Mosby: I'll be the first to attest, half these people can't hear you when you're coming, and I got air horns and sirens. I mean, I can pull up to many intersections, and there would be somebody going by with a stereo blaring, and they don't hear an air horn and they don't hear a siren. That was written into part of the ordinance of why to pass the ordinance. I mean, it would work the same way for the Sheriff 's Department or any of the volunteer fire departments. You know, where they're on runs across an intersection and people don't hear them coming.

Commissioner Mourdock: Uh-huh.

President Mosby: I know the Sheriff's Department has to travel through the city a lot of times trying to get to the county, and there's a lot of time that could be saved there.

Commissioner Mourdock: Sure. I don't want to belabor the fact tonight. I guess, I have some concerns, obviously, in how we do this. I would be interested, Phil, if you could get them from Kevin, or whatever, so we could get some copies. Because it seems to me we are going to ultimately point the finger here at one specific industry or type of activity, and maybe that's okay, but I know we'll hear a lot of complaints from others who are in those industries who think, well, how come I can't exceed that level when some business does. So, we just need to be ready for that.

President Mosby: I would say that we address it somehow to outside, what you would be looking at over there would be outside entertainment where a lot of your entertainment is inside. I mean, it wouldn't affect a concert at The Centre. If you held the same concert at Marina Pointe on the pavilion, you know, there would be that. We did get into the deal with Mesker Amphitheater at one point.

Commissioner Mourdock: Uh-huh.

President Mosby: That was another deal where it became a working environment. Not an everyday occurrence, but, I mean, it was a touchy deal—

Commissioner Mourdock: It sure is.

President Mosby: So, I mean, it's tough.

Commissioner Mourdock: Someone would like to ask a question. You need to come to the microphone and state your name please and address.

Dave Walker: Dave Walker, 701 Southeast Riverside Drive. I call Sheriff Ellsworth's department all the time. I'm curious about if it could be another angle possibly to entertainment, live entertainment, music where it might not be possibly be restricted to being indoors a solid building. I mean, when they drop the sides on that thing, it's not that big of a deal. I would have never called. I mean, I still could barely hear it in my house, and it's a little bit of an annoyance, but I never would have ever made, picked up a phone call. When you're in bed and I do hear the lyrics of the music, you know, a mile away, it's a little bit hard to sleep. Totally bypassing the noise would be requiring it to be within a solid building maybe. That's just a suggestion.

President Mosby: It would be hard. It would be hard to do that, because you would eliminate a lot of activities. You would eliminate a one weekend a year bierstube, you would eliminate Mesker Amphitheater from ever having a concert or a show—

Dave Walker: Right. And I talked to Donna Bergman at the Evansville EPA which does have some jurisdiction on some things, including (Inaudible) noise on some of those areas.

Commissioner Mourdock: How about the County Fair when they have the tractor pull—

Dave Walker: (Inaudible. Talking over each other.) Outdoor concerts, which are things that happen once in a while, and she, in fact, other people complaining about this is rewriting this to say if you are a weekly band housing place, you know, just regular entertainment, you are not an outdoor concert hall. Whereas the pavilion would be or whatever, the Casino and that kind of thing or Amphitheater—

President Mosby: Yeah, I know the Casino does. I mean, you might find wording that allows an outdoor concert every so often. I mean, I don't know. I mean—

Dave Walker: In my letter, you know, other people have property too and they want to use it and they can't use it for the purpose it was made for.

President Mosby: Uh-huh.

Dave Walker: Like a bedroom, the people at the DMD. I mean, I lived over here on Liberty, you know, he's far away. He's over on the other side of Welborn.

President Mosby: I understand what you are saying. It's just attorneys have a way with words. We'll let them work it out. They're good at coming up with these kind of things.

Philip Hayes: That's all the report we have.

Commissioner Mourdock: So, you'll get us copies of that ordinance then?

Philip Hayes: I'll contact. Commissioner Fanello suggested that the Association of Counties may have work that's already been done, and I'll follow that advice and contact that organization.

President Mosby: Thank you.

Tammy McKinney: Superintendent of Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I've got a couple of things. One thing before I forget. I believe everyone has a copy of the late travel request from the Health Department. I went ahead and accepted this since it does come out of their budget. Second thing I have, I got a memo from the, actually from the Clerk's office late Friday afternoon, which is from the Indiana Election Division saying that the precincts established orders that we sent a couple of months ago have been approved. So, what I'm asking from the Commission is permission to advertise the precincts, and they have lined out what I need to advertise, and I'm just asking for the Commission to—

Philip Hayes: Permission to advertise.

Tammy McKinney: —permission to advertise.

Commissioner Fanello: Motion to allow advertising for the new precincts.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. To advertise precincts.

Tammy McKinney: That's all I have.

President Mosby: Any questions?

Gary Hohman: Burdette Park

President Mosby: Burdette Park.

Gary Hohman: You have our work report, and we also Friday, I think, faxed you

some information regarding the Busler's statements, and wanted to know if you definitely received them. Based on tonight's conversation, I'm a new individual on the block, and trying to grasp that what your concerns were over the bidding process. Is it my understanding that you want all bids bid on a yearly basis?

President Mosby: Not necessarily.

Gary Hohman: My concern was that we have a couple of bids that are service contracts that are not changed unless that provider changes his rate, then we put it out and readvertise.

President Mosby: If you have a contract now and the provider is wanting to change the rate, yeah we would have to rebid it.

Gary Hohman: Right.

President Mosby: In this case what we were talking about tonight is we had a bid and he, the point I understand, is not willing, or was not wanting to raise the bid, but since we advertised to rebid, it opened it up and then—

Gary Hohman: Well, I can—

President Mosby: —now we can no longer go back.

Gary Hohman: —(Inaudible) conversation that I understood was, you know, a yearly basis, and in order to clarify it, I wanted to make sure if it was a Commissioners—

President Mosby: If we're not facing a decrease I don't, or an increase, then it's not a problem. If they want to decrease it, we'll open it back up.

Gary Hohman: I don't think so.

President Mosby: Thanks.

Gary Hohman: That's not going to happen.

President Mosby: Thanks, Gary. That's it.

SWCD & Ozone Officer Reports

Commissioner Mourdock: We have the Soil and Water Conservation District and the Ozone Officers Report, and I'll move that all those reports be added to the record.

Commissioner Fanello: Second.

President Mosby: A motion and a second—

Commissioner Mourdock: And I would move approval—

President Mosby: So ordered.

Consent Items

Commissioner Mourdock: –of the one late item that Tammy mentioned, the travel request into the Consent Items.

Commissioner Fanello: Second.

Commissioner Mourdock: With that addition, I move approval of the Consent Items.

Commissioner Fanello: Second.

President Mosby: A motion and a second as amended. So ordered.¹

Scheduled Meetings

President Mosby: Scheduled meetings. I believe we are going to meet with the County Council on December 19th at 12:30, does that sound right?

Suzanne Crouch: (Inaudible. Mike not on.) May we have permission to advertise?

President Mosby: The last I heard I think everybody is agreeable to the 19th. There was three Council members that couldn't do the 12th, and also bond counsel, Crowe Chizek, United, Shireman, they are all agreeable to the 19th. So, as far as I know we are looking at December 19th at 12:30. I am not exactly aware of the place yet, but I don't know what the pleasure of this Commission is. I would just as soon have it in the Council chambers.

Commissioner Fanello: (Inaudible. Mike not on.)

Suzanne Crouch: Yeah, I think they–

President Mosby: They were talking about moving it to the Victory or The Auditorium.

Suzanne Crouch: Yeah, I think, 301 is the room they've reserved.

President Mosby: That would be my preference.

Commissioner Mourdock: Well, I would move that we advertise for our part of that joint meeting for 12:30 on the 19th in Room 301.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: Tammy, you brought up a meeting last week, and I sense the Auditor may have an interest in this meeting. I don't recall what it was–

¹Consent items listed on Page 51.

Suzanne Crouch: The 26th.

Commissioner Mourdock: –was it the meeting before Christmas or right after?

President Mosby: And that is going to be at 12:00 instead of 6:00?

Suzanne Crouch: If that's agreeable.

President Mosby: That's very agreeable with me.

Suzanne Crouch: May we have permission to advertise that with Drainage Board immediately following?

President Mosby: Right.

Commissioner Fanello: Motion to grant advertisement.

President Mosby: So we're going to do December 26th, I know last week we said 6:00 in the evening as we normally do, but 12:00 is fine with me.

Commissioner Mourdock: So–

President Mosby: And Drainage Board will be immediately following. And that's because we had an item that Jeffers had last week.

Commissioner Mourdock: Yeah, Catherine, did you make a motion.

Commissioner Fanello: (Inaudible. Mike not on.)

Commissioner Mourdock: Okay, I'll second.

President Mosby: I have a motion and a second. So ordered on Commissioner's meeting for the 26th at 12:00, Drainage Board immediately following to replace the 24th and 31st which are Christmas Eve and New Year's Eve,so.

Suzanne Crouch: Then if I could ask for permission to advertise the January 7th meeting, which is your organizational meeting. We would have to place that ad this year, so I'll need that permission this year.

Commissioner Fanello: Motion to advertise January 7th meeting.

Suzanne Crouch: At 6:00 p.m.?

Commissioner Fanello: At 6:00 p.m.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Philip Hayes: Mr. President, could I ask you in regard to the joint meeting for the 19th, and the, we always get these advertising questions, we get the agenda questions, and for purposes of working with the Auditor on that, is it anticipated

that this...the last time this was noticed up, it was noticed up for discussion and action, was the ad that was placed. In a joint meeting I'm not really aware of any joint motions or that kind of procedure. The best that I could find was, certainly, not much consistent with what occurred. What seemed to occur was that the Council felt that they would introduce motions and pass those. For purposes of this legal advertising for it, are there any directions you want to give in regard to it or thoughts?

President Mosby: My understanding, and I attended the Council meeting again last Wednesday, the purpose of the meeting, and we pretty well agreed on the agenda at that point, was going to be, and you can correct me if I'm wrong. Professionals would speak and give their presentations. There would be questions by Council members and Commissioners of the professionals. I think you are going to give some type of a history deal?

Brad Ellsworth: (Inaudible. Not at mike.)

President Mosby: Well, my understanding was that you were going to be...and then there would be public input if so ordered, or I mean, if there is anybody from the public.

Philip Hayes: (Inaudible. Mike not on.) notice that was faxed over from the Council.

President Mosby: I don't know of any action that is going to be taken.

Commissioner Fanello: Well, I wouldn't say discussion of and action on contracts and services. That's not what we are doing.

President Mosby: No.

Commissioner Fanello: I would say this is an informational meeting only on the complete jail project, you know, for discussion and information, but no action, and we're not specifically, necessarily action on contracts and services.

Suzanne Crouch: Do you want to, maybe, Phil, you can get with Jeff Ahlers tomorrow.

Philip Hayes: Well, I would rather have direction tonight rather than get with Jeff Ahlers. The reason for that is that we've taken previously the issue of responsibility for the advertisement. I think we got there pretty well the last time, except for the fact that I didn't anticipate there would be some form of motion. It's not two bodies meeting together to do their own business as they wish. It's really a joint—

President Mosby: Let's just do it this way. I just...notice is hereby given that Vanderburgh County Council and the Board of Vanderburgh County Commissioners will conduct a joint special meeting at 12:30 p.m. on Wednesday, December 19th in Room 301 in the Administration Building, Civic Center Complex. The purpose of the meeting will be for discussion of jail and correction projects. I just eliminated action and contracts.

Philip Hayes: I think—

Commissioner Mourdock: And I'm fine with that. I just want to make the point though, if we do that, then we are specifically prohibiting ourselves from taking any action on anything. It almost seems to me...I agree, I think the purpose is purely informational.

President Mosby: That was all that was discussed the other day.

Commissioner Fanello: I was just going to say, I don't think anybody will be in the frame of mind to take action that day. I mean, they need to take in the information. There will be a lot of information that day.

Commissioner Mourdock: (Inaudible. Mike not on.) there will be people (Inaudible).

Commissioner Fanello: Well, that's true, but they really won't have the knowledge at that point to take the action until they absorb all the information that's going to be given, so.

Commissioner Mourdock: Are we handcuffing ourselves?

Philip Hayes: Well, I think, if you...I think the problem is—

President Mosby: (Inaudible. Talking over each other.)

Philip Hayes: —for joint...there is no provision for joint legislation or joint...it certainly can't be joint executive action. Is that me?

President Mosby: I don't know. These things are terrible tonight.

Philip Hayes: So that's...it's the joint aspect of trying to run it...I suppose if you wanted to advertise individual meetings then afterwards, you certainly could do that.

Madelyn Grayson: The issue we are up against though is because of the date. It's got to be at the Courier tomorrow to be advertised for Friday.

Philip Hayes: Right.

Commissioner Mourdock: Well, I'll move that we go ahead and post the advertising—

Philip Hayes: I just wanted to clarify that.

Commissioner Mourdock: —and post the advertisement as recommended here with the wording being:

Notice is hereby given the Vanderburgh County Council and the Board of Vanderburgh County Commissioners will conduct a joint special meeting at 12:30 p.m. on Wednesday, December 19, 2001 in Room 301 of the Administration Building, Civic Center Complex. The purpose of the meeting will be for discussion of the jail and corrections projects.

Commissioner Fanello: Second. May I also ask that—

President Mosby: So ordered.

Commissioner Fanello: —that we have a different seating arrangement than was the last time.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: I really believe it ought to be co-chaired by both Presidents and more of a bi-partisan seating arrangement than what it was the last time.

Commissioner Mourdock: (Inaudible).

Commissioner Fanello: Well, it was just, you know, it was like...it was kind of one sided on each side, so I think it ought to be kind of spread out a little bit.

Suzanne Crouch: The only other thing I have concerning meetings is a draft of the resolution that you normally passed at your meeting on January 7th, the organizational meeting. So if I can make a copy available to each of the Commissioners and to Counselor Hayes, and if you can look that over and if there are any changes you have regarding it, if you can get that to Counselor Hayes, perhaps, by December 26th so that we can have that prepared for you all for that January 7th meeting.

President Mosby: Okay.

Commissioner Mourdock: I'll raise the specter of one other meeting. Tammy said something to me about we want to do an Executive Session next week. Is that right? There is one item that I know of that is a security issue we might deal with that would take probably all of five minutes, but is there some other issue, Tammy, that you'd heard of? David or Catherine? Okay.

President Mosby: I'm sorry, what was that?

Philip Hayes: Executive Session.

Commissioner Mourdock: Yeah, having an Executive Session next week. Was there something you wanted to talk about?

President Mosby: I don't remember—

Tammy McKinney: David, I thought when you were in the office today you said there was an Executive Session—

President Mosby: I thought somebody told me that, but I don't know—

Tammy McKinney: —and I was going to put something on it if there was one, so.

Philip Hayes: I would recommend doing it on a couple of legal matters that...we need to talk about the jail litigation one more time, and —

Commissioner Mourdock: 5:30?

Philip Hayes: –any resolutions that are coming there. 5:30 ought to be fine.

Commissioner Mourdock: Okay, I'll move then that we have an Executive Session advertised for next Monday, which would be December 10th at 5:30.

Commissioner Fanello: That's not Solid Waste is it?

President Mosby: Yes.

Philip Hayes: Uh-oh.

Commissioner Mourdock: Thank you.

President Mosby: I got my paper right here. No, because I thought of one matter that we do need to discuss.

Commissioner Mourdock: Okay.

President Mosby: Yeah, here's Solid Waste right here, December 10th, 5:00.

Commissioner Mourdock: 4:30?

President Mosby: Yeah, let's do 4:30.

Commissioner Fanello: Yeah, we'll have to.

Commissioner Mourdock: Okay, I'll move an Executive Session for 4:30 next Monday.

Commissioner Fanello: Second.

President Mosby: A motion and a second for Executive Session, December 10th, 4:30. So ordered. Anything else under Scheduled Meetings?

Old Business

President Mosby: Old Business? We've done discussed the noise ordinance.

Commissioner Mourdock: Just an update. I did have some discussions with Steve Utley regarding the possibility of changing parking for the WIC folks. With this boards approval, we will try to do one of two things; number one is put up some signs down along this area, and/or work with the city to have about six spots out here along, what is that street?

President Mosby: Locust, I believe.

Commissioner Mourdock: To have those spots specifically for the Women, Infants and Children's Program. So, I guess, what I'm looking for here is if you will approve that, then I'll approach the city or this board can, however, to see if we can get those five spots set up for the WIC Program.

Commissioner Fanello: I'll make a motion to approve.

Commissioner Mourdock: Second.

President Mosby: So ordered. Any other Old Business?

New Business

President Mosby: New Business?

President Mosby: I have placed in front of you somewhere tonight and I don't have the copy here myself—

President Mosby: Right here.

Commissioner Mourdock: —you have the ordinance? I received some information from someone here in the building and also was made aware of a something called a National Day of Reconciliation that's being done in D.C. The Congress is meeting, and quite simply stated, as it says here, it's sort of in line with the National Day of Prayer, but it's more specific to the events of September 11th. It will happen tomorrow at 5:00 to 7:00 in the nation's capitol, and a number of counties I heard at the AIC meeting last week are also doing this. So, I've presented a resolution, the Mayor has also had it, and it's my understanding City Council was acting in the affirmative tonight to do this as well. Basically, it's setting up Tuesday, December 4, 2001, 4:00 to 6:00 here in the Civic Center, specifically, like I said, Room 301 for elected officials to gather, if they wish, and, as stated, to gather and participate in as much as two hours of reflection consistent with the purposes of the National Day of Reconciliation, which is, in fact, to humbly seek the blessings of Providence for forgiveness, reconciliation, unity and charity for all people of the United States, thereby assisting the nation to realize it's potential as a champion of hope, vindicator of the defenseless and the guardian of freedom. So, I would put that motion before this board.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Do you have one we need to sign?

Commissioner Mourdock: I think it's in the file.

Tammy McKinney: Yeah, the good one's in the—

President Mosby: Okay, I just wanted to make sure. Any other New Business?

Commissioner Fanello: I've just got one thing related to our discussion earlier about the fuel bid. I sat down with Bill Fluty last Friday just to make sure I understood how the Auditor's office worked, and the bills are in by the 10th so that Suzanne has enough time to advertise the bills and everything, and then they are paid the following month. Just to let you know, Suzanne, I've asked Jonathan Weinzapfel to introduce legislation, once again, to get this advertising burden lifted off the county, which I don't know how successful we'll be. We ,obviously, haven't been successful in the past.

Suzanne Crouch: I would be happy to write a letter.

Commissioner Fanello: I would appreciate that. Is there, and if that is not successful, is there any, and I'm sure you've thought about this, is there any other way that we can do it, in order to pay bills faster so that we don't run into these problems?

Suzanne Crouch: Well, and because we...cities do not have to advertise claims, as I know you are aware of, and the counties do, so that kind of puts us in that bind. The claims are supposed to be advertised before they are paid. There are some exceptions to that, and there was some legislation that was passed this past session allowing Commissioners to enact an ordinance to allow certain things to be paid before they are advertised. Why don't I get that to you, and then I will examine our process and see if there is anyway we can shorten that time frame in the meantime, and get with you on that.

Commissioner Fanello: Okay, if there is anything...Jonathan needed it this week, early this week. So, if you could give me a letter or something, or detail what you want me..uh-huh, or even anything that you want me to let him know. I would be happy to do that.

Suzanne Crouch: Alright. I'll do it. Thanks.

Commissioner Mourdock: Do you have something?

President Mosby: Yes. Any other New Business? I wanted to bring up...and I had received a letter at home from Jim Brown, I don't know if you all received the same letter. Jim was very worried about the \$2 increase that the Governor is wanting to put on Riverboats. I have to take Jim's position on this, and I would be worried to. With the recent events of Illinois going dock side, and I think they said there is about a 15% decrease already in their business, you know, and they look at that as one deterrent. Another \$2 a head tax, and just reading through some of the things he said, I can see that as being a big deterrent. I would be willing to support and have Counselor write a resolution supporting Aztar in it's, I guess, whatever to defeat this \$2 a head tax. I'm willing to put my name on it, and would let the other two members of the Commission join me, if so willing. So, that's my--

Commissioner Mourdock: This is one of those unique things, you know, historically I have not been a pro-gambling person in Evansville, and yet historically I have always been an anti-tax person. So, I'm right standing with my friends on both sides of this. I would be interested in seeing the resolution. I'll keep my options open at this point. I just want to take a look at the resolution.

President Mosby: The only thing, and I just want something simple sent to the Governor's office and to the House and the Senate saying that we oppose the \$2 a head tax. I won't even add dockside in there. I thought about it, but I'm not going to push my luck.

Commissioner Mourdock: That would make my decision easier.

President Mosby: I'm not pushing my luck, Richard. No, I mean, I even thought about adding that we would like to have dockside to be able to compete with Illinois, but right now one step at a time. I would like to see us, you know, not have to deal with this \$2 a head--

Commissioner Mourdock: Yeah.

President Mosby: –tax, and I know Aztar, I mean, from sitting over in the city and then coming to the county, it has brought a lot of money to this community and I'm not sure what we would do if all that money decides to float. So, that's my real concern, and I would like to have the other two members of the Commission join me, if they would.

Commissioner Fanello: Are you wanting to send this as soon as possible?

President Mosby: As soon as possible, before they get to working up there.

Commissioner Fanello: I will support that resolution.

Commissioner Mourdock: Okay, well, I understand he's saying he wants a resolution drafted–

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: –I'm not sure of my position on the resolution. I'll support the drafting of the resolution, but the vote yes or no will come later. Is that correct?

Commissioner Fanello: I guess. I mean, that means we'll have to wait until next–

President Mosby: You can just give me a blind okay. I'm just kidding.

Commissioner Mourdock: Trust me, right?

President Mosby: Please.

Commissioner Mourdock: Like I said a moment ago, I would like to see the wording of the resolution.

President Mosby: Okay.

Commissioner Mourdock: Depending on how it's worded, I may be supportive. I just don't know. I want to see it.

President Mosby: I'll try to get with the counselor tomorrow, but like I said, just something simple saying that–

Commissioner Mourdock: Yeah.

President Mosby: –you know, we support, in this case, the Riverboats, instead of the Governor. One other thing that I wanted to bring up, before I came to the meeting tonight I had a couple local labor leaders call me, I guess, the library has went out to bid on the demolition of the Green Convention Center. There is two companies that have bid, Toltest from Toledo, Ohio and Klenck from Evansville, and my understanding is there is about \$10,000 difference in them bids, maybe \$11,000 at the most on about a \$350,000 bid. Some of the leaders from this community has contacted Toltest out of Toledo and asked them if they are going to be willing to use any local labor, and they said no, they are not interested in any

local labor, they have enough people of their own laid off. So, they would be interested in bringing their people with them to do the whole job. Klenck is a company based right here in Evansville and has been for, I don't know, what 20 years or better, since Harvey had it and his sons have taken it over, and they do use all local labor. I would like to express my opinion to the library board once again in some type of a memo or letter that Vince Toltest is not willing to use any local labor or people to do the job, and Klenck is a local business. We will probably profit as much from, I would say, payroll money that stays in the community, local option income tax and other ways of revenue to off set this \$10,000 that we're going to send out to Toledo, Ohio. So, I'm not sure how we do that, Counselor, but—

Philip Hayes: Well, we're forbidden by law to have preferences based on local businesses bidding. In other words that's been settled law and there has been a lot of problems with that over the past, but I think that as purely as a matter of an expression of public policy concerning where companies look to work forces, that may be an approach that can legitimately be taken. It's certainly, it's legitimate to comment on those matters, as matters of policy, as you just have. I'll make an attempt to express some expression of a policy preference concerning the use of local work forces, and I think that in an appropriate manner there can be an expression on the part of this body, if you wish.

Commissioner Mourdock: Is it not technically true, we don't have a dog in the fight as far as signing the contract.

President Mosby: Exactly.

Commissioner Mourdock: So, it's not up to us. Are they not subject to the...the library board, are they not subject to the same law—

Philip Hayes: Yes.

Commissioner Mourdock: —that we would be subject to if this were before us?

Philip Hayes: I think that they could not discriminate—

Commissioner Mourdock: Right.

Philip Hayes: —on the bidding, at least, on the basis of whether they were local or not local, or going to use or not use. They, I'm aware that they have, and we have participated in the setting of the prevailing wage issue with this library project. Now that's been done.

Commissioner Mourdock: Uh-huh.

Philip Hayes: So as long as prevailing wage is paid then there is no problem.

Commissioner Mourdock: So putting a—

Philip Hayes: That's an expression of public policy. You're trying to address an issue of the use of a local work force rather than truck all of them here from somewhere else and do that, and I think that's—

Commissioner Mourdock: So to put it real succinctly about the best we could hope for would be to send a letter to say that it's the Board of Commissioners wish that you consider as many factors as possible in evaluating this bid. Including those of interest to the local community. Is that not about—

Philip Hayes: And that generically—

Commissioner Mourdock: Yeah.

Philip Hayes: —addresses that, and I'll try to see if there is a more, if there is, in fact, some more specific way that the concern, that the President's concerns can be stated. I'll have a stab at that.

President Mosby: I didn't know how that could be done, but that is just something that I was concerned about is...I mean, I'm sure our work force is as low right now as Toledo, Ohio's, so. I mean, there is plenty of people looking for work.

Commissioner Mourdock: I do have one other thing that was sent here.

President Mosby: Okay.

Commissioner Mourdock: Going back to the jail, and I guess this is as much as anything for our joint meeting. I received, as I think both of you did this week, this packet that starts out acknowledgement of receipt of Building Program of Vanderburgh County Correctional Projects, and I've read through this thing a couple times. I think, and maybe you can tell me, this, is this a response to what several of the Council members had at that joint meeting regarding wanting to see the invoices and such. Have you seen it, David?

President Mosby: Yeah, I've seen it. We wrote it. Or I didn't write it, the counselor did. What I had, me and Councilman Winnecke had a very nice meeting I'll say a week ago Friday.

Commissioner Mourdock: Okay.

President Mosby: And what he was expressing to me is they would like to pay the \$610,000. What he wanted is something in writing saying, and basically, an agreement that we have received this document, the Sheriff has seen it, and we accept it, and then he wanted to spell out what the owner's program actually is. Craig wrote, you know, Craig Burgess wrote this—

Commissioner Mourdock: Okay.

President Mosby: —explaining the whole program.

Commissioner Mourdock: When you say we have received the document, that's the document that I think the Sheriff mentioned at the meeting, the joint meeting, the document this thick, or whatever?

Brad Ellsworth: (Inaudible. Not at mike.)

Commissioner Fanello: Yeah, but all you have right now is a rough draft. You don't have a final form.

Brad Ellsworth: And that needs to be stressed at (Inaudible. Not at mike.)

Commissioner Mourdock: You need to come to the mike, Brad.

Commissioner Fanello: Yeah, that is not a final draft, and I've not seen it or anything and I don't, I think by the time the joint meeting gets here, the final draft will be completed.

Brad Ellsworth: Well, I'm not even..I'm not sure we can do it that fast.

Commissioner Fanello: Yeah, I mean, they were hoping that maybe they could.

Brad Ellsworth: I think that what they are asking for here was proof that, in fact, United came down and we were working together on this programming. Basically, what this 264 page document is, is the early culmination of what the Chief Deputy and myself and the United team have gotten together and said here is what, you know, we've got this many secretaries, there's this many booking stations, this many offices, this many bathrooms. Basically, every room in this supposed building has a page, and, basically, what it says is one entry door, non-secure, wooden door. Tile floor versus carpet. This secretary for civil process needs 60 square feet, which is a desk and a chair. The Chief Deputy has 75 square feet, so every work station has a page. What we've...they've faxed that to us, or delivered to us, now we're going back through and saying, well, she may need 35, the Chief Deputy doesn't need, you know, needs 20. So, we're back, we're hacking that up, basically, you know, I probably don't need the sauna in my office. I deleted that, so.

Commissioner Mourdock: Probably a good move, right?

Brad Ellsworth: I learned something over the three years.

Commissioner Mourdock: So the 264 pages, whatever it is, I think that's what you said, that is simply, is it safe to say it's kind of, not a wish list, that's not the right word—

Commissioner Fanello: No, no, no.

Commissioner Mourdock: —it is work stations?

Brad Ellsworth: It's not even, several of the pages are blank. When we got to, when we got to the area we named like pods and cells, they are blank, because we don't know exactly what, we've not decided that yet. So, we kind of went off what we think we need, including all three; the juvenile, the jail and community corrections. Like I said, if something gets peeled out of that, then those pages get pulled out. Like I said, a lot of those pages are the heading, but then they are blank all the way down with the doors, the fixtures, the carpet. So,—

Commissioner Mourdock: At this point, realizing what that document is, as you've just described it as a working document, if I come by your office Thursday morning, can you and I take a few minutes and leaf through it? I would just like to get an understanding—

Brad Ellsworth: Fine with me.

Commissioner Mourdock: –of what this thing is.

Brad Ellsworth: As long as I think everybody's understanding that we are still trying–

Commissioner Mourdock: (Inaudible).

Brad Ellsworth: –to exactly say well, if they are going to give every secretary 150 square feet, and we say, ooh, we don't really need that much.

Commissioner Mourdock: I understand. Yeah, this is a huge project to do–

Brad Ellsworth: Right.

Commissioner Mourdock: –and I realize it keeps going in a circle. You make a draft, you make something, you come back and criticize it and it goes back–

Brad Ellsworth: Talk about adjacencies, what needs to be close, and like I said, we've worked really hard on this needs to be close to this for the ebb and flow of the, you know, if and when this happens.

Commissioner Mourdock: Okay.

Brad Ellsworth: So, sure, that's okay with me. If that's okay with United that, you know, before they get any money, I don't know.

Commissioner Fanello: Well, my comment was to United, I didn't want to see the program. I felt like you two were in the position that, obviously, you had to work with them–

Brad Ellsworth: Right.

Commissioner Fanello: –to get it done. You're the one's who know what's going on, but personally I feel it not right to look at it when we have this issue of whether there is a contract in place, and an issue of whether they are going to get paid. So, I personally have chosen not to look at it until these issues are resolved.

Brad Ellsworth: Yeah, there are things we're correcting that this is Paul's notes and he typed it, and it was typos and things like that–

Commissioner Mourdock: Yeah, sure.

Brad Ellsworth: –so, we're correcting through that. So–

Commissioner Fanello: I was just going to say I don't think it's fair for me to have in hand a document that somebody's expended 400 or \$310,000 or whatever so far of time on, and we have not got these issues worked out with the contract and with payment, so, but, obviously, you have to keep working on it–

Brad Ellsworth: Right.

Commissioner Fanello: –because you have to be involved, so.

Commissioner Mourdock: Okay, well, I think I can understand that point, I still take it upon myself to get with you Thursday, if I may.

Brad Ellsworth: I think–

Commissioner Mourdock: I'm not–

Brad Ellsworth: –Eric and I talked about it, if people want to see it, they are probably going to page through it and fan through it and not take a whole lot–

Commissioner Mourdock: And that's probably well, but at least then I can honestly say to the public–

Brad Ellsworth: Right.

Commissioner Mourdock: – yeah, I'm aware of what's out there–

Brad Ellsworth: There is this (Inaudible. Talking over each other.) Sure.

Commissioner Mourdock: –and that there's some work in progress.

Brad Ellsworth: Absolutely.

Commissioner Mourdock: Which leads me to my second point, which is the cover letter on this. This was, and again, I don't know how this was drafted or where this came about, but the first line about, basically, that the Sheriff has been designated by the owner to review the architect's submittals, acknowledges delivery and receipt. I don't know that you have been by this board designated for that purpose.

President Mosby: Counselor, can you address that?

Philip Hayes: Could I, could I address that?

Commissioner Mourdock: Sure.

Philip Hayes: That's designed to be a draft as well.

Commissioner Mourdock: Okay, fair enough.

Philip Hayes: This happened pretty much in an afternoon–

Commissioner Mourdock: Okay.

Philip Hayes: –in order to allow Commissioner Mosby to go to the Council and to respond somehow to what–

Commissioner Mourdock: Okay, that's fair.

Philip Hayes: –Councilman Winnecke wanted. The language is taken straight out of the contract, and the Sheriff has not been designated, but what I was working

with was, not designated in the sense that I hereby move that he be—

Commissioner Mourdock: Right. Because specifically the contract designates Catherine to be involved.

Philip Hayes: —a designated, but it's pretty clear that from time to time they were to get in touch with him, because they have been spending a lot of intimate moments apparently, ever since last Spring. Is that correct?

Brad Ellsworth: Yes.

Philip Hayes: The kind—

Commissioner Mourdock: Remember, you are on the record.

Philip Hayes: —you've traveled a little bit.

Brad Ellsworth: We've eaten a lot of lunches together.

Philip Hayes: Had lunch.

Commissioner Mourdock: Well, that issue put aside—

Philip Hayes: The main thing is to try to give them a name, and it says the designated representative is just that person to whom information, design and materials are done. It's recognized that any formal or binding action has to be done here.

Commissioner Mourdock: Here, right.

Philip Hayes: So, that's that paragraph two of the—

Commissioner Mourdock: Okay, and my last point is then—

Philip Hayes: Yeah.

Commissioner Mourdock: —for the specifics, and I don't know that you need to carry this back, Brad, or one of the two of you do, or Phil, whomever, but I think if what I see here as invoice, that that they are submitting as invoices, I'm just giving you fair warning here, I think there is going to be a lot of questions asked. Is that sufficient to document those large amounts of money?

Philip Hayes: That's right. Yeah.

Commissioner Mourdock: So, I would hope they would come back with on what date they had what meeting, and who was involved. I know they are a professional group, and I'm sure... the meeting I sat in, I know they sat there and made a list of what was discussed and the minutes. Maybe they would even want to submit the list of the minutes with the invoice, would probably be the simple solution.

Brad Ellsworth: If he created that 264 page document, obviously, he has pretty good notes.

Commissioner Fanello: I was going to say, yeah. He probably has pretty...of course, you would probably get about 400 pages of everyday they've met with you, so.

Brad Ellsworth: A lot of legal pads used. I've seen the (Inaudible).

Commissioner Mourdock: I know they kept those minutes and the times those meetings lasted, and I think that would make this all a lot easier if they would submit those as well. I'm done.

President Mosby: Any other questions or comments? Seeing none. The chair would entertain a motion.

Commissioner Fanello: Motion to adjourn.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered. Meeting adjourned.

Meeting was adjourned at 8:00 p.m.

CONSENT ITEMS:

Employment Changes:

Circuit Court	German Assessor	Supt. Of Bldgs.
County Council		

Travel Requests:

Health Department	SWCD
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Requests for Service:

County Clerk

Sheriff:

Application for Reimbursement: EPA: Clandestine Meth Labs.
Weekly jail reports and information.
Agreement with Town of Darmstadt

Auditor:

ISDH Community Funding Proposal for the Health Department.

County Clerk:

Submit monthly report.

Commissioners:

Resolution: Day of Reconciliation.
Letter to County Recorder regarding Cinergy invoice.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
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Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	John Stoll	Marsha Abell
Troy Tornatta	Bill Jeffers	Ralph Kissinger
Dave Walker	Gary Hohman	Brad Ellsworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County
Board of Commissioners
December 10, 2001**

The Vanderburgh County Board of Commissioners met in session this 10th day of December, 2001 at 6:00p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order the Board of Commissioners meeting for Vanderburgh County for December 10, 2001.

Introductions and Pledge of Allegiance

President Mosby: With us tonight is Tammy McKinney, Superintendent of Buildings; Phil Hayes, Counselor; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge was given).

Approval of Minutes

Commissioner Mourdock: I will move approval of the minutes of December 3rd.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to approve the minutes. So ordered.

Approval of December 10, 2001 Executive Session Summary Minutes

Commissioner Mourdock: And I will also move approval of summary minutes for tonight's executive session that began at 4:30 ended at 5:00 and dealt with county personnel issues and pending litigation.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered. Can I have a motion to open bids?

**Open Bids VC01-12-02: Reconstruction of Church Road Bridge
VC01-12-01: Evergreen Acres Drainage Project**

Commissioner Fanello: I'll move that we direct the County Attorney to open up VC01-12-02, Reconstruction of Church Road Bridge # 299.

Commissioner Mourdock: I will second and just confirm, is there anyone in the room that hasn't turned in their bids? Seeing none.

President Mosby: Can we go ahead and do VC01-12-01? Also we need to open bids for Phil Lawrence.

Commissioner Mourdock: I will move that we direct the County Attorney to open bids for VC01-12-01, Evergreen Drainage Project.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: The next one is to award.

President Mosby: Well, but "F " is for opening. See we could do that.

Open Bids for APA05-2002: Surface Materials, APA016-2002: Liquid Asphalt, APA04-2002: Gas and Fuel Oil, APA06-2002: Oil Products, APA025-2002: Commercial Fuel

Commissioner Mourdock: Oh, I missed that one. Okay and I will move that we direct the County Attorney to open bids for the surface materials, liquid asphalt, gas and fuel oil, oil products and commercial fuel.

Commissioner Fanello: Second. So ordered.

Award Bids for APA017-2002: Guard Rails, VC2002-01 Tax Bills: APA022-2002: Paper Products

President Mosby: So the counselor has instructions for C, D and F. We will take "E" at this time, Phil. Awarding bids of guard rails, tax bills and paper products.

Phil Lawrence: Alrighty. I guess that is, "F" was actually opened this morning at the Board of Public Works and I will be making a report on what happened at the Board of Public Works.

President Mosby: Okay, that's fine. We will just do "E" and "F" together then.

Phil Lawrence: The guard rails bid APA017-2002, the recommendations are that we award this contract to M & W Concrete, CPI. If you look on the last page, that's the pricing and also the recommendation of award. M & W is a local contractor and they were low on the concrete. The CPI was low on the aluminum and the guard rails were close enough that the County and City Engineers will use them at their discretion and they will split that particular award.

Commissioner Fanello: Motion to award split bid between M & W Concrete Pipe and Supply and CPI Supply.

Commissioner Mourdock: Second.

President Mosby: Motion, second and so ordered.

Phil Lawrence: Second one is the printing of tax bills and that's between, it is two bidders, Relizon and Standard Register. The low bidder is Relizon of \$39,375.

Commissioner Mourdock: And you are recommending?

Phil Lawrence: The recommendation is to award to Relizon.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered.

Phil Lawrence: The paper products, we are not ready to award yet as there were some glitches in it.

Extension of Towing Contract

Phil Lawrence: But, I do have one thing that I missed off of the agenda and it was the extension of the contract for the towing services.

Commissioner Fanello: That's what I thought too.

Phil Lawrence: I had it but we just missed it somehow, but I've got those. Phil has, I faxed them to him and I don't think that there was any problems with them.

Commissioner Fanello: Is this a one year extension?

Phil Lawrence: Yes, and here is, give me an original, and it has to be signed and dated and I will make you a copy.

Commissioner Fanello: I will make a motion that we extend the towing contract with Wolf's Evansville Auto Auction of Evansville for one year.

Commissioner Mourdock: And this was the contract originally entered into?

Phil Lawrence: Last year.

Commissioner Mourdock: Last year.

President Mosby: November 27, 2000.

Commissioner Mourdock: Thank you, I will second.

President Mosby: Motion and second, so ordered.

Bids APA04-2002: Gas and Fuel Oils, APA05-2002: Surface Materials, APA06-2002: Oil Products, APA016-2002: Liquid Asphalt, APA025-2002: Commercial Fuel

Phil Lawrence: I have also reports from the bid openings this morning of the five bids. If we go through the first one was APA0040 I mean dash four, there was a typo, 2002 Gas and Fuel Oils. It appears, based on just the bottom line numbers that Gabe's Oil is the low bidder and the Commission is right at 6.5 to 7.5 cents. I haven't quite figured it all to the exact penny, but it is close to, it is under 7 cents a gallon. APA005-2002, Surface Materials, it appears that J.H. Rudolph is the low bidder but I believe in the past we have awarded it to all three bidders and it has something to do with how much it costs them to deliver asphalt across town, therefore they've used, they have in the past used all three bidders to get a better price depending on what part of town and where in the county we are.

Commissioner Mourdock: Yeah and if I can clarify that. It is simply a delivered bid because if they are paving out on the west side, it doesn't make sense to go, say to, whoever's plant's on Green River Road. If they would go to Jerry David that would be closer, and I certainly don't have a problem with that concept but that is something that we need to continually monitor to just make sure that people don't get in a habit of going to one place.

Phil Lawrence: Okay. APA06-2002, it appears that Busler's is the low bidder on that one at \$16,597.24. APA016, on bidder, J.H. Rudolph, which has been the standard for the past several years and the Commercial Fuel, APA025-2002, it appears that Fleet One is the low bidder, but it is about 6.5 to 6.7 cents a gallon. Again, these are real rough. We haven't looked at whether or not they have met all of the, or if they can deliver, whether they can do all of the things that's necessary. I will have a better idea on Wednesday as to where we are, but these are just exactly what they bid, the bottom line.

Commissioner Mourdock: What's the difference, Phil, between Commercial Fuel and Gas and Fuel Oils.

Phil Lawrence: One is where they drive up to the tank and fill up their cars and the other one is actually delivered to them. It is delivered to fire stations, the one that has their in ground tank.

Commissioner Mourdock: Okay, alright, those are the ones you are considering commercial?

Phil Lawrence: Yes, those are commercial.

Commissioner Mourdock: Alright. I thought that it meant building fuel type fuel.

Commissioner Fanello: In light of our discussions last Monday about the fuel bid, would you mind if I just skim through those whenever you have had a chance to look at them?

Phil Lawrence: Sure.

Commissioner Fanello: Sure.

Commissioner Mourdock: But the 6.5 to 7.5 cents, that's referring to the 6.5 to 7.5 off of the rack?

Phil Lawrence: Yes.

Commissioner Fanello: That's why I want to look at them.

Commissioner Mourdock: I will move that we take these bids under advisement.

Discussion on Paging System: Arch Paging

Phil Lawrence: Okay. One other thing that is not on there. We have had, if that's okay, we have had some serious problems with our paging system. In the last two or three weeks, Arch Paging moved out of town and moved their service desk out

of town. If you want to get a pager then you have to call somewhere in Minnesota, and it takes, sometimes it takes two weeks. They promised us two days. But, County, I mean City Garage experienced it. They took a pager in and it took them two weeks and five days to deliver it back. So, I would like to ask you permission to send out an invitation to bid for pagers so that we can get a service that is local, so, that if we have a problem...we have 911 operators that have to be on call 24 hours a day, and we have to have a pager that is working. If it goes bad we don't want to be in the situation where we can't do anything about it. So, I am asking your permission to go out for invitation to bid?

Commissioner Fanello: Do we have to bid pagers?

Phil Lawrence: I can go out and get, it's about \$10,000, we can just go out and ask for quotes.

Commissioner Mourdock: I don't know that we have to.

Commissioner Fanello: I mean when we are bidding, is there anything, this may be a question for Phil but we can't really, I guess we can't specify that it be a local vendor, is that correct?

Commissioner Mourdock: Um.

Commissioner Fanello: Or we can't, that is why I am asking about bids or quotes.

Commissioner Mourdock: You can specify service that is immediate within the time frame that would ultimately define it as a vendor.

President Mosby: Twenty-four hours.

Commissioner Mourdock: There you go.

Phil Lawrence: Or less. Before it was an eight hour turnaround. So, that would almost, it would have to be home.

President Mosby: Specify it.

Commissioner Mourdock: Aren't there several vendors in the area?

Phil Lawrence: There are five of them. I have talked with all five of them and have let them know that ,hopefully, something is coming because we have to do something.

Commissioner Mourdock: With the five then I would say let's go ahead and get bids. I mean that would be pretty competitive.

Commissioner Fanello: That's fine.

Commissioner Mourdock: So, I will move that we go ahead and issue the bids as requested.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: You still need to-

President Mosby: I had a motion to take under advisement.

Commissioner Fanello: Second.

President Mosby: So ordered. John, Phil are you ready?

Phil Hayes: Not quite.

President Mosby: Not quite. Marsha.

Marsha Abell: Outside Copy Equipment Concerns

Marsha Abell: Marsha Abell, County Clerk. I am here again, you asked me for some figures regarding copy charges that we turn over to the General Fund. At the end of November, we had turned over \$52,741 in copy costs to the General Fund and I had, during the month of November, the particular company that has a copy machine in my office, the reason that there is a larger one there now than there was previously is that theirs broke, and during the month of November they were unable to make copies of their own and they had to make copies on ours and during that month they made 573 copies, the one company. I came to you asking if I should allow this or not because this is money that goes into the General Fund, and you asked me for this information and I am giving you that. Mr. Hayes indicated that possibly we need to look at a flat fee, maybe rental type agreement with these people because they do pay that and they do rent space from the Recorder's office. However, I don't have any space to rent.

President Mosby: I started to say, I didn't think that you had any extra space.

Marsha Abell: I can't even rent them a chair. I guess that I could rent them breathing room, but that would be about it. Again, my problem is that if one person brings in a copier and I allow it then, on our list of people that made copies on our office in November, there's 26 different companies that made copies and I couldn't possibly have room for twenty-six copiers in my office.

Commissioner Fanello: I didn't hear your figure that you said you turned into the General Fund.

Marsha Abell: \$52,741.

Commissioner Mourdock: That was through November?

Marsha Abell: Through November.

President Mosby: One question, I guess, that I would have on that figure going back to, how long have you been doing this since Willard Library, when did that start or when did that end? You said Willard, you said that you are now making all of the-

Marsha Abell: Oh, this doesn't have anything to do with those copies. These are just copies that we sold to the public across the table.

President Mosby: Okay, them copies. So, when you copy stuff from other there, then I am okay. That's my question. I am just going to give you my honest opinion. I think we shouldn't do it. I don't think that we should be leasing space to them. That is just my honest opinion, and we should just continue to do as we are and make the copy and take the dollar and continue along.

Marsha Abell: And tell them to take their copier back to their office?

President Mosby: Yes, or we are going to end up with a whole line of copiers down there, and I am afraid that one of them will get damaged and they will want to blame it on us and we will be looking at liability, and if we can't provide one person the same room as the other then somebody is going to want to sue us or whatever. I just think that to keep down all problems, and it's only my opinion, that I would continue on as we've been doing and tell them that we are sorry, we can't accommodate them.

Marsha Abell: I have absolutely no problem with that, I just, since it is not my money I needed support from you. It's actually your money.

Commissioner Mourdock: And you mentioned last time that when these folks are getting ready to copy one and they are using a little mini scanner or whatever they still have to have the services of your people to look up information?

Marsha Abell: Yes.

Commissioner Mourdock: Well, I'm sorry. I move that we direct the County Clerk then to issue a notice that the only copying that will be done will be done on the Clerk's machine so that we can continue to use that \$1.00.

Phil Hayes: There is and the Clerk is aware and has allowed for that, in fact, she submitted the statute before, there is one exception in Title Five which is those who wish to cannot be interfered with, and she doesn't interfere with this category and that is a public agency can provide the requested copies to the person or to allow the person to make copies on either, on the agencies equipment or on it's own equipment and that is IC 5-14-3-3(b). We have a, Marsha seen this earlier, there was an opinion from the State Board of Accounts and then a memorandum from, both dated 1995, from the County Attorney then, in regard to the Recorder and this same statute IC5-14-3-3(b), so that if the, the statutory right of copying the public records is what is being exercised then that's certainly alright to do it. The problem that the Clerk's office has is that she doesn't have the room the way the Recorder's office does it. So, the Recorder has a consortium. Basically, there is about a dozen companies occupying five offices among them and that is something that could be done if she had the room available, which she does not, and so she has a copy machine with a foot print on it that's too large for the accommodation of the public and/or in this instance the title company.

Marsha Abell: Correct.

Phil Hayes: Now the title company, the fees under Title 33 which is IC33-19-6-1 are those that have to be collected by the Clerk and put into the Clerk's Record Perpetuation Fund and adopt a fee schedule by ordinance. If we wish to, but that statute doesn't restrict that person's right to a copy of a public record with his own copy equipment. So, it anticipates that I think when they wrote this they probably were accommodating the title companies knowing that they, in most court houses

occupy, because they are not busy and they have huge spaces in almost all of the smaller counties that have large buildings.

Marsha Abell: Right.

Phil Hayes: But here we are not set up that way, and we also have a county ordinance that the date ,of which I am not sure, when it was passed, but it is in section 2.84 and following and it's a couple of pages and basically the public agency, Clerk's office in this case, was delegated the authority to set up a fee schedule, but again it says such reasonable rates and charges as are not otherwise established by ordinance for copying of public records subject to inspection and copying under again the same statute IC 5-14-3-3-1. So those numbers are meaningless unless you have an opportunity to read the language in it. What it basically, I think, means is that the operations that have to come day by day to credit bureaus, the title companies and the rest of them can ordinarily find some way to get it done if it's within reasonable expectation that they are not going to interfere with your office operations and what you may wish to do is to see what can be negotiated. I contacted one of the title companies that is involved, I know that there are a couple of others

President Mosby: Is there something wrong with the motion we made?

Phil Hayes: There is something wrong with the motion. The motion would interfere with the Title Five, ability to bring the copy equipment in. If they bring it under their arm, there are portables that can be used, and I think in order to have a reasonable encounter with that usage and again we want to avoid any kind of legal activity, I would, I think we ought to take a stab at trying to negotiate some sort of common usage, if they can get that done among themselves. If they can't, I agree that they have to be vacating this large piece of equipment.

President Mosby: Okay, can we make a motion to state that they can't leave the copiers overnight? So if they want to carry something in and pay us a dollar fee then we don't have a problem with it?

Phil Hayes: I don't see a thing wrong with that, and I think that what we probably need to investigate is whether our previous ordinance is still operative because of the amendments that have been made since it's passage. Statutorily, we can set a schedule of fees. This one, this particular ordinance delegates the authority to the Clerk to set a fee schedule.

Commissioner Mourdock: Well, let me rescind my motion since I'm the one who put it out here and try again. I would move that the County Clerk be directed to post a notice that the only copying to be done be done by portable scanners such that floor space, such that neither floor space nor desktop space be occupied in the Clerk's office.

Marsha Abell: Okay. Could I ask Mr. Hayes a question? In other words, what I, we could do is if you bring your own copy machine, we are going to charge you 25 cents for our copies?

Phil Hayes: I don't think so.

Marsha Abell: Well, I don't know what you meant by the Clerk's set the fees, because the fees are pretty set then if I am not going to change them.

Phil Hayes: I admit that I am not sure because you can set a schedule of fees and you can set it apparently over and above the dollar that the statute gives you under Title 33 to prepare transcripts. Those are appellate transcripts and you can charge a dollar for all of those because it specifically goes to that but there is an exception to it under Title Five which is basically the open door law and it simply states that the agency can not deny or interfere with the exercise of inspection of copying and goes on and says that you can charge them. You can either one, give them the copies or allow them to make the copies and it doesn't go on and so but if you have no space here is how you are expected to do this. The legislature didn't bless us with their thinking on how to accommodate all of that equipment and personnel over there. So, the companies that are using that section of the law which include those in the Records office, in some fashion or other and the State Board of Accounts in it's advisory letter in 1995 made it very clear to quote that, "our audit position is that the Commissioners can enter into or has entered into a written agreement with the abstract company to allow it to use it's own copy machine and then the agreement should be followed", and that had to do with the Recorder basically wanting to do the same kind of thing, wanting to gain revenues, only she had the room over there. You would naturally like to gain the revenues but don't have the room.

Commissioner Mourdock: The only revenues we can gain are a dollar off of the machine that you are, that you have been charging for, that has been dictated by statute, if that's the question.

Marsha Abell: That's dictated by statute. The difference in the Recorder is that those revenues are the Records, she keeps hers, I don't keep mine, mine goes into the General Fund.

Phil Hayes: Well, the General Fund, no the General Fund-

Commissioner Mourdock: And the rent.

Phil Hayes: Excuse me, on the rents, we get those and she doesn't get any.

Marsha Abell: I don't have anything to rent.

Commissioner Mourdock: My motion is to say that those people who have portable copiers are basically exempting themselves from that fee which I think is in line with the statute.

Phil Hayes: Right, it is. It appears to anticipate that if you have some means of-

President Mosby: So we're not charging a dollar for them?

Commissioner Mourdock: No, if they have their own copying machine in there and it is a portable machine that is not taking any floor space and it is not taking any space on the counter-

President Mosby: But you are still taking the time of the employee to get the document to give to them to copy.

Commissioner Mourdock: Yes.

President Mosby: So, I still say that we should still charge a dollar.

Commissioner Mourdock: Well, that is a separate issue, I mean if you want to do that, I am okay with that but I am just saying that is a separate issue. The first issue right now, is can they bring their own machines in to copy?

Commissioner Fanello: Yes, they can, I guess they can bring their own machines, but if she is there and has an employee to make the copies, it seems to me, why do they need to bring in a machine?

Commissioner Mourdock: Because they view it themselves as being more efficient that way, if five people are there they have to wait on somebody's else's machine, I'm guessing.

Marsha Abell: Oh, the reason they bring their own copier is because they copy the whole order book. They will spend eight hours in there copying the book and you know making 573 in a month takes a lot of time.

Phil Hayes: Now if they need the Clerk's seal, an authentication seal then that is a buck no matter what.

Marsha Abell: Yeah, I know that is different.

Phil Hayes: That is just for the use of the seal.

Marsha Abell: I guess.

President Mosby: I will second his motion.

Marsha Abell: Okay.

Commissioner Mourdock: Okay, so now we have said that people can come in with their own portable machines.

President Mosby: Right. Now, I say if they make their own copies, we charge them fifty cents instead of a dollar.

Commissioner Mourdock: Okay, the only question I raise there is how do we monitor how many copies they make.

Phil Hayes: Statutorily, I think we have a problem and I would be glad to-

President Mosby: Okay, I will instruct him to research that and we will deal with that next week.

Phil Hayes: My opinion at this point is that we can not interfere with that-

Commissioner Fanello: Do you need a motion on that?

President Mosby: No.

Commissioner Fanello: Okay.

Phil Hayes: If we charge any money for them using that copier, and it anticipates, it says by electronic means but xerography is specifically mentioned in the statute and we have a complicated system of what they call enhanced access as well which is

covered in the statute but bottom line on this is that the legislature has allowed an accommodation to the title industry on the basis that if you didn't do it, in order to get titles, I suppose that they would send individuals down and they would stand around and around.

Marsha Abell: So, you are going to research for me about whether or not I can charge? But now I can at least tell the big copy guy he has to take his big copier out? We have passed the part on that?

Phil Hayes: Yes, I think that is a given. I also think that at your discretion just as the Recorder has done, at your discretion if you wish to do so, you can discuss with any of those companies any accommodations or pooling that they would like to do or, you know, any other aspects of this that would be a compromise as far as lessening the burden on your floor space.

President Mosby: We just said no copiers.

Phil Hayes: Well, they can bring them in, if I bring it on-

President Mosby: Only if you can carry it in and carry it back out.

Phil Hayes: If I bring it in on a wagon?

President Mosby: So there is no rented floor space. We just said no copiers.

Commissioner Mourdock: Right.

Marsha Abell: I tell you what, if 30 of them brought them in under their arm, I don't have the space for them.

(Inaudible - too many people talking at once)

Phil Hayes: I think that if you have a device that inhibits the usage of the machinery and they can't even bring it in and you know take a copy and get it out of there with some reasonable noninterference and then I think it looks like they can rely on this statute. I think what we are trying to do is accommodate everybody as much as possible. I know the office always has. Traditionally, they have been there before and they have been in there and this issue comes up as we run out of space everywhere and that is where it arises and somebody makes a mistake and brings too much in and precipitates the issue.

President Mosby: Okay.

Phil Hayes: But I will be glad to provide, I'll try to provide as tight as I can the State Board of Accounts letter of 1995 and the County Attorney's opinion back in 1995.

Marsha Abell: I just got those documents this evening and I haven't had an opportunity to read them.

Phil Hayes: The county ordinance that was passed before delegating a fee setting but taking out those parts of Title Five which allow self copying to be done.

President Mosby: Okay, you have something else that you wanted to discuss?

Marsha Abell: Extension of Election Equipment Contract

Marsha Abell: Oh, I have several things that I need to talk with you about. They are not hard things, they are real fast things. One is, we were looking at new election equipment this year and that has sort of gone by the wayside, as you are aware, but unfortunately our contract ran out at the last election and so our vendor has agreed to extend the contract one year and they have sent me the form which I need your signature on and it's \$42,500 for the equipment usage and their personnel to be here election night for the two elections in May and November. That is an increase over our contract price, but that contract price was set four years ago and I suspected that it was going to go up and I do have this money in the Election Office budget.

President Mosby: Okay.

Marsha Abell: So, if I could give that to you maybe you could pass it around and get it signed.

Commissioner Fanello: Do you need, you need for us to approve it tonight, right?

Marsha Abell: Yes, because they need to start now that we have our districts done. They are ready to start getting our ballots and stuff ready, and we don't want to be left out for the election this year.

Commissioner Fanello: I will go ahead and make a motion to approve to extend for one year.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to extend for one year, so ordered. Leave that with Madelyn and we will sign it tonight.

Marsha Abell: Okay.

President Mosby: Did you have anything?

Marsha Abell: Cisco Security System Audit of Courts

Marsha Abell: Yeah, me. I have something else. There was meeting at 4:00 today of the judges and myself, the Prosecutor's office, the Public Defender and probably a couple of other people that I can't remember. At any rate, you are aware of the audit that is going on by CISCO of the computer system, and originally the courts had refused to participate in the audit based on the fact that we have records that are confidential; adoption, juvenile records, tests for HIV positive and those things. We had a meeting at 4:00, they have agreed because we felt that it would not be a very good audit if we were totally out of it. You wouldn't have a good, clean audit. We have agreed to allow that, but you will be getting an amendment from Judge Knight in the morning, he is probably drawing it up as we speak, and it indicates that we in the Courts would be agreeable to the Cisco audit as long as there were two stipulations met. One be that the Court's representatives would be at the table Friday morning when the audit is explained as to where the holes are, and we don't care about being there when they explain holes in anyone else's system, we are only interested in being there when they explain the holes in the court's system. We feel

that we know more about what is confidential than anyone else does. At this point, the three people that were mentioned to be at the table were me, Judge Knight and a representative from ACS as a technical advisor to us. We realize that Mark Rolley is a technical advisor but he is also a member of the GIS team and we don't feel very comfortable with that.

Commissioner Fanello: I agree with you on that.

Marsha Abell: Thank you. The other stipulation is that no dissemination of our information will be given without permission from the party in control, i.e. the Prosecutor's office; Circuit Court, Judge Heldt; Superior Court, Judge Knight; and that type of thing.

Commissioner Fanello: Yeah, that's—

Commissioner Mourdock: Yeah, I think both of those things are agreeable. I will move that we accept those terms.

Commissioner Fanello: I will second that.

President Mosby: So ordered.

Marsha Abell: Thank you.

Commissioner Fanello: Could you do me a favor? I will be available first thing in the morning, but is Roger Lehman aware of all of this?

Marsha Abell: I doubt it. I just came here direct from a meeting that was over at 4:00 p.m. I know that someone went down to tell Mark Rolley.

Commissioner Fanello: He has kind of been the intermediary between City and County.

Marsha Abell: Mark Rolley or he?

Commissioner Fanello: Roger Lehman is the person that I have been dealing with.

Marsha Abell: Could you?

Commissioner Fanello: Could you communicate that?

Alan Teeple: I have contacted Mark.

Marsha Abell: You've contacted Mark? Okay.

Commissioner Fanello: Okay.

Marsha Abell: Discussion of Cinergy Invoice
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Marsha Abell: The only other thing that I have is really absolutely none of my business but I keep getting brought into it and it's this bill from Cinergy. The only part that I played in this was that I was there when it was discussed. I did get an e-mail on it this morning and that bill continues to rise, it's at \$20,000 now and I

understand that the Recorder would be happy to pay half of it, but she wouldn't pay it all. If you want me to pay part of it, it's going to come out of your pocket anyway. I haven't got any money to pay it with, so I am either going to have to go for an appropriation or you pay it, but somebody needs to disconnect that line if we are not using it.

Commissioner Fanello: There is my question. I am so confused at this point because now somebody else has told me that we don't even have a line to disconnect, so maybe Alan Teeple could answer that question.

Marsha Abell: I know nothing about it.

President Mosby: Is someone here from Cinergy?

Unidentified: I don't think Scott showed up.

President Mosby: I thought that somebody was going to show up.

Alan Teeple: I had sent that memo to Catherine. Alan Teeple, Computer Services. The line that I think they are confusing is there is a line that is not operational between GIS and Vanderburgh School Corporation, and GIS and the Library, and those T-1 lines are in but not operational. That has nothing to do, nothing at least today, to do with ACS. The two lines that we are talking about are the lines that were put in July 20, 2000 that was a signed contract with the Board of Commissioners that was for the Recorder and the Clerk's office to have public access to records with a fee.

Commissioner Fanello: So, we do know for sure that the line has been installed?

Alan Teeple: Yes, and operational. And has been since July of 2000.

President Mosby: But, we haven't done anything with it?

Alan Teeple: That is correct.

President Mosby: Okay, now, I had a conversation with the Recorder today, Mrs. Smith. I mean, she has got here where she's done paid two bills, one for \$106,000 and one for \$26,000 to Fidler Doubleday Incorporated.

Alan Teeple: Correct, and what the Recorder is confusing is the difference between Cinergy and those lines and the software that was purchased for them, the Recorder's office, to be able to have public access, a recorder's system. I guess would be -

President Mosby: So, is all of the software and hardware here?

Alan Teeple: Yes.

President Mosby: So, it is all there and the line is there?

Alan Teeple: Yes.

President Mosby: But nobody is using nothing.

Alan Teeple: That is correct.

President Mosby: So, I guess.

Commissioner Mourdock: The reason being?

President Mosby: I guess the reason that I am confused-

Alan Teeple: I may be as confused as you are because when I walked into the door in September and was told that there was public access to records, lines hooked up, but no one was using them, it confused me also. I contacted Betty Knight-Smith, the Recorder, and Marsha and we had a meeting and this is what started this process about two months ago and found out that they at least from the Recorder's point of view, they had the software, they weren't sure that they had the lines and they didn't know that the software worked. I got them, got in contact with their vendor, that Fidlar Doubleday Laredo Software and their software is operational and ready to be used. They just need to train those personnel. I think that the other thing that we had was at the time that it did become operational, we have had a change in Recorders.

Marsha Abell: And I have no software.

Alan Teeple: That is correct.

Marsha Abell: I could not be on if the lines walked into this room. I couldn't do it. I don't have the software to do it.

Commissioner Mourdock: You don't have the software Marsha because you-

Marsha Abell: Because the Council turned down the \$141,000 that it cost to buy the software.

President Mosby: Well, I was going to say, you had an appropriation for \$146,000 but that wasn't approved.

Marsha Abell: Yeah.

President Mosby: So, what you are saying is that you need \$146,000 to buy software so that it would be operational?

Marsha Abell: If I can even use the line, I have to have \$146,000 first.

Commissioner Mourdock: But you are not here asking for that.

Marsha Abell: No, I am not here asking you for anything, no. I am a happy camper.

President Mosby: So, I guess what I am confused about, I don't know.

Commissioner Mourdock: I understand the problem now.

President Mosby: Previously, who wanted this?

Alan Teeple: The Recorder's office and the Clerk's office.

Commissioner Mourdock: (Inaudible).

President Mosby: So, we have spent-

Alan Teeple: No, the Clerk got the software, you signed a contract, let me rephrase that, the Commissioners signed a contract in July of 2000. In October of 2000 the Clerk was refused or turned down, the County Council, that she could not have the \$146,000 appropriation, but the lines became active in July or August.

Commissioner Mourdock: And I can imagine because the Recorder back then, and she had her own money that she was going to use, she didn't have to go to Council for approval of the software. She went ahead and bought the software, and now the new Recorder hasn't gone forward to implement what the old Recorder-

Marsha Abell: Right.

Alan Teeple: I think that sums it up.

Marsha Abell: That is exactly what happened.

Alan Teeple: Where I am at today is acting as an intermediary, as or a facilitator to have this bill paid. That Cinergy is now as of the 7th of December that we no longer have any choice but to shut down all accounts with Vanderburgh County, December 31, 2001 if they are not paid in full by that time.

Commissioner Mourdock: And there is no one from the Recorder's office here, I presume. The question becomes, two questions. Number one, Cinergy has to be paid but the other question becomes are we going to make any use of the software that has been installed in the Recorder's office?

Commissioner Fanello: That's something that she has to answer.

Commissioner Mourdock: Exactly.

Commissioner Fanello: I mean as far as being paid the bill, she has already said that she is willing to pay half of it.

President Mosby: So, I guess Marsha did you withdraw this?

Marsha Abell: Actually, I started doing that in March before any of this came about and I was told that it was going to pass, and then I went to the Judges to see about getting attorneys to pay to get on. The Judges didn't want to do that and that is why I withdrew the whole thing.

President Mosby: Okay, I was going to say that the way I read it in the minutes of the November 1st meeting, you withdrew this.

Marsha Abell: Withdrew the whole thing because it started long before then. The Judges have to give, fifty percent of them have to give approval for me to put my records out there. They were not going to approve it if the attorneys had to pay for it. I knew a way to get the money, and the Council said they weren't going to pay it, but they were going to possibly pay it up front if I could sell subscriptions, but when the Judges said that I couldn't sell subscriptions or that they weren't in favor of it, let me put it that way, they didn't just say, no, you can't, they just said that they weren't

in favor of it. It was obvious that I was not going to be able to recoup the \$140,000, so there was no reason to continue to go forward with it.

President Mosby: I guess this is just beyond me that we spent \$132,000 and owe \$17,000 more and we've got nothing to work with, and you are not a party to this, I guess, you were until you were refused.

Commissioner Mourdock: Well, we do have something to work with, the choice has been made not to use it.

Marsha Abell: If the Recorder wanted to go, it is my understanding she could go on, but I couldn't go on because I don't have-

Commissioner Mourdock: Software.

Marsha Abell: -the capability of going on.

President Mosby: That is what I am saying, but it started as a joint effort the way that I read it, between the Clerk and the Recorder.

Commissioner Mourdock: Right.

Marsha Abell: Well, actually what the Recorder said is that she would pay it and let me use it because she knew I doesn't have any money, because I didn't have any money.

Commissioner Mourdock: It's a joint effort, David is right.

Marsha Abell: Right.

President Mourdock: And then when you found out that you couldn't do it, I mean, I don't.

Marsha Abell: Well, I would have thought that somebody should have disconnected the line a long time ago. I didn't even know that the line was there.

Commissioner Fanello: Well, it probably should have never been-

President Mosby: I would say that we need to do something before we incur any more bills, that is why I wished the guy from Cinergy was here.

Alan Teeple: He did say, I'm sorry, he did say that he was going to be here.

President Mosby: That is what I understood.

Marsha Abell: I didn't know that you were going to discuss it, I just brought it up because-

President Mosby: No, he was supposed to be here. We still have a \$17,000 bill that has to be paid.

Marsha Abell: That's right, \$20,000 now.

Alan Teeple: Actually it's not, it's \$19,926.

President Mosby: Well, how did it jump?

Marsha Abell: They are charging us interest on it.

Commissioner Fanello: Interest, late fees.

Alan Teeple: Interest, late fees and another months charge from the original dollar amount that I brought to you a month ago.

Commissioner Fanello: My question to them would be why did they wait so long before they started collecting money?

President Mosby: I tell you the Council has a special meeting on the 19th, but they can only act on jail issues, though.

Marsha Abell: But, I would think that Cinergy could check that line and see that there's never been any activity on it, but someone ought to be able to negotiate out.

Commissioner Fanello: Well, that's what I am thinking. I believe that somebody needs to talk with them about abating, first of all, the late fees and the interest charges, and then come into some agreement on -

Alan Teeple: Well, I know that they have abated about \$5,000 to \$8,000 as of right now. So, it could be even worse than it already is.

President Mourdock: Don't press your luck.

Commissioner Fanello: I am not going to press my luck. I did not know that, but thank you. Well, then, let's just see if this is agreeable. Betty has agreed to pay half of it, I'm sure that we have extra money in our phone account, it is a communication line so I don't know why we couldn't take it out of that. Somehow the bill has got to be paid, either we say-

Commissioner Mourdock: Would she pay half of the unabated?

Alan Teeple: The other thing that I need from you is whether or not you want those lines to remain operational.

President Mosby: No, shut them off before I incur about \$5,000 more.

Commissioner Fanello: No, cut them off.

Commissioner Mourdock: I think.

President Mosby: Can you make that call on your way home.

Commissioner Mourdock: Unless Betty Knight is committed to going forward with it and she wants to pay for those lines.

President Mosby: She wants nothing to do with it.

Commissioner Fanello: Yes, she is.

Commissioner Mourdock: Then I agree that they can be cut off tomorrow.

President Mosby: She came down today and she wants nothing to do with it. She really don't even want to pay half of this, but she has agreed to it.

Commissioner Fanello: I know and I realize that, but unfortunately it happened before she got there and it was coming out of a fund that is not General Fund money, so I don't know.

Commissioner Mourdock: Was your comment a moment ago about our phone was that a motion?

Commissioner Fanello: I will make that, we have got to get it paid, so, I mean if she is willing to pay half of it, I say we take her half and we have extra money in our phone account, correct?

Commissioner Mourdock: I'll second.

Commissioner Fanello: As far as I looked the last time, unless you have paid bills.

Tammy McKinney: I have been paying bills.

Commissioner Fanello: So, we don't have any extra money in there?

Tammy McKinney: It depends on how much extra you want.

President Mosby: \$10,000.

Commissioner Fanello: \$10,000.

Tammy McKinney: Let me get back to you tomorrow.

President Mosby: Well, still make the motion.

Commissioner Fanello: Well, I will go ahead and make the motion and direct our Superintendent to check on our funds and see if they are available.

Commissioner Mourdock: I will go ahead and make the second.

President Mosby: I will go ahead and say, so ordered.

Commissioner Mourdock: I will also direct Alan to terminate those tomorrow.

Alan Teeple: I will terminate those lines.

President Mosby: Thank you.

Commissioner Fanello: Second.

Madelyn Grayson: May I change tapes please?

President Mosby: Sure.

(Tape Changed)

Madelyn Grayson: Thank you.

**Revisit Opening of Bids for VC01-12-02:
Reconstruction of Church Road Bridge #299**

President Mosby: We'll go back to opening bids for Church Road.

Philip Hayes: Okay. This is VC, project 01-12-02, Church Road Bridge #299. We have the following responses; from CCC of Evansville Incorporated, the bid amount was \$81,951.56. Tammy, I'm going to put these over here. The next bid on the same project, Deig Brothers Lumber and Construction Company Incorporated, \$102,988.20, and we reflect there were two submissions only. Is there anyone else that had submitted a bid on 02? Okay. Just two bids, Mr. President.

President Mosby: Okay. Do you have a motion?

Commissioner Fanello: Motion to take under advisement.

Commissioner Mourdock: Second.

President Mosby: So ordered.

**Revisit Opening of Bids VC01-12-01:
Evergreen Acres Drainage Project**

President Mosby: The next one would be Evergreen Acres Drainage.

Philip Hayes: That's okay. That's project VC01-12-01, Evergreen Acres Drainage Improvements Project, and the first bid that I have is J.H. Rudolph and Company Incorporated, total amount of itemized bids \$361,093.50. The second submission to read is Deig Brothers Lumber and Construction Company Incorporated, and the total bid is \$326,798.60. Put those in those envelopes, just put them back in there. The third submission is from Ragle Incorporated, and it is for a total of \$347,657, no cents. The fourth submission is from Blankenberger Brothers Incorporated in the amount of \$356,351, no cents. The next submission is from Koberstein Trucking Incorporated in the amount of \$325,751, no cents. The next submission is from NFH, Incorporated, and the total bid is \$438,855.05. The next submission is A&M United, Incorporated, and it's bid is in the amount of \$316,219, no cents. The next bid is from BMB, Incorporated, and total bid \$399,904.25. I show that to be all of the bids that we have opened. Is there anyone here who believes they submitted a bid and it was not read?

Commissioner Mourdock: I'll move we take bids under advisement.

Commissioner Fanello: Second.

President Mosby: I have eight bids, so we have a motion to take eight bids under advisement and a second, so ordered.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board? Seeing none.

John Stoll: County Engineer

President Mosby: Department Head Reports, County Engineer.

John Stoll: First item, I would like to recommend that we award contract number VC00-08-01, the reconstruction of Burkhardt Road to J.H. Rudolph for the amount of \$2,655,047.67. They were the low bidder on the project.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Second, I've got a change order on the Boehne Camp Culvert Repair Project. This was contract number VC-01-10-02. The increase is \$137.38, and the contractor was Southwest Engineering. The reason for the change order is we had some slight overruns on some rip rap and some shoulder stone.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I've got a mylar cover sheet for the Church Road Bridge plans that needs to be signed by the Commissioners. If you would approve that.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: The next item I've got is a request for street plan approval for Tutor Lane in Waterford Place Subdivision. This is located about 200' west of Burkhardt Road between Vogel and Columbia Street. A portion of this road is, has been constructed already, these plans will widen it to three lanes with curb and gutter on both sides. It will be a concrete street, and the developer wishes to have the road accepted for maintenance upon completion of this. He's been maintaining the road as a private road at the present time, but as a part of his next phase of his development, he wants to expand the road to three lanes and then have the county accept it. We've reviewed the street plans and would recommend that they be approved.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. Do we have to sign that down there?

John Stoll: I was going to say, I know, we didn't provide a mylar, if you just want to sign the paper copy that is fine. The last item I've got is an agreement with Clark Dietz Engineering for an amount not to exceed \$29,900 for the design of street and drainage repairs to Elm Ridge and Congress. This is the project that was budgeted for next year. We've got some remaining contractual Road and Street money left in this year's budget, so this would allow us to get the design started, so maybe we could see some construction next Summer.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: That's all I have unless you've got any questions on anything.

Commissioner Mourdock: I have just a general request for you, John. The, oh, it's kind of what we've referred to as phase two of the Rule Five erosion control and sedimentation control practices. I was speaking with someone the other day and they had spoken to you, and I'm trying to think, it might have been Bill Pedtke, but he expressed that you had expressed some concerns to him that sound very similar to the one's, I share that we are putting in all these new measures when it seems that everything we've done under Rule Five has worked quite fine. It's my feeling that we shouldn't be going beyond Rule Five unless Rule Five failed, which clearly it hasn't. Could you draft up a letter on behalf of this board that we might send off to IDEM as they review that to try and make the point that maybe we're going a little bit too fast, too far?

John Stoll: Sure. In that same vane, that was at one of the meetings I was at, and talking about those phase two requirements, I asked if the phase one requirements were effective in the cities that were hit with phase one requirements, like Louisville and Indianapolis? The presenter didn't know, and he said ultimately if these don't work then EPA will scrap it all and start over again in five years. So, we've got a lot of fun to look forward to.

Commissioner Fanello: Did you make that in the form of a motion? I'm sorry.

Commissioner Mourdock: Yeah, I'll make that as a motion that the County Engineer prepare such a letter.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: That's the only thing I had.

President Mosby: Any other questions? Alright, I'm sorry. Any other questions?

Ralph Kissinger: County Highway
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President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly reports. The only thing I have to add is we did receive shipment on the crack sealing machine today, and we will be starting to seal some of the asphalt roads. I would be glad for any of the Commissioners that would like to come and check out a demonstration to come out and check it out, because I'm interested to see how much it will help us do.

President Mosby: Okay. Any questions?

Ralph Kissinger: Thank you.

President Mosby: Thank you, sir.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: Okay, well very quickly, with respect to the discussion of the Clerk's issues on copy equipment being kept overnight, I would like to submit for the record tonight the memorandum of January 27, 1995, as to those items in the memorandum which are comparable to the Clerk's office and the interpretation of IC-5-14-3-3 (b). Also the letter of January 17, 1995, from the State Board of Accounts by the State Examiner concerning attention to the same statute and construction of the county's...and the County Commission's powers to enter into a written agreement, as it so chooses, with a company to allow it's own copy machine to make copies of county documents. In that manner, and for that limited purpose to show compliance with the statute and to make a record here tonight in regard to our action, having presented evidence that there is insufficient room in the offices of the Clerk to accommodate overnight storage of copying equipment for any persons, and that they are going to have to be brought to the premises and taken off the premises at the end of their use, if they are used. That's all the report, I believe, I have this evening. Oh yes, the other part of the report, or may as well do it now, but I think you will look at it in New Business is that signatures are required on the Economic Development Commission bond issue for Pyrotek which have been submitted, and those require the signatures of the Commission in their capacity as stated in the documents. They are available for signature too. That's all the report then. Is that right, Tammy?

President Mosby: Any questions? Okay.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything except I spoke with Chief Eric Williams today, and he wanted to pull the two Sheriff Consent Items. I don't know if anyone had heard that this morning, so I was going to go ahead—

Commissioner Mourdock: I got word on that.

Tammy McKinney: —okay.

Philip Hayes: If it might be appropriate—

President Mosby: So H and I are pulled?

Tammy McKinney: H and I are pulled, and just keep your information for next week.

President Mosby: Okay.

Philip Hayes: If I may, Mr. President, for the record on that it's our understanding that those agreements are the same one's which were submitted for legal approval, and although this body isn't making any decision this evening in regard to those, I think the same subject matter was discussed in an open meeting by the Sheriff, but he didn't as to the necessity of having to board, make arrangements to board a certain number of prisoners depending upon what the capacity of the jail looked like. Simply for the purposes of this record, I wanted to say that those agreements have been looked at, and preliminarily they present no legal issues that would inhibit their being entered into. We are also told that, of course, the other counties need to act on those, but I think that I can express that it's the Sheriff's intention to reduce the daily population by means of these agreements when they are considered and that they will provide accommodations then in local jails neighboring Vanderburgh County for anywhere from ten to 20 individuals who are being held in some capacity. It would require court supervision of those transfers as well.

Commissioner Mourdock: Do we have...Eric has been presenting us with the weekly count of who's, how many we have in the jail. Do we have that tonight?

Philip Hayes: I see the jailer is here. There you are.

Unidentified: When I left it was 326.

Commissioner Mourdock: 326?

Philip Hayes: Down to 326.

Commissioner Mourdock: Down a little bit, okay. Thank you.

Madelyn Grayson: For the record, those documents that you are withdrawing, they are not in the signature file. So, I assume someone has them.

Philip Hayes: That's right. They are not.

Madelyn Grayson: Okay.

Philip Hayes: Uh-huh. Or they shouldn't be. Yeah, very good.

President Mosby: (Inaudible) sorry about that.

Steve Craig: Burdette Park

President Mosby: Burdette Park. I was reading something.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing I have tonight is at our recent Park Board meeting we had established a rate for 2003 for the buildings and the fees at Burdette. I was wondering if you had had a chance to take a look at them?

President Mosby: I've looked at them. Do we...we don't need to act on them tonight, do we?

Steve Craig: No.

President Mosby: Okay.

Steve Craig: We would like to get them acted on before the beginning of next year—

President Mosby: Well, we can do them in next week's meeting.

Steve Craig: —because as of January 2nd we can rent a building for 2003.

President Mosby: Okay. Yeah, we can act on them next week. Any questions? Thank you, Steve.

Steve Craig: Okay, the next—

President Mosby: Oh, I'm sorry, go ahead.

Steve Craig: I've got a lot more than normal.

President Mosby: That's fine.

Steve Craig: The next thing we had discussed at the Park Board meeting was someone had approached the park and was interested in taking the concessions at the park over, and we were kind of , I don't know, we had questioned it at first, but after we got to looking at it in the expenses and the hiring of the people that we need to run the concessions and that, we were more interested in it as we talked to the person. We had brought this up before the Advisory Board at the last meeting and they, well, we discussed it at quite lengths about different aspects of how they would want it, you know, the contract to read if somebody would take it over, and certain things that they wanted to make sure about the prices wouldn't go out, you know, out of the top, and that the food and everything would still be of the quality that we got, to ensure stuff like that. They had made a motion for us to get a Request for Proposal, I guess, for a contract for concessionaires for the park, so that they could take a look at it and see that if it would be up to the standards of which we think, you know, we would want them to have. Plus where it would also be where we could make some money also, even though we wasn't running them.

Commissioner Mourdock: What does that save us? Hiring some people? I mean, they are going to staff all the concessions booths? Is that the—

Steve Craig: Yes.

Commissioner Mourdock: —savings for us, their management of people to do this?

Steve Craig: I put \$60,000 in this year into concessions payroll for the part time people that worked at the concessions, and I'm going to have to take a look at the end of the year, but I think that pretty well covered it. We may have a little bit left over that was—

Commissioner Mourdock: But that's the only real advantage from our point of view?

Steve Craig: Yeah, it's a lot less work at the park. I mean, we are to the point where we are hiring, you know, up to 200 kids in the Summer, and the concessions which takes up probably 1/4 of what we hire, is the hardest part for us to fill in. The lifeguards and that are skilled people, you know, that have to have certain qualifications, and it's kids that want to work there, but as far as the last thing that we fill up every Spring and have a problem with doing is the concessions.

Commissioner Mourdock: Okay.

Steve Craig: What I, the Board had asked, or made the motion to put out a Request for Proposal, I guess I'm asking you guys for permission to do that.

Commissioner Mourdock: I'm not ready to commit that we necessarily go that way, but I'm certainly willing to put out the proposal to see if, in fact, it's a viable option for us. So, I'll move that we go ahead and draft a proposal for the concessions.

Commissioner Fanello: I'll second that echoing Commissioner Mourdock's comments. I'm not sure I'm ready to commit to that either, but—

Steve Craig: Well, I don't think the Board was either.

Commissioner Mourdock: Okay.

Steve Craig: They wanted to get everything out on the board and see where the numbers came in at the end of the year when we sit down and do all the things, but, you know, they were open to that.

Commissioner Mourdock: Okay.

President Mosby: I'm just going to ask this question. How many concessions do you have out there besides...do you just have the one main one at the pool?

Steve Craig: No, we have three at the pool and we have one at the miniature golf. That's four. Then we have the gift shop, which is part of the concessions, and then we have the float stand. So, there is actually six different places.

President Mosby: All that's gonna be in the RFP?

Steve Craig: Yes.

President Mosby: So, they are going to take over handling the floats and the gift shop?

Steve Craig: Uh-huh.

President Mosby: I'm not sure I agree with that.

Commissioner Fanello: No, I don't either.

President Mosby: Concessions, I mean, I'm thinking more in the line of—

Steve Craig: Just the food?

President Mosby: Yeah.

Commissioner Fanello: Uh-huh, yeah.

Commissioner Mourdock: Maybe when you draft the letter, and , again, we're not committing to doing this—

President Mosby: Right.

Commissioner Fanello: Yeah, we're just looking.

Commissioner Mourdock: —we're just trying to get information. I do have some questions too. I think there's other purposes—

President Mosby: I think the RFP needs to be broke out into—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Yeah.

President Mosby: —two different, or three different—

Commissioner Mourdock: Yeah.

President Mosby: —phases. That's what I'm wondering.

Commissioner Mourdock: Maybe even put out the RFP to say if you are going to do this, then give us some feed back, or if it's only, if you are only interested in doing this part, or if you are interested in doing two of the three. You know, just make it fairly flexible so we see what kind of response we get.

Steve Craig: Okay.

Commissioner Mourdock: We would always be in a position to possibly negotiate with someone.

President Mosby: Okay. I got a motion and a second. So ordered.

Steve Craig: Okay, and do you have my work sheets for the week?

President Mosby: Yes.

Commissioner Mourdock: And prior to next week, or with next week's package, Steve, could you give us in addition, we have the information from what the Advisory Board recommended, but could you also give us the yearly summary, as close as you can get it, realizing it's not quite the end of the year, but what we had budgeted for operation of the park, and what we had in total revenues?

Steve Craig: Um.

Commissioner Mourdock: In as much detail as you can.

Steve Craig: My bookkeeper has one more day in the rest of the year, and then she is going to be off until the end of the year, and I don't think that it's done at this time.

Commissioner Mourdock: Well, get me what you had through the end of November.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: That will do.

President Mosby: I wanted to ask you one other question because I was reading your minutes here.

Steve Craig: Okay.

President Mosby: How much more money do you need for the O'Day Discovery Lodge?

Steve Craig: To do the building, I think, we need \$500,000, and then the extras are, I mean, not the extras, it was the tables, chairs, computers, playground equipment, and everything else was another \$500,000. It came out at \$1.888 million, and then we had rounded it off to approximately \$2 million to build the building. To do that, you guys put \$1 million in your budget this year for it, so—

President Mosby: For next year.

Steve Craig: Yes.

President Mosby: So—

Steve Craig: \$1 million would finish it.

President Mosby: Okay, did you not have \$500,000 already in CCD?

Steve Craig: Yes.

President Mosby: Okay.

Steve Craig: That's what they have done—

President Mosby: And we're putting \$1 million up next year, so that's a million five. Where are you coming up with this other?

Steve Craig: The \$500,000 is what we've spent doing the work that we've done on it; the excavating, putting in the sewers, the gas lines, the roads.

President Mosby: Okay. So, the \$500,000 out of CCD is already spent?

Commissioner Fanello: (Inaudible. Mike not on.) Are you talking about? I think there's another fund you've been spending money out of.

Steve Craig: Yeah. Well, the Commissioners has gave us \$500,000 last year. I probably got that in my notes over there.

Commissioner Mourdock: But that's \$500,000, the bills are paid. It's spent.

Steve Craig: Correct.

President Mosby: That's what now?

Commissioner Mourdock: That \$500,000, it's the work that's been done, it's the excavating, and those things that he was referring to. That money is done, the bills are paid, it's spent. Catherine got locked out.

President Mosby: I don't know, I guess.

Steve Craig: Yeah.

Commissioner Mourdock: I don't have my keys.

Commissioner Fanello: I'm going to check (Inaudible. Away from mike.)

Steve Craig: I got...I think I got (Inaudible. Walked away from the mike.)

Commissioner Mourdock: You are patient. He is very patient. Do you want me to sign that?

President Mosby: Okay.

Commissioner Fanello: I mean, there is still \$500,000 sitting there with nothing encumbered or expended out of it. That's what I've deduced about it. That's as of 12/4, or as of 11/20.

Commissioner Mourdock: Is that the 500 from budget year 2001? Whereas the other \$500,000 was for 2000 (Inaudible).

Steve Craig: The 1999 was CCD funds budgeted \$500,000, and then in 2000 we carried over \$494,000 of that which we then did the blue print site design lay out, and the infrastructure work by Blankenberger, which entailed spending almost all of that. Catherine, I guess, what I'm asking you, there is still \$500,000—

Commissioner Fanello: As of November, yeah, as of November 30th, there is still \$500,000 sitting here with nothing encumbered and nothing expended out of that line item.

Steve Craig: Right.

Commissioner Fanello: Yeah.

Steve Craig: That's 2001 CCD Funds set aside by the Commissioners.

President Mosby: Okay.

Steve Craig: Okay, well, I thought you was asking me what we have. If Burdette had any money in it that we had to like—

President Mosby: No, no. I'm just saying you have \$500,000 sitting here, we're putting \$1 million in next year—

Steve Craig: Yeah.

President Mosby: —so that's a million, five.

Steve Craig: Yes.

President Mosby: You said the total project is \$1.8?

Steve Craig: Yeah, we had came up with \$1,888,910.51.

President Mosby: So, what, I guess, I don't understand is you keep saying we need \$1 million. What I'm thinking is you're probably...\$500,000 we could complete this building.

Steve Craig: That would give us the...no, see that, if we...\$2 million is what the building, or \$1.8 million—

President Mosby: Uh-huh.

Steve Craig: —what Morley and them, that would build the building, but that wouldn't give us...this \$500,000 is what we were going to buy the computers with, the, you know, furnishing the building with chairs, tables, kitchen equipment—

President Mosby: So, you are saying the \$500,000 that's laying here?

Steve Craig: Right.

President Mosby: You've got that expended for tables, chairs and computers?

Steve Craig: Well, what we, yes. It's got parking lot, inside storage racks, coats racks, stage risers, landscaping, trash receptacles, ADA outside tables, picnic tables, playground, fence, storage for (Inaudible) equipment.

President Mosby: Well, it's not encumbered, but that's what he's saying that that is what they are intending to spend that for.

Commissioner Mourdock: Ah!

President Mosby: And he's needing \$2 million more to build the building. So we've put \$1 million aside, he's needing another \$1 million. I kept trying to arrive at that too, and I was having a hard time.

Commissioner Mourdock: I'm still confused. I thought I understood it, but—

President Mosby: The half a million that they've set aside here, he is saying he is going to use for all that other stuff. We put a million in for next year—

Commissioner Mourdock: Okay.

President Mosby: –and he needs \$2 million for the building.

Commissioner Mourdock: Do you agree with what he just said, Steve?

Steve Craig: Yes, and we have went back to the Council because it was, at that time, our understanding that if you guys put up part of it, that if we went back to the Council they would put up the other part. When we went back that time they didn't put the money up.

Commissioner Mourdock: Okay.

President Mosby: But now I understand where I was trying to find \$500,000–

Commissioner Mourdock: It's there, it just needs to be encumbered.

President Mosby: Well, yeah, this is going to have to be encumbered for the Discovery Lodge.

Commissioner Fanello: I mean, I guess it doesn't matter if you use that–

Suzanne Crouch: (Inaudible. Mike not on.) for the Lodge, not the furnishings because (Inaudible) contract.

President Mosby: Yeah, I was going to say–

Commissioner Mourdock: Oh, that's right.

President Mosby: You can't encumber that money for furnishings, because you have no contract. So, it's going to have to be encumbered for the Lodge or you are going to lose it.

Commissioner Fanello: I guess, why wouldn't we apply it towards the Lodge first and then–

President Mosby: Well, exactly.

Steve Craig: See what I was misunderstanding was I thought you meant was in my budget, but, you know–

President Mosby: Well, no, it's in the O'Day Discovery Lodge, \$500,000, there's no encumbrances, but no expenditures on it.

Steve Craig: Right.

President Mosby: Okay.

Steve Craig: But that's in the Commissioners budget.

Commissioner Fanello: Well, but your money to build the building is also going to be in the Commissioner budget.

Steve Craig: Right.

Commissioner Fanello: Yeah.

Commissioner Mourdock: What do we have right now, on December 10th, for outstanding purchase orders or contracts by which we can encumber funds? What is actually out there outstanding?

Steve Craig: I don't see of anything that we can—

Commissioner Mourdock: Okay.

President Mosby: We don't have a contract to build the building.

Commissioner Mourdock: That's where I'm going.

Steve Craig: Yeah.

Suzanne Crouch: (Inaudible. Mike not on.) Why don't I get that for you.

Commissioner Fanello: Okay.

President Mosby: Uh-huh.

Suzanne Crouch: We can figure (Inaudible. Mike not on.).

President Mosby: Because, I mean, truthfully we've got \$1,500,000 and we could get real close to building the building.

Steve Craig: Uh-huh.

President Mosby: You know we're half a million away from building this building, and then we are going to have to decide how to furnish it, but I guess that my point is, we've got all this money sitting out here and we're not doing anything, and the ground is going to deteriorate before we ever build the building. It's going to be like these computer lines here that we can't use. So, we can loan you some T-1 lines and some software and hardware if you need it.

Steve Craig: Well, we just applied for a \$50,000 grant for the computers for that—

President Mosby: Well, we can.

Steve Craig: —from the (Inaudible) foundation.

President Mosby: I mean—

Commissioner Fanello: I guess, I would just apply everything towards the building first and then—

President Mosby: Yes.

Commissioner Mourdock: We had had that discussion once before, and I think it was here and I think in the Council as well, that call them the add ons, if you will, but the computers, the—

Steve Craig: The tables, the chairs, the kitchen equipment, yeah.

Commissioner Mourdock: —outside equipment, the chairs, all those kinds of things we can deal with pretty well as we need to. They don't have to necessarily be all pushed through at one time.

Steve Craig: And we have applied for several grants in the last two months.

President Mosby: Any other questions? Okay.

Commissioner Fanello: Just one more thing. I never did get a chance to get with you on that RFP, but did you ever contact the Parks Department on kind of getting a sample of what they have done as far as writing RFP's for master plans?

Steve Craig: I had talked to Terry Poag and he didn't have any idea where their...he no longer works for the—

Commissioner Fanello: Yeah.

Steve Craig: —zoo. I had thought about the zoo, but I had looked up and just forgot our one that was (Inaudible. Someone coughing.)

Commissioner Fanello: Uh-huh.

Steve Craig: I got it sitting on my desk and I'm going to go—

Commissioner Fanello: Okay.

Steve Craig: —through it.

Commissioner Fanello: I would really talk to Glenn Boberg over there—

Steve Craig: Okay.

Commissioner Fanello: —at the Parks Department, because he should be familiar, if he's still, I'm assuming he's still there.

President Mosby: Glenn's not working.

Commissioner Fanello: Okay.

President Mosby: As a matter of fact, you could probably call Glenn at home though.

Commissioner Fanello: Well, or, you know, Mike Madriaga.

President Mosby: He lives out on Michigan.

Commissioner Fanello: Is that the new Parks?

President Mosby: He's the new director.

Commissioner Fanello: I'm sure you could contact him. I'm sure he would know as well, so.

Commissioner Mourdock: Thanks, Steve.

President Mosby: Any other questions? Thank you.

SWCD & Ozone Officer Reports

Commissioner Mourdock: I'll move that Soil and Water Conservation Report and Ozone Officer Report be added to the record.

Commissioner Fanello: Second.

Commissioner Mourdock: And I would move that we—

President Mosby: So ordered. I'm sorry.

Consent Items

Commissioner Mourdock: That's alright. Move we delete the two items in the Consent File that are identified as items H and I .

Commissioner Fanello: Second.

Suzanne Crouch: (Inaudible. Mike not on.)

Commissioner Mourdock: And that we also—

Commissioner Fanello: And D.

Commissioner Mourdock: —remove D, because—

Suzanne Crouch: They will be presented next week.

Commissioner Fanello: And I've got one late Consent Item from the Sheriff's Department on a grant we've received, and it just needs Commissioner Mosby's signature. So, I would move that we add that to the Consent Items.

Commissioner Mourdock: Okay, I'll second that. Then we also need to add this one employee pink slip.

Commissioner Fanello: I'll second that.

President Mosby: Okay, I have a motion to remove D, H and I. Add J, or, no...hold it, how did we go to K, back to F, H? We're doing good here.

Commissioner Mourdock: When you snooze, you lose.

President Mosby: Well, I'm serious.

Commissioner Mourdock: We got D out, we got–

President Mosby: So this should really be N–

Commissioner Mourdock: –and I out.

President Mosby: –we’re adding N

Commissioner Mourdock: Oh, okay.

President Mosby: Then we’re taking out D, H one, and I, because this is H two down here. You’ve got to follow that with the agenda.

Commissioner Mourdock: And we are adding the one pink slip.

President Mosby: Right, and adding the one pink slip.

Commissioner Mourdock: With those changes, I’ll move approval of the Consent Items.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second as amended, so ordered.

Scheduled Meetings

President Mosby: Is there any Old Business?

Commissioner Fanello: What about scheduled meetings?

President Mosby: Oh, I’m sorry, Scheduled Meetings.

Commissioner Mourdock: We’re still on for the 19th?

Commissioner Fanello: Yes.

President Mosby: Um–

Commissioner Mourdock: That was a question.

President Mosby: That was a question.

Commissioner Fanello: That just goes in the Consent Items.

President Mosby: I am...I don’t know. I just had a conversation with President...I had a conversation with President...what’s the matter?

Commissioner Fanello: Addendum to the lease for Weights and Measures is in the Consent Items, so does she need to be here? We’ve already accepted it.

President Mosby: Oh.

Philip Hayes: Does it require a signature?

Commissioner Mourdock: Yeah.

Loretta Townsend: Yes. The President has to sign it. (Inaudible. Not at the mike.)

President Mosby: Do you need it right now?

Loretta Townsend: Pardon?

Commissioner Mourdock: I was just going to say, we voted to pass it as part of the Consent Items.

President Mosby: I can sign it real quick for her—

Loretta Townsend: I think it needs to be, then will you not (Inaudible. Not at mike.)

Commissioner Fanello: Yeah, I—

Loretta Townsend: I can pick it up and take it back over to the Executive.

President Mosby: Oh, okay.

Loretta Townsend: That's all that's needed—

Philip Hayes: Do you have the original in the Signature File?

Madelyn Grayson: Yes, I do.

Tammy McKinney: Yeah, I've got them.

Philip Hayes: It's already in there.

President Mosby: Okay.

Philip Hayes: Okay, great.

Loretta Townsend: (Inaudible. Not at mike.)

President Mosby: You're done, Loretta, you're okay. The scheduled meeting you referred to December 19th, and I guess you probably read the newspaper on what happened last week. We did present, we presented the County Council with the resolution, with the one paragraph in it saying it was necessary and desirable to build a jail, and we got turned down. So, the fate of the county is within Lloyd Winnecke's hands right now whether we are going to do anything, and I'm not sure where we go from here.

Commissioner Mourdock: We do have another meeting on Monday prior to that meeting, so, I guess, we can—

President Mosby: Right.

Commissioner Mourdock: —ask this question again next Monday.

President Mosby: I guess what I'm waiting for right now, and there was also a motion made in that meeting that everybody would submit their concerns to President Bassemier, and President Bassemier was going to call me, and Counselor Hayes was going to get with President Bassemier and Counselor Ahlers. I had never heard from him, so I initiated that call on Friday, and I finally got a return phone call from President Bassemier about 6:30 that night. I did talk with him today, they still don't have a date, but they are trying to get something together before the end of the week. I mean, if it goes into next week, or the week after, I mean, that is when the meeting is. I was really, seriously considering having the professionals just come to our meeting next week, and do a presentation, and invite the Council members if that's what it amounts to.

Commissioner Mourdock: I was going to say, if they are here, then the whole purpose was to have the Council hear it.

President Mosby: Well, it wouldn't be a joint meeting, but I would invite them to come to the meeting. I don't know. I mean, I am trying to initiate this in anyway possible, and everybody's dragging their feet. I still find it, whatever you want to call it—

Commissioner Mourdock: Yeah.

President Mosby: —I mean, when we turn down nothing but a piece of paper that says we know we need to build a jail, and you signed the one on the Monday prior to that, that we signed here by the three of us, and all of a sudden they, for some reason, decided we don't need to build a jail. So, I don't know. I'm not sure where we are going.

Commissioner Mourdock: I have not spoken with any of the Council members since your meeting, or since that meeting of Wednesday, but, I guess, my feeling is if, in fact, there is some effort at communication among that group and with Council's respective, let's continue as scheduled, leave it on the 19th, and we can talk about it next Monday. If it doesn't happen, then it doesn't happen.

President Mosby: At this point, I'm trying.

Commissioner Fanello: Yeah. I just—

President Mosby: I mean—

Commissioner Fanello: I have one comment to that. Go ahead.

President Mosby: Well, I mean, I made contact with Sandie Deig on Friday and finally got a return phone call Friday evening, and then had conversation with Council, or President Bassemier when I was coming to this meeting. I ran into him in the hall. So—

Commissioner Fanello: I'm just going to say, you know, it's a great idea for them to put all their concerns on one piece of paper, and have Commissioner Mosby sit down with Counselor Hayes and Counselor Ahlers and President Bassemier, but if that doesn't happen in an expedient manner, we are not really accomplishing anything by the 19th, because if they could get together as early as, you know, by Wednesday or Thursday of this week and get these concerns ironed out, we can

address those in the joint meeting. If they have not met until next Monday or next Tuesday, the meeting is worthless.

Commissioner Mourdock: Yeah.

Commissioner Fanello: Except for having the professionals there to present all of our needed information.

Commissioner Mourdock: Right. So, if they haven't met by next week when we meet again a week from tonight, we could still cancel the meeting on the 19th.

Commissioner Fanello: Yeah, but then we won't have our professionals here to present...it is, you know, it is very important to get these people here to present this information. We have got to have the information that they are ready to present before we can move—

Commissioner Mourdock: Well, I will make a couple of calls and try to keep the process moving forward. I really think if we simply had the professionals coming in here on Monday night, I'm not sure you would get all the Council members here, since their...we've had that schedule for a few days—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —the 19th, so I still think we need to stick to that schedule, and like I say, I'll try to—

President Mosby: That's why I was kind of in limbo when you said that of how to answer that—

Commissioner Mourdock: Yeah.

President Mosby: —but I did tell President Bassemier out here at 4:30 that it was very important that we try to meet by Wednesday. He said Wednesday, maybe Friday. I tried to tell him that that is not giving me much time to work with Crowe Chizek and Baker and Daniels to answer some questions that I possibly will not be able to answer at the meeting.

Commissioner Mourdock: Okay.

Suzanne Crouch: You could have the Council members here as long as...I think this was done earlier in the year, as long as Mrs. Deig sends out a notice to the media that there possibly would be a quorum here. You would invite them all—

Commissioner Fanello: How much notice would she—

Suzanne Crouch: I believe it's 48 hours.

Unidentified: (Inaudible. Not at mike.)

Suzanne Crouch: Oh, she sends them monthly? So you are covered?

Susan Taylor: (Inaudible. Not at mike.) It's possible that all of them could be here every Monday.

Commissioner Fanello: Why don't we do that?

President Mosby: So anyhow, I guess, with the December 19th, yes, that's still—

Commissioner Mourdock: Okay.

President Mosby: —a go, and December 26th is still a go for noon here, our regular meeting. Is there any other meetings I have missed? I don't think so.

Old Business

President Mosby: Old Business, I had this letter typed up that I was going to send to the Governor's office. It states;

As President of the Board of County Commissioners of Vanderburgh County, I wish to express my concern regarding the proposed 67% increase in admission tax paid by the visitors of Indiana riverboat. Along with the state's other riverboats, Evansville's Casino Aztar tax and payment structure to city, county and state government is already the highest in the nation. The proposal would amount to \$4.2 million increase in it's tax burden. We are concerned that such an increase would limit Casino Aztar's potential for growth and it's further investment in Vanderburgh County. Casino Aztar has proven itself to be an excellent corporate citizen. It employs 1,200 people and invests in the community in many ways. In addition to a significant investment in the City of Evansville, Vanderburgh County has received over \$22 million in revenue from Aztar during the year since it's opening. Because it already absorbs the greatest part of the taxes it pays rather than pay them on to the customers, a greater tax liability will significantly impact both it's ability to compete with Illinois casinos and it's economic liability. I understand the fact that the state is in financial difficulties, reducing Indiana's deficit spendings will be difficult and will require both creative thinking and hard choices. I urge you to look for means other than this particular.

I say nothing about dockside.

Commissioner Mourdock: Well, that's good.

President Mosby: We've agreed three times.

Commissioner Mourdock: That's true.

Commissioner Fanello: (Inaudible. Mike not on.)

Commissioner Mourdock: Really, it's an unusual night.

President Mosby: It has been.

Commissioner Mourdock: So, you prepared that just for your signature?

President Mosby: No, and I also have David, Catherine and Richard, and I will put signature lines down here. I didn't do it yet, but I will.

Commissioner Mourdock: Well, I'll just make my comment here, because I have thought long and hard about this one, and maybe this is in the sense of bipartisanship, for once I'll agree with the Governor. So, I'll withhold my signature for your letter. The reason being that, ultimately, the people get on the riverboat, it is a voluntary tax, and while it is quite a tax increase, if that tax isn't paid by those few who volunteer to pay it, it is going to be paid by everybody else across the state. I just, I remember, in fact, thought of this this morning, and I'm sure you remember, David, you were on the Commission as well when Paul Ruebley, the President of Aztar, remember when we had that first round of hearings when we thought there were going to be, I think, three licenses in the state, and then suddenly they announced their would be five licenses. So, he was invited and all of the other companies were invited to come back to see what that was going to do to their estimates of number of people on the boat. All those companies said, well, with all that competition it will bring their number down, and then Aztar surprised us because they said it would actually take the number up from 1.6 to 2.3 million people a year on the boat. His comment was, the more people gamble, the more they like to gamble. So, if that's the case, reflected in the numbers, it's more revenue for the state.

President Mosby: I guess the only thing that I would say is I not only think they are going to probably hinder Aztar, Aztar is already going to be competing with Illinois and dockside gambling, and I guess my biggest fear is that we end up losing Aztar, and we end up losing the riverboat, and not only the \$22 million in revenue that we've seen since Aztar moved here, somehow the Governor and this great city and county gets to make up, I think, what have we taken in, probably a little over \$2 million this year just to the county in riverboat funds. So, I mean, that's, that's I just see that as a big risk.

Commissioner Mourdock: I have never been a believer, and I know I'm unusual in the side that's been opposed to gambling on this one, but there was that line around about boats float. I've never had that as a concern that the boat would leave. I think it will still be here, because I just think most of the people that are coming to wager on the boat, the average loss on the boat has risen from \$53 to the last number I saw was \$133, so the extra little bit they are going to pay in tax I don't think is going to defer people from coming here. There may be other competitive factors, but those aren't necessarily what's looked at here anyway. So, just to move this along, I mean, the two of you are certainly willing to make the motion, go with it, and sign it as is, and I'll just respectfully disagree.

Commissioner Fanello: I'll make a motion to sign the letter. I would like to see dockside though.

President Mosby: Oh, I didn't say I wouldn't want to see dockside gambling, but, I mean, well, and like I say, the only thing that scares me is, you know, does Aztar absorb this \$2? If we try and pass it on to the customer, then the customer goes on over to Illinois and gets on and off when they want and don't have to pay anything. That's what bothers me.

Commissioner Mourdock: They'll pay more than \$2 in gas to get there, so.

President Mosby: Yeah, but that probably wouldn't stop them. That's all I had under Old Business.

Commissioner Mourdock: She made the motion.

Commissioner Fanello: You need to second it.

President Mosby: I second the motion to send the letter to the Governor. So ordered.

New Business

President Mosby: New Business? Okay. Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second, and we stand adjourned.

The meeting was adjourned at 7:40 p.m.

CONSENT ITEMS:

Employment Changes:

Knight Assessor	Election Office	Circuit Court
Area Plan	Treasurer	Center Assessor
Union Re-Assessment	Public Defender	Health Department
The Centre		

Travel Requests:

Health Department

Requests for Service:

County Assessor	Superior Court
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Auditor:

Submit monthly financial, cash and expenditure reports.

Pigeon Assessor:

Declaration of surplus office equipment.

Center Assessor:

Declaration of surplus office equipment.

Weights & Measures:

Addendum to lease.

Sheriff:

Weekly jail reports and information.

Teamster’s Wage Addendums for 2002.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	John Stoll	Phil Lawrence
Marsha Abell	Alan Teeple	Ralph Kissinger
Steve Craig	Loretta Townsend	Susan Taylor
Phil Lawrence	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**Vanderburgh County
Board of Commissioners
December 17, 2001**

The Vanderburgh County Board of Commissioners met in session this 17th day of December, 2001, at 6:05 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I'd like to call to order the Board of Commissioners meeting of Vanderburgh County for December 17, 2001. With us tonight we have Tammy McKinney, Superintendent of Buildings; Counselor Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Auditor, Suzanne Crouch and Recording Secretary, Madelyn Grayson. If you would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of Minutes

President Mosby: First, approval of the minutes for December 10th .

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second, so ordered.

**Phil Lawrence - Award Bids APA05-2002: Surface Materials,
APA016-2002: Liquid Asphalt, APA04-2002: Gas and Fuel Oil,
APA06-2002: Oil Products, APA025-2002: Commercial Fuel,
APA022-2002: Computer and Copy Paper**

Phil Lawrence: I have to get my glasses out. This is to award the bids that are listed. We can do these one at a time, just whatever your pleasure.

President Mosby: Just go ahead and start.

Phil Lawrence: Okay.

President Mosby: Where ever you want to start and we will follow along here.

Phil Lawrence: Okay, we will start with APA004-2002, Gas and Fuel Oils. The recommending is Gabes/Heritage which is, they have merged with Wannemuehler Oil. So from now on they will be Heritage something or another for \$309,622.28.

Commissioner Fanello: That is for the tanks?

Phil Lawrence: Yes.

Commissioner Fanello: Okay.

President Mosby: Okay, so this is for fuel trucked into Burdette, County Garage? And this is twenty-four cents over the margin?

Phil Lawrence: No, it should be actually .04.

President Mosby: .04?

Commissioner Fanello: Okay, I am confused. This thing that he faxed me says that it is 12 cents over, 12 cent margin.

Phil Lawrence: But over the—

Commissioner Fanello: Transport, deliveries?

Phil Lawrence: METS, the METS department.

Commissioner Fanello: Okay, that's just for METS. Okay, but for the tank wagon it is 12 cents?

Phil Lawrence: 12 cents.

Commissioner Fanello: I sat down and talked with Phil today. We don't really have much choice in awarding it because we are so late in the year, but Gabe's didn't put in an OPIS sheet in their bid. Petroleum Traders had the OPIS sheet from November 1st and Posey County Co-Op used one from October 25th. So, nobody was consistent, and I couldn't review them and give you an honest opinion. We are not really happy with them, but I don't see that we have much choice in awarding it since we are so late in the year.

President Mosby: So, did everybody bid off a different day?

Phil Lawrence: No, they were supposed to bid off of November 1st. That's what was in the bid.

Commissioner Fanello: Yes, but Petroleum Traders submitted an OPIS sheet from November 1ST, Posey County CO-OP submitted one from October 25th and Gabe's did not submit one at all. So, I don't know where they, we can assume that they got their numbers off of November 1st, I don't know if that is a correct assumption or not, but they did not submit one with their bid. And nobody included in their bid what the margin was, but Gabe's and Fleet One did fax me something today to let me know what their margin was.

Commissioner Mourdock: Well, it begs the question, are they responsive bids if in fact, they, if you, you said you specified that they use November 1st?

Phil Lawrence: Yes.

Commissioner Fanello: That was my question earlier today.

Phil Lawrence: Based on the bid information, yes they were responsive.

Commissioner Fanello: I still don't agree with you on that, because I can't sit down and compare apples to apples here. It did me no good to look at them because they didn't have anything to compare them to. So, if everybody was submitting something different and Gabe's didn't submit an OPIS sheet at all. So, I don't agree with you on that but, like I said, I don't know what our choice is in the matter here since we are so late in the year.

Commissioner Mourdock: Is that a motion to approve?

Commissioner Fanello: Without any further discussion, I don't think that we have any choice. But, I will say that I did tell Phil earlier today that I would like to see an agreement for both providers, because I think that you have another provider that you are awarding something to?

Phil Lawrence: Yes.

Commissioner Fanello: That details out what their responsibilities are and I do not think that we should put an extension clause in there. I think that we should go ahead and rebid it next year since these, obviously, had some questionable parts to them.

President Mosby: So, everything is going to Gabe's?

Phil Lawrence: No.

President Mosby: No?

Phil Lawrence: Yeah, everything is going to Gabe's for the Gas and Fuel Oil. Thornton's is the low bidder for the APA025-2002 which is the Commercial Fuel on the credit card deal.

President Mosby: Okay. I guess that you made a motion?

Commissioner Fanello: Yeah that was in the form of a motion.

Commissioner Mourdock: I'll second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: We'll go down the list to the next one.

President Mosby: That's fine.

Phil Lawrence: APA005-2002, Surface Materials. This is the one that has been a shared award for several years. The County and the City Engineer uses the contractor of whoever is closest to the particular job. So we are recommending a shared award on that.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Phil Lawrence: APA006-2002 Oil Products. Busler was the low bid at \$16,597.24.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Phil Lawrence: APA016-2002 Liquid Asphalt. J.H. Rudolph was the low bidder at \$48,500.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Phil Lawrence: APA022-2002 Computer and Copy Paper. Resource Services at \$76,729.52.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Phil Lawrence: APA025-2002 Commercial Fueling that's Fleet One/Thornton's for \$310,309.47.

Commissioner Fanello: If I am correct, you did ask for OPIS sheets for these as well?

Phil Lawrence; Yes.

Commissioner Fanello: I don't see Fleet One submitting an OPIS sheet, or Gabe's. Is that?

Phil Lawrence: That's my assessment, yeah.

Commissioner Fanello: Okay.

Phil Lawrence: I mean, they were all asked to use OPIS one, but I don't think that the bid actually said that they had to submit, but the numbers to use was from November 1st—

Commissioner Fanello: That's my point. It should be part of the package just to make sure that they're, we don't want to have to go back and double check them. I guess, I will move, but I am not really thrilled about that one either.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Phil Lawrence: One final thing, the paging bid was opened and we have one bid from Cater and we will start negotiating that. It was opened at the Board of Public Works this morning.

President Mosby: Uh-huh.

Commissioner Fanello: We are not recommending anything on that yet though, are we?

Phil Lawrence: No.

Commissioner Mourdock: I think formally we need to just give approval to go ahead and begin negotiations with them. So I will so move.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Fanello: I am going to go ahead and give this.

Phil Hayes: Permission to Advertise a Fee Ordinance
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President Mosby: Is Rob Faulkner here?

Tammy McKinney: Phil will be handling that one.

President Mosby: Oh, okay.

Phil Hayes: The Vanderburgh County Health Department has requested a fee ordinance in which they wish to fundamentally amend the current ordinance so that they do not have the requirement to continue to change each and every immunization that they give. When I say change, I should more correctly phrase it that they don't wish to amend the ordinance each time, so they generically wish to refer to immunizations. They have authority to ask this body to act on it in regard to service fees under IC 16-20-1-27 in that the Board may, with the approval of the county executive or the city executive, establish and collect fees for certain specific services established by local ordinances. Fees may not exceed cost of services provided. We are told that these have approximate costs for services provided in very small percentages such as a \$10.00 add-on for doing that. This is actually the request to advertise the ordinance, is that right, Tammy? That is what is shown on the agenda and this had not been previously advertised?

Tammy McKinney: Not to my knowledge.

Phil Hayes: Alright, then we would just request permission to advertise on first reading.

Commissioner Fanello: I haven't seen it.

Commissioner Mourdock: Yeah, I haven't seen it either.

Phil Hayes: Yeah, and this has just been submitted, and I had recalled us having a discussion about it internally but I didn't know whether it had been taken up with the Commission. So, we would simply request permission to advertise the fee ordinance and I have a couple of copies of those. Actually I have three, if I could get those back. The statutory foundation for it is on the document there.

Commissioner Mourdock: Do you have a general date that you would like to advertise for, Phil?

Phil Hayes: I will ask the Auditor, I will ask Madelyn what would be appropriate for us to hear it, I guess on the first meeting for 2002?

Madelyn Grayson: January 7, 2002?

Phil Hayes: Yes, do we have sufficient time yet for the 7th?

Madelyn Grayson: Yes.

Phil Hayes: Then we request that.

Commissioner Mourdock: Okay, then I'll move the advertisement pursuant to that schedule.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: I would also make the request that as soon as you have that language drafted or whatever is going to change in the piece just circle it and place it in the box.

Phil Hayes: I think this is the fee, the new fee schedule was worked on with the Health Department, and this is the new fee schedule that they wish to do which is embodied in that. So we will get copies of those to each of you.

Commissioner Mourdock: Okay.

Les Shively - Street Name Change

Les Shively: Mr. President, members of the Board of Commissioners. I'm Les Shively, representing the developers of Charleston Square, LLC. We are requesting, we are here this evening on the agenda to request a change in name for that portion of this commercial subdivision that is located in Vanderburgh County. We recently received a report from the Area Plan Commission, and what we would like to do, if the Commissioners have no problem, is that we would like to table this until your next meeting so that we can address some of the misinformation that has been provided to you. I think that the Plan Commission is making this a tempest in a teapot but ,nonetheless, I think we can get this thing resolved.

Commissioner Mourdock: I don't have a problem with delaying it or tabling it, Les, but just so you know my thinking on this. I have relatives that live in Atlanta and every time I go into Atlanta I go crazy heading down a road when it goes through an intersection and the road changes names. I know that this is a very simple thing with a very short part of this in Vanderburgh County. Is that section in Warrick County? Are you trying to get them to change names as well?

Les Shively: No, there is no part of Stahl Road that is in Vanderburgh County. All of Stahl Road is in Warrick County.

Commissioner Mourdock: This is right at the county line?

Les Shively: Right, and this would be only that portion as we go into Vanderburgh County which is ,incidentally, where my new office is going to be. So I, so that we can identify it. So that to let you know that you are in Vanderburgh County. So it is part of the subdivision. Actually, we are looking at the plat maps and the reason that

we are able to resolve this some other way other than a name change is, actually we are creating a new roadway coming in there, and it is going a different direction so that would necessitate a change in name anyhow by Plan Commission's own rules. So, we may be able to work this out. So, I would just as soon just table rather than making this into a, wasting a lot of your time this evening as I know you have a pretty lengthy agenda.

Commissioner Mourdock: I motion to defer.

Commissioner Fanello: Second.

Les Shively: Which meeting do you want to do it at?

President Mosby: So ordered.

Suzanne Crouch: December 26th is our next meeting.

Les Shively: Excuse me?

Suzanne Crouch: December 26th?

Les Shively: I would say next-

Commissioner Fanello: Oh, you were in?

Les Shively: The 7th, does that, does the 7th look okay?

Commissioner Fanello: What does our agenda look like for the 7th?

Suzanne Crouch: It is pretty full. How about the 14th?

Les Shively: That's fine, the 14th's fine. Thank you.

Commissioner Fanello: Okay.

President Mosby: You're welcome.

Commissioner Mourdock: Don't order your stationary yet.

Les Shively: Do what?

Commissioner Mourdock: Don't order your stationary yet.

Les Shively: That's right. I will just put a big flag out there.

Burdette Park Rates for 2003

President Mosby: Burdette Park Rates for 2003.

Steve Craig: Steve Craig, Manager of Burdette Park.

Commissioner Fanello: Since I haven't done this before are we supposed to vote on the rates then?

Commissioner Mourdock: Yes and typically what we have done is , I don't recall that we have ever voted on all of them as recommended. In other words, just done one vote. There has usually been questions on the chalets or questions on specific points, so if there is a specific item that we want to talk about we can exempt that from the rest of the motion and just vote on specific items.

Commissioner Fanello: I would say that the very first one, the pavilion, there is a big difference there and-

Steve Craig: I have some pictures to explain that. I would like to break it down, it probably didn't come out the way that I had wanted it to. But what we are having a problem with is that if people are renting the pavilion which seats 100, 1,000 people, and some of our picnics are 3,000 or 4,000, and they have expanded out into the parking lot. They have taken the parking lot over and what I had suggested then to do was that the people that use the parking lot should pay more money because of the clean up, the set up involved with it. It came out as one rate, whereas, I would like to see the rate just for the pavilion, for people not using the parking lot for their picnic, to be set at a lower rate. Then charge a set up fee on the parking lot up to \$250, \$350. But, I have some pictures that I want you to look at real quick to explain it. But, (Inaudible. Away from mike.), that they set up. They set up inflatables, but they only actually rent this. As the picnics have gotten bigger they started using the parking lot, and it is more of a job for us to set it up and clean it up when it's done. So, I think the companies that are having the larger picnics and that should probably pay a fee on the side for using that parking lot besides just using the pavilion and the people that use the pavilion only should be charged a set fee.

Commissioner Fanello: My only other question was, well, getting back to that one, we might want to detail that one out a little bit better.

Steve Craig: Yes, like I said, when we came out of the advisory board, I think what they had broke down we had always put 3% to 5% increase, but they had said set it to 4% and rounded it off to the closest dollar. So, I think that is pretty well where they all came out, except for the pavilion. The pavilion, like I said, I had brought up that some of the picnics had expanded out and used the parking lot and that I thought that those people should be charged a rate on that.

Commissioner Fanello: And then I guess that we're going to, you're wanting to raise all of the season passes?

Steve Craig: Yes.

Commissioner Fanello: \$5 and \$10? I guess that whenever you look at raising the rates, do you do some kind of cost analysis or whatever, or everybody just?

Steve Craig: What the Board does is take the cost of living, how much the raises were for the park and that and they try to make a raise on the buildings and that enough to cover our expenses for a year. Which I said this year, after discussion, they decided 4% they thought would cover the expenses of the raises for the park.

Commissioner Mourdock: It seems to me recently that we did not do any raises, Steve, is that, is my memory bad? Or at least on the maybe the daily rates or something we kept them frozen?

Steve Craig: I think that the last three or four years we have either raised them 3% or 4%. Maybe before that, we went several years and never raised them, and then that is when they decided that we should start raising them according to the cost of living and the inflation rate and what we have got in raises.

Commissioner Mourdock: That may be what I am thinking of, because I know at some point we had a discussion about the fact that they haven't been raised.

Commissioner Fanello: So, I guess, why was there no recommendation to raise the group rates? Those all stayed the same.

Steve Craig: On the second page?

Commissioner Fanello: The group rates.

Steve Craig: They did go from \$4 to \$4.25, \$3.75.

Commissioner Fanello: No, I am looking at the bottom.

Steve Craig: That was for the miniature golf. We had just made a raise there and we are in the process of refurbishing it and trying to build a clientele back up since we have taken it over. They thought it would be best if they left that the same.

Commissioner Fanello: I think we could leave the season passes, I am not sure that a \$5 and \$10 increase on those. I am not sure about that and then on the pavilion, unless you want to detail it out, break it down here right now or you want to wait and we can vote on it later.

Steve Craig: If you want I can break it down and if you want to do it at 4%, or whatever, I can do it at what they raised the rest of the buildings in and then add a fee on that if they expand out into the parking lot with their cooking and facilities, or whatever, or their inflatables or even for their seating, we will charge them a price, because, I mean, they are getting twice the area and there is nothing charged to them, and we have to set it up and clean it up, so.

Commissioner Fanello: Does anybody have any comments on the season passes? I mean, they are recommending \$5 and \$10 increases on the season passes. Do you think that is fair?

Commissioner Mourdock: When I first looked at it I thought, in fact that is why I asked Steve for the breakdown that you did provide here, just to get a feel for what the revenue is from the different functions out there. First, I was a little concerned about it, but after looking at what he has provided I am okay with it.

Commissioner Fanello: Okay.

Commissioner Mourdock: Which ones did you want to exclude?

Commissioner Fanello: Well, unless he wants to break out the pavilion rate but he is saying that he wants to break it down, increase the pavilion rental but breaking it down to the fact that there might be an additional charge for using the parking lot. So, we don't have that broken down on here so I would probably leave that one out. If everyone is comfortable with the season passes, that's fine. I will make a motion to approve leaving out the pavilion rate.

Commissioner Mourdock: Okay and I will second.

President Mosby: I have a motion and a second, so ordered.

Commissioner Mourdock: I guess you will report back next week or in the near term as to the pavilion type rates?

Steve Craig: I was going to sit down and do it here, and then when I get up and do my report, just give it to you then.

Commissioner Mourdock: Okay.

Commissioner Fanello: That's fine.

Madelyn Grayson: Steve, do you have an extra copy?

Steve Craig: You can have mine when I am done.

Madelyn Grayson: Okay.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board? Sir?

Kenneth Grimes: My name is Kenneth Grimes.

Commissioner Mourdock: I am sorry, I didn't hear your name sir.

Kenneth Grimes: My name is Kenneth Grimes. I have been here before. This is essentially my issue here, I have a little bitty problem with an easement right-of-way that if you can see the difference between, my problem is that only one person signed this easement right-of-way, and on the back page, as you can see, there was more than one owner at the time.

Phil Hayes: Excuse me, Mr. Grimes, you had contacted our office, and I will let you go ahead and continue but I wanted to just confirm that this matter was sent over to Mr. Stoll. You said that this was subject to litigation at one time?

Kenneth Grimes: At one time, I will explain. It was only because I was told at the time that I had to go get a court order, in order for the Board to settle this issue. I felt at the time that was wrongful, to do it at the time.

Phil Hayes: I see.

Kenneth Grimes: But, never the less though, it did go before Judge Lockyear but it was dismissed on some judgement.

Phil Hayes: Oh, I see, so there is nothing pending now?

Kenneth Grimes: Nothing pending, no.

Phil Hayes: I don't know if Mr. Stoll had a chance to look at this or not, John? Did you have a, this is the subject matter-

John Stoll: Did you not get the copies of stuff that I sent to your office?

Phil Hayes: I'm sorry, I believe that you faithfully brought them over and if the meaning of not getting it means did I see it, that answer is that I did not see it.

John Stoll: Okay, sometime last week I dropped some documents off-

Phil Hayes: I talked with you on the 11th, yeah.

John Stoll: From 1995, I believe it was that I had and at that time, I believe it was Mr. Grimes that brought in a piece of paper asking me to certify to his dollar figure being correct, and the packet of information that I gave you, I certified that I received it, but I was not certifying to any figures or anything like that the county was obligated towards paying. I had sent a letter basically saying that we didn't have a current contract of any sort with anyone, so I couldn't pay the claim that was submitted at that time.

Phil Hayes: Okay.

John Stoll: At that point it was turned over to Alan Kissinger and that was really the last of my involvement.

Phil Hayes: So then, fundamentally, what we have is a claim based on what would be a take and exercise by the county. The taking of property, and Mr. Grimes wishes to have that evaluated.

Kenneth Grimes: We want some relief from that.

Phil Hayes: Understood, okay.

Commissioner Mourdock: In a nut shell, and it has been a long time. Once you said your name I remembered, Mr. Grimes, I think it was the first week that I came on this Board in 1995 that this issue came up, and in a nutshell, what it is, is whomever you received the property or part of the property, there were a number of joint owners who gave an easement to the county, except only one of the people who actually owned title or had part of the title signed it.

Kenneth Grimes: Nobody owned, the one person, all were tenants at the time.

Commissioner Mourdock: Okay.

Kenneth Grimes: The one individual there that signed that was deceived into signing it.

Commissioner Mourdock: Okay, but the others never signed it, is my point.

Kenneth Grimes: But the others did not sign it, and didn't know about it either. So, I felt like that was wrong, and we needed some relief from it in order to clear titles. So the heirs could then resolve all of the issues concerning the property, and it has just been sitting around for years like that. It's like I said, the last time I was here we were told that we had to get a court order in order to resolve this issue, and I think the Board had the power to do that.

Phil Hayes: Alright, Mr. Stoll, the County Engineer, undertook to take a look at that then probably you called in just after 5:00 on the 10th of December and I see here that John has that on the 11th and he has a history of at least what we know about it in my office. So if I could have permission, I will be glad to review this and call Mr. Grimes within the next, it would probably be about Friday now, and I will be able to at least give you an update where we are, and I can advise as to whether you would need to get legal or whether we can resolve the matter administratively here.

Kenneth Grimes: Absolutely, it can be resolved, it can be.

Phil Hayes: Well, I will be glad to go ahead and review these documents that the engineer has provided me and get in touch with you.

Kenneth Grimes: If I may, I could give you a copy of my complaint that was filed at the time. if you want to have a copy of it?

Phil Hayes: I am sure that would be helpful and why don't I would be glad to talk to you on the phone tomorrow about that. Will you be available?

Kenneth Grimes: Uh, late, I'll be coming back from Corydon.

Phil Hayes: That would be fine. Do you want to call after 5:00?

Kenneth Grimes: Absolutely.

Phil Hayes: Call me after 5:00 and we will talk. Alright, I didn't mean to cut you off here, it's just a matter of just getting to it. If I could hang onto this for my records?

Kenneth Grimes: Sure, absolutely.

Phil Hayes: Thank you.

Kenneth Grimes: Thank you.

Phil Hayes: I will give a report then to the Commission at the next meeting.

Commissioner Mourdock: Okay.

President Mosby: Yes, ma'am.

Marilee Fowler: I am Marilee Fowler with the Evansville Convention and Visitors Bureau. I am here to personally invite you Commissioners to a special premier. This is a project that we have been working on very closely with the Evansville Chamber of Commerce and Tucker Publication, Evansville Living to do a city view publication. This will be very comprehensive of everything that Evansville has to offer; potential new residents, visitors, so we are very excited to be premiering this. So, this is an invitation, Thursday, January 3rd, it will be at the Old Post Office Conference Room and we would love to have you there to see this new piece.

President Mosby: Okay.

Commissioner Mourdock: What time on the 3rd.

Marilee Fowler: 4:30 until 6:00.

President Mosby: Okay, thank you. Any other group or individual wishing to address the Board?

Brad Ellsworth: Good evening, Sheriff Brad Ellsworth. Several weeks ago I asked the Commission permission to claim surplus along with miscellaneous items at the Safe House or Community Corrections and asked permission to auction that off. After about 25 dumpster loads of stuff we threw away, we did auction off the remainder of everything that wasn't bolted down over there and being used, and I would like to present or look for guidance on, I would like to turn this over to you, or the Auditor. It also is a list of everything they sold to put it into the record. So, whoever, do I give it to Suzanne or to the Commission and then to Suzanne or?

President Mosby: Sure.

Brad Ellsworth: We made \$9,295.46, so do with it what you will.

Commissioner Fanello: We can go shopping.

President Mosby: That's \$9,295 that we didn't have.

Commissioner Mourdock: I'll move that we approve the check from the Sheriff from the surplus sale at the Safe House.

Commissioner Fanello: Second.

President Mosby: Motion and second, so ordered. Any other group or individual wishing to address the Board? Seeing none, Department Head reports.

Madelyn Grayson: May we make a quick tape change, please?

President Mosby: Sure.

(Tape Changed)

John Stoll: County Engineer

John Stoll: The first item I've got, I would like to recommend that we award contract number VC01-12-01, Evergreen Acres Drainage Improvements to Koberstein Trucking for the amount of \$325,721. This is not who was listed as the apparent low bidder last Monday. Last Monday when the bids were opened, the low bid was stated as being from A&M United for an amount of \$316,219, but in reviewing the bids, items number 19 that is highlighted there, there was an error in their bid. Basically, instead of multiplying the number of inlets listed in item 19 ten times the unit price of \$1,273, they didn't extend the price out. So, that should have been \$12,730 as opposed to \$1,273. When that error is corrected, then it makes A&M United the third lowest bidder, not the low bidder. So, in, since our contract was based on INDOT specs and INDOT requires that unit prices govern on errors on extended prices, that is why I'm recommending that we go with the second lowest bidder which was Koberstein Trucking.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

John Stoll: I said second lowest, they are the lowest actually.

Commissioner Mourdock: Yeah.

President Mosby: I have a motion and a second. So ordered.

Philip Hayes: John, the, and then this bidder, A&M United, is to be notified of the action tonight.

John Stoll: Yes, we always send out notification to all the bidders to let them know—

Philip Hayes: Okay.

John Stoll: —who was awarded the contract—

Philip Hayes: And on—

John Stoll: —what—

Philip Hayes: —this one on and the specific information in regard to the—

John Stoll: Error.

Philip Hayes: —mathematical calculation, right. Since they were the apparent—

Commissioner Mourdock: Are they aware of the error that you caught, John?

John Stoll: As far as I know, yes.

Commissioner Mourdock: Okay.

Philip Hayes: Oh, I'm sorry, okay, they are. Good enough.

John Stoll: If not, then I will definitely get it clarified with a letter outlining what the error was.

Philip Hayes: In your award letter?

John Stoll: Sure. Second item I've got is also a contract award request. This is for contract VC01-12-02, Church Road Bridge #299. This is for CCC of Evansville for the amount of \$81,951.56, and they were the low bidder on the project.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I would like to request approval to hire Sitecon, Incorporated to do a survey at the intersection of Broadway Avenue and Johnson Lane to determine the rights-of-way for Broadway and for Johnson Lane in conjunction with a culvert project. The proposed fee for their work to establish the right-of-way and to do a topographic survey will be \$7,000.

Commissioner Mourdock: I'm sorry, who, John?

John Stoll: Sitecon.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a change order on the VIP Railroad Spur project. This is the change order that covers all of the items that I've come to you in the past and gotten verbal approval on. The total increase is \$74,214.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I also have a change order on the Burdette Park O'Day Discovery Lodge site grading contract. This is for a net increase of \$16,406.70. This covers numerous items. The bulk of the changes were the result of additional erosion control measures and piping that were installed at the request of the Soil and Water Conservation District. There are also some deductions for reduced clearing limits in order to save some trees on the north side of the site, as well as the handrails that were called for on the retaining walls. Steve Craig's crews are going to install those, so we got a credit of \$5,000, but overall, like I said, the net increase is \$16,406.70.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

Commissioner Fanello: Now, which budget does that come out of?

John Stoll: That's in Burdette Park.

Commissioner Fanello: Your General Fund budget?

Steve Craig: (Inaudible. Not at mike.)

Commissioner Fanello: Okay.

John Stoll: And that does finish out that contract. That would make the total \$455,000. So, that does close it out. Next I've got a street acceptance request for 613' of Shadwell Drive, and 210' of Stanmore Drive in the Village at Timber Park, Section Five, Phase One. These streets were constructed in general accordance with the approved plans and it's recommended they be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: Next I have a letter to the Indiana Department of Environmental Management in regards to the new storm water regulations that they are evaluating. This is in response to Commissioner Mourdock's request last week. I put the letter together, basically outlined five of the conditions that I see as being some of the more costly concerns that the county is going to have to deal with. It is requested that the Commissioners approve the letter and send it off to IDEM.

Commissioner Mourdock: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Mourdock: It's a good letter, John.

Commissioner Fanello: Yeah, it was very good.

John Stoll: I did find out on the internet this afternoon that IDEM is starting a new 30 day comment period beginning January 2nd. I don't know what version of the regulations that that comment period will pertain to, but depending on what they come up with, we may need to send another letter again next month. As soon as I find something out, I'll let you know.

Commissioner Mourdock: Keep it on the hard disc.

John Stoll: The last item I've got is a time extension request for Southwest Engineering in conjunction with the Mill Road Bridge Project. They have had some delays due to utility relocations and the current weather conditions, and they are requesting a time extension until January 18th. One of the reasons in conjunction with that is, now that they have, they are delayed, it gets into the holidays, they'll lose even more time during the holidays. So, it's recommended that this time extension be granted.

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: So ordered.

John Stoll: That's all I've got unless you've got any questions on anything.

President Mosby: Any questions?

Commissioner Mourdock: Yeah, just the one, and, I guess, it's a question, John, for you and for Phil. Phil, I know this is a new one for you, at least I think it is. We were speaking earlier about over off Little Schmuck Road, which is on the west side, are you familiar with it?

John Stoll: It's the same.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Mourdock: Okay. I just want to get it in the record that I received a call this morning from one person who says he's representing two or three and I have every reason to think he probably is. We've got a mess out there, because there is a 16 ½' wide area that the county has looked after, by some reports, for as long as 40 years. We've assumed it was a county road, but, in fact, we have an easement, and the road has never been assigned or—

John Stoll: Right, basically, it's on a private easement.

Commissioner Mourdock: —accepted by the county.

John Stoll: It's not even dedicated to Vanderburgh County. It's dedicated on a private basis.

Philip Hayes: Yeah. We tackled this earlier in the year, and it had been, it had been reviewed and the people who wish to make the claim, if I'm understanding what, the people that you are talking about, there are some people who wish to have access, it would be in their interest for us to assume responsibility—

Commissioner Mourdock: Right.

Philip Hayes: —there are, the other person's claim title ownership, claimed there was no right and had noticed the county and cut off any thoughts that the county might have of continuing maintenance on there in order to not give up title.

Commissioner Mourdock: When was notice given?

Philip Hayes: It was given in, at least in the year 2000—

John Stoll: Right.

Philip Hayes: —possibly before, John? I defer to you on that.

John Stoll: The last I remember when it came up was last year, and at that time Mr. Reimann was stating that it was a private road on a private easement and that the county had no business being there. We referred the matter to Joe Harrison. Joe and Cedric Hustace looked at it, and because we could show records that the county had maintained it in excess of 20 years, they felt that it was a county road—

Philip Hayes: Right.

John Stoll: —but we didn't have any legal right-of-way. All we could do was claim maintenance from edge of road to edge of road.

Commissioner Mourdock: So, with that statement of fact, is there any way we could get a summary judgement that in effect we did accept the road?

Philip Hayes: Well, we had a prior meeting...before addressing that, I think, that we discuss this matter, maybe, in Executive Session. We might want to refer to those notes before addressing that issue, but at that time it was a matter of how much road do we want? Is this something new that we have to plan for and budget? What would this cost? What are the aspects of moving ahead? It doesn't meet county specifications for one thing—

John Stoll: No, not very—

Philip Hayes: —and we don't know the reasons why maintenance was extended out there, for sure, so, I think, that...and then there were attorneys on both sides of this issue earlier this year. We finally dealt with it, in fact, I think, I just handled one of the expenses on there to Mr. Hustace the last pay period. So, it's gone on that long, but I think I would like to defer it maybe until a legal Executive Meeting because of the record we made previously. I'm not sure how much of it was public record and how much of it was Executive Session, but I know we did discuss it, and it did center on the budget aspects of this. It centers on diametrically opposed land owner wishes concerning how to construe that.

Commissioner Mourdock: The gist of the conversation I had this morning is that neighbor is getting ready to sue neighbor, and I'm sure somehow we are going to get dragged into this.

Philip Hayes: The last talk that I had with the legal counsel for, at least, one party who was in favor of the county construing this as a county obligation and a county road, had simply said that the matter, for the time being, was being deferred. That's been close to six months ago. So, I would be glad to take it up with you, but I think probably it's one where we would want to reserve our review of it until we see both of the aspects and see if this history.

Commissioner Mourdock: I would imagine—

Philip Hayes: That would be my recommendation.

Commissioner Mourdock: Okay.

Philip Hayes: So—

President Mosby: Any other questions? Thanks, John.

John Stoll: Thanks.

Ralph Kissinger: County Highway
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President Mosby: County Highway, Ralph.

Ralph Kissinger: Ralph Kissinger, County Highway. You have my weekly reports. Mr. Mourdock, you had asked John and I to check on the situation on Walnut Lane about a drainage problem a few weeks ago. Apparently, from what I get, and John has come up with some of the answers too, it's been about three years ago, I think it was, the county did install some culvert and some pipe out there. There were, apparently, two ends that drain both ways. In the middle of the area that we are speaking of there were three residents who refused to pay for the pipe to be put under their drives. These are the problem areas. That's where we're having our problems right now. So, until these people either comply to pay for the pipe for us to install or have it installed on their own, I don't know what we can do to correct the problem. I mean, we've flushed what we can, but these are old pipes that need to be replaced.

Commissioner Mourdock: So all their neighbors went ahead and paid, and had them replaced, and these few didn't?

Ralph Kissinger: Exactly. That's the best we can find on it. So, I wanted to give you a report on that. I didn't want you to think that we had just absolutely forgotten it.

Commissioner Mourdock: I'm sure if you drove out there tonight, you'd get a good demonstration of whatever problem there might be.

Ralph Kissinger: Well, if you go anywhere in the county since 11:00 last night, you'll find a good demonstration of piped ditches, so. We've been up all night with it, so plenty of high water.

President Mosby: Any questions of Ralph? Thanks, Ralph.

Ralph Kissinger: Uh-huh.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: No report.

Tammy McKinney: Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: The only thing I have is a late travel request from the Health Department. They just got notice of this, I guess it was late Friday or this morning, and I don't see a problem with it. It comes out of their budget. That's all.

Commissioner Mourdock: I love the purpose listed, rodent activity. Sounds like that is what the event is.

Tammy McKinney: Maybe with all the water it's running them out.

Steve Craig: Burdette Park

President Mosby: Okay. Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. On the Pavilion it came out, a 4% increase rounded off to the nearest dollar was \$860. Then if we added a \$350 lot fee on it, then that would bring it out to \$1,210, which they had suggested \$1,250 for that. That was my suggestion that it come out to that, but it would be \$1,210 for the larger companies to expand out into the lot. That way it won't punish the smaller one's that are not going to use that lot.

Commissioner Fanello: You said \$860?

Steve Craig: Yes, ma'am.

Commissioner Fanello: Then—

Steve Craig: \$350 lot fee.

Commissioner Fanello: I'll make a motion to approve that.

Commissioner Mourdock: Second. That's for 2003?

Steve Craig: Yes, sir.

President Mosby: I have a motion and a second. So ordered.

Steve Craig: The only other thing I have is my work sheets.

President Mosby: Any questions? Thanks, Steve.

Steve Craig: Thank you. Merry Christmas.

President Mosby: Merry Christmas.

Commissioner Mourdock: Same to you.

SWCD and Ozone Officer Reports

Commissioner Mourdock: And we have the Soil and Water Conservation District Reports and the Ozone Officer's Report in the packet. I will move approval of the Consent, or of the Department Head Reports.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: Motion to approve...well, I guess, we need to add the Health Department Travel Request to the Consent Items.

Commissioner Mourdock: So moved.

Commissioner Fanello: And motion to approve remaining Consent Items.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: Do we need any kind of discussion from the Sheriff on the Inmate Transfer Agreement? Or did he already go over that before? I can't...I've talked with him about it before, so I can't remember—

Commissioner Mourdock: Yeah, I think the only discussion at the microphone, certainly, I know Mr. Bodkin's here, I think, for that issue as well. It was presented

briefly, and then simply the statement was it was deferred that one week, or two weeks.

Brad Ellsworth: Brad Ellsworth, my attorney, Tom Bodkin.

Commissioner Fanello: It's self explanatory to me. I just didn't know if anybody had any questions. It's self explanatory to me. I know what's going on.

Commissioner Mourdock: I guess the only question I would have, and I think I know the answer, but everything is set in there at the \$35 fee for whatever the state is paying. Do we have any leverage at all? I mean, if Spencer wants \$35, would Warrick want \$32? I mean, do we have any negotiations?

Tom Bodkin: Why would they take \$32, when they can have \$35?

Commissioner Mourdock: That's true. That's my, that's why I say, I think I know the answer, but I just wanted—

Tom Bodkin: The other issue, Richard, if you look at the statute it talks about the court setting...the court has the power of setting that fee based upon the average of the other counties cost. I don't think we want to go there.

Commissioner Mourdock: Uh-huh.

Brad Ellsworth: There was a jail in Kentucky that offered to take all we had for \$32, but we, we, Mr. Bodkin talked to some of the judges about that, and they were very concerned about transporting across the state line and what that might mean, so they didn't like that idea.

Commissioner Mourdock: Was that Henderson? I mean, was it close?

Brad Ellsworth: Owensboro.

Commissioner Mourdock: Owensboro. Okay.

Tom Bodkin: By the time we spent the extra, saved the three bucks—

Commissioner Mourdock: Right.

Tom Bodkin: —(Inaudible) going right past Warrick, I mean.

Brad Ellsworth: It puts us, we're at 304 today. We wouldn't, obviously, do that until it becomes just critical that we have to move some out to stay under the cap, so.

Tom Bodkin: I think you have the record to reflect that I recommended to the Sheriff that we, that we need the Commissioners involvement here for a couple of reasons. Number one, it is a contract, and you need to approve that. Secondly, the statute is very clear that when the court orders the transfer, it's a transfer of jurisdiction to the other county. To the extent that we move people without the order, we end up still responsible for them, in terms of if anything should happen to them while they are gone. This way at least we are limiting our liability and responsibility to the \$35 a day plus the medical care, which the statute says we have to do.

Brad Ellsworth: And any transportation costs.

Tom Bodkin: And the transportation costs are ours.

Commissioner Mourdock: For my edification here, you confused me at one point when you said about the jurisdiction. If we're paying them 35 bucks a day, we're still responsible for them anyway you look at it, are we not?

Tom Bodkin: We are responsible...we pay \$35 a day, we are responsible to transport them from there to here and here back. We are liable for their medical care, but if something should happen to that individual while they are not here, they are not under our custody anymore, therefore, we aren't in control of them.

Commissioner Mourdock: So, just purely a wildly, hypothetical situation, if one of those jails accidentally lets one of these people go, and they commit some heinous act, we're not going to be—

Tom Bodkin: Well, in my opinion, Mr. Mourdock, once we have the order authorizing the transfer, we no longer have any custody of the individual except to move them back here upon a court's order. The scenario you've raised, of course, we're all familiar with happened, and we all got sued over it, I might add. That was five years ago.

Commissioner Mourdock: As Pat Tuley once said after that, he realized that's when as a Commissioner he was in charge or responsible for everything, but really in charge of nothing. Because he saw his picture on the paper as one of the people being sued, so.

Tom Bodkin: For wrongful death.

Commissioner Mourdock: Yeah, for wrongful death. Just for the record, you may recall we've done a similar thing with the youth. I don't know that we've been utilizing it much, but we signed something with, was it Johnson County?

Philip Hayes: Our juvenile facility—

Commissioner Mourdock: Yeah, wasn't it Johnson?

Philip Hayes: Yes. I can't even, in fact, I'm not sure that's done, but it is a similar concept (Inaudible. Mike not on.)

Commissioner Mourdock: I'll move approval of the ACS, is that what you titled it? ACS contract agreement. Oh, I'm sorry, the Inmate Transfer Agreement.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Brad Ellsworth: Thank you.

Tom Bodkin: Thank you ladies and gentleman.

President Mosby: Thank you.

Commissioner Mourdock: I think we got all the other Consent Items in the broader motion.

President Mosby: Okay. ¹

Scheduled Meetings

President Mosby: Scheduled meetings. I guess Wednesday, 12:30? Is that still right? Yeah. Joint meeting of the Council and the Commissioners?

Commissioner Mourdock: That's next door, I presume?

President Mosby: Yes. Council chambers. Then, I guess, the following Wednesday we have one at noon on the 26th. Any other scheduled meetings?

Old Business

President Mosby: Old Business? That's fine.

Commissioner Fanello: I think everybody has a copy of this agreement for payment to United Consulting Architects and Engineers. I spoke with Troy Tornatta this weekend who had met with Lloyd Winnecke, and I know from conversation with those two that David has met with several individuals last Wednesday, as we talked about from the last Council meeting. So, this is what was told to me would help move the process along. What this agreement does is, basically, pay United Consulting Engineers for the final Building Program. They will not start the schematic design phase until we've signed off on the final Building Program, which the Sheriff has a draft of the Building Program, at this point. As I understand it from talking with Craig Burgess today, they're still working on it, and getting input. In the last paragraph you see that once this amount is paid, this amount comes off of the total Added Value Services in the original agreement. So, I believe the total Added Value Services was \$530,000. So, the \$373,830 would come off of the \$530,000 in the original agreement. Hopefully, this satisfies everyone's concerns. I know the Council had a concern that if they made the payment, that they were ratifying the entire contract. This is really a separate agreement. Not a separate agreement, but kind of a memorandum of understanding for payment of this portion of the original agreement, so.

Commissioner Mourdock: Toward that end, in reading the last paragraph—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —I still have that concern. Let me be very specific here, I understand what you are doing with paragraphs a, b and c, and while I might make a comment that I think we could better specify what the deliverable is, in other words, what the Building Program will be, it's—

¹Consent items listed on Page 35.

Commissioner Fanello: That's basically what letter a does is describe the Building Program.

Commissioner Mourdock: Yeah, I meant as far as when the invoice is received, having the invoice better dictate what costs are involved with what item, but that's a minor point—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —my bigger point is, in the last paragraph, it seems to me while I understand the intent, and don't disagree with the intent—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —that what this is is a very ambiguous comment in that the original agreement for architectural services dated and signed by the owners on October 22nd will be amended. Well, that contract is, in fact, been ruled null and void.

Commissioner Fanello: Well—

Commissioner Mourdock: It seems, it seems to me that even without...if you take this last paragraph off of here—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —it seems to me you are still doing what you really want to do, and by leaving it on there you do leave that question of ambiguity and a question of whether or not the contract ruled null and void is still binding.

Commissioner Fanello: Well, okay, if we could think of it in this light. The original agreement has been signed by the Commission by the majority. It is still, has to be, had nobody disagreed that the contract was null and void, the original contract would still have to have been amended at some point in time with a final scope of service. That was always the understanding on my part and United's part. All I'm saying is that the original agreement will be amended with a final scope of service and fees upon the presentation on Wednesday. Because what will be given on Wednesday is a budget of all...of about four different scenarios that could happen. So, if that takes place...I mean, the Council is going to have to make a decision here pretty soon how much they are willing to spend. All I'm saying is that we would amend the original agreement once the final scope of services is set by the Council. Not the scope of service, but the budget.

Commissioner Mourdock: Again, that's what I agree with.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Okay, the sentence in there;

The final scope of service will be subject to the County's budget constraints as determined by the Vanderburgh County Council.

If you were to, again, take out all of that paragraph up to that line, I'm okay with it.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Because that's really what we're saying is that, as you just said, the final scope will be determined when, and, I think, you leave too much room for argument. I hope we wouldn't have an argument, but contracts often lead to arguments by putting that language in there. Because all of a sudden we are going back to that same old agreement by definition of this agreement, and yet, as you just said, we are going to renegotiate it anyway.

Commissioner Fanello: Well, it won't really be renegotiated, all we will do is cap the service and cap the fees based upon the budget decided by the Council. Which would have been the plan the whole time anyway.

Commissioner Mourdock: Well, we may cap it or we may not depending on what the project is and what the budget is the way that is written. Because if it goes over \$35 million dollars, you renegotiate it under those conditions.

Commissioner Fanello: So, the one set...so you are looking at that one sentence? Is that your problem?

Commissioner Mourdock: I don't know how you mean that, Catherine? If you pick it up from the sentence—

Commissioner Fanello: I can't listen to two people.

Commissioner Mourdock: If number two were to begin and consisted entirely of that part that says the final scope of services, from there till the end, I'm fine with it.

Commissioner Fanello: Okay, well let me tell you the language preceding that was some language that I understand Councilman Winnecke wanted in there as far as that the total amount that we paid from here would be deducted from the total amount in the original agreement. Is that not correct, Councilman Tornatta?

President Mosby: That's what Councilman Raben specified as he wanted too.

Commissioner Fanello: Yeah, I believe that was very, they both were very adamant about that. So, that is why that language is in there to let them know that this will be paid, but we won't go back and renegotiate another contract or amend another contract to pay even more money for something we've already paid for. So, that was really their language at their request. I mean, let's just say for instance we, on Wednesday, we only decide to build a \$5 million jail, and, you know, the Building Program comes out to be \$400,000. I mean, \$373,830 will be taken off that \$400,000. So—

Commissioner Mourdock: Using that example though, how do you get to—

Commissioner Fanello: Well, that's not a very good example, but I'm just saying if the scope of the project changes, or whatever, all they want to make sure is that we are not going to go back and pay twice for something we have already paid for.

Commissioner Mourdock: Yeah, and I totally agree with that. The total cost of the Building Program shall not exceed \$373,830, I think, c says that very well.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Again, I guess, maybe the words null and void are what I'm hung up on here. Maybe I see, maybe I need a legal interpretation of what those words mean.

Commissioner Fanello: Null and void from what? Where are you talking about?

Commissioner Mourdock: From the actions of the Council.

Commissioner Fanello: Oh.

President Mosby: I thought you meant—

Commissioner Mourdock: When they voted on the funding.

Commissioner Fanello: Yeah. This is, I mean, this is upon request of Councilman Winnecke. As I understand it, Councilman Raben wanted that language in there as well, so.

Commissioner Mourdock: I understand what they are trying to do is to move the process forward—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —and I agree with that. I'm not adverse to that at all. I just want to make sure that we don't have anything dangling loose in this agreement that somehow brings us back to confusion that's inherent in the first agreement, which everybody has commented upon at one time or another.

Commissioner Fanello: Uh-huh. I just want to make certain that it's understood with United as well that, you know, the payment, whatever we decide the final scope of service is, the payment that we're making here comes off of the original agreement amount also. I mean, I think that was a very good idea.

Commissioner Mourdock: Okay. I'll meet you, perhaps, half way then, if the sentence, if in the second page, the second complete sentence that begins with the words, "all reimbursable expenses invoiced in 2001 will also be deducted", well, by your argument that would be needed.

Commissioner Fanello: Uh-huh. Because I believe they are going to invoice for \$710 worth of reimbursables—

Commissioner Mourdock: Right.

Commissioner Fanello: —and we capped their reimbursables in the original agreement.

Commissioner Mourdock: Well, then we are down to that one remaining sentence, "the original agreement", which is what I do have a problem with anyway. I just don't see the original agreement being amended, because, to me, that agreement doesn't exist. I don't want us to be drawn back into that agreement—

Commissioner Fanello: Well, even if you don't believe it exists, don't you believe it's still on the table for changes.

Commissioner Mourdock: That's a different issue. I mean, we're talking if there is some conflict down the road.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Yeah, it's fine as a model. I mean, if you want to say, the contemplated agreement for architectural services dated and signed, something like that. But this to me says there is still an agreement in place, and, clearly, there isn't.

President Mosby: Well, truthfully, I think there still is, so.

Commissioner Mourdock: Well—

President Mosby: I mean, I know there is a difference of opinion, but this—

Commissioner Mourdock: —the words null and void come back—

President Mosby: —body voted two to one to accept an agreement, so we have an agreement as far as I'm concerned.

Commissioner Mourdock: Well, as far as your concerned is fine, but the question is from the Council's point of view, when they acted, to call it null and void. As I say, that's the question, the words that, it seems to me we are trying to put life into something that is otherwise dead. That could work to our disadvantage down the road. Again, I'm not—

President Mosby: To who's disadvantage?

Commissioner Mourdock: To ours based on that contract that's out there. We're saying here that we're going to go back in and reshape that contract in some form, are we not?

Commissioner Fanello: It would have to be amended with a capped service and a capped—

President Mosby: Once we get a scope of service, yeah, I mean, we are going to have to do something. Right now it just says to assume a \$30 million project.

Commissioner Mourdock: Uh-huh.

President Mosby: So we don't even know what that is. As we explained to the Council, or I've explained to them three different times, as soon as we get a scope of service, whether that's 500 beds or 650 beds, or whatever, depending upon what the professionals present to us Wednesday, you know, we will have to make a determination after that and go in and amend the scope of service for the project. Then that will satisfy their need on having a cap on the fees. Because once we are given the scope of service on the project, then we will have a price too, and that can cap the fees.

Commissioner Fanello: And it would have always been that way, because we started this whole thing backwards, you know, by starting off with a set budget and not necessarily knowing what we could get for that budget. So, the whole contract was based on an assumption, and would have always had to have been amended with a final scope, and a final cap on everything.

Commissioner Mourdock: Well, that's the nuance to that specific contract that might not have existed in other contracts. I mean, you are right, that's in this one.

Commissioner Fanello: Uh-huh. Uh-huh.

Commissioner Mourdock: Troy, do you want?

Troy Tornatta: Just up here. Troy Tornatta, County Council. I'm just up here in case there is a question. Because we were dealing, excuse me, we were dealing with this issue over the weekend trying to figure out the best way to facilitate the process. And you guys don't have a voters meeting on Wednesday, so the best way to do this is to try and come up with some type of agreement prior to that meeting, so we could have our special session, make it clean and cut and, hopefully, get everybody on board so that we can get this engine rolling. I guess, are we saying...we're using it as a model. The contract as a model, because I got a point from A to T talking about how to amend the contract. So, we are using the contract, I mean, is there, and I know that's kind of up for judgement on whether it's clearly null and void, even though we voted on it, is that clear? I guess, what I—

Commissioner Mourdock: You just clarified it in my mind how to say it, Troy, thank you.

Troy Tornatta: Okay.

Commissioner Mourdock: Here's what I read the difference being. You're saying that we may want to change things from A to T. What I hear David and Catherine saying, and correct me if I'm wrong, you're saying we want to change the scope. Changing the scope is not necessarily the same thing as A to T.

Commissioner Fanello: Well, I believe—

Commissioner Mourdock: If you accept that this contract is in place, you are limiting what you can do to the terms which say, as you are saying, the scope.

Commissioner Fanello: Well, as I remember last week, Commissioner Mosby, you sent a letter around that said, or to Ed Bassemier saying that you were willing to sit down with him and, I believe, go over some of the points that they had and change...I don't think we're really disagreeing to change some of their points.

President Mosby: The A to T comes from the Council.

Commissioner Fanello: Yeah.

President Mosby: It's not mine.

Commissioner Mourdock: Okay.

President Mosby: It didn't originate here in the Commissioners. When I met with Councilman Hoy, Councilman Winnecke and Councilman Raben, the three of them—

Commissioner Mourdock: Uh-huh.

President Mosby: They presented me with a list.

Commissioner Mourdock: Right.

President Mosby: I went through and I looked at everything from A to T and said I could probably take 11 of these and in some way, you know, either clarify or expand on it.

Commissioner Mourdock: Okay. And that's fine, but as defined in that specific contract where it says change of scope based on the final Building Program, that's a very set number of things you can change—

Commissioner Fanello: Okay, well—

Commissioner Mourdock: —this language is—

Commissioner Fanello: —let's not make this bigger than what it really is. All this really is is an agreement for payment for the Building Program, and I believe that was all it was intended to be. So, I think we are kind of getting outside the scope of even what this agreement for payment was supposed to do.

Commissioner Mourdock: Well, that's true, Catherine, but as the man on your right will tell you, in a legal document words have meaning and they matter. I don't want us, and you both just clarified it, or all three of you.

Commissioner Fanello: I mean, all I was trying to do was—

Commissioner Mourdock: (Inaudible. Talking over each other.) Is broader than the scope.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: And right now that contract only allows for changes—

Commissioner Fanello: No, no it doesn't. Because Commissioner Mosby has already sent a letter to Ed Bassemeier saying that he is willing to sit down and make the other changes as needed.

Commissioner Mourdock: Exactly, but that doesn't change the contract that you are saying still exists. That contract—

Commissioner Fanello: All I was trying to do was reinforce to the Council that we are willing to cap the service and cap the fees in the contract once that information is presented on December 19th.

Commissioner Mourdock: (Inaudible. Talking over each other.)

Troy Tornatta: Do you have wording? Did you have a set wording that you would like to see in there?

Commissioner Mourdock: (Inaudible. Talking over each other.)

Troy Tornatta: No, no, no. That you would like to see—

Commissioner Mourdock: Yeah, and what I would suggest and, again, this is in the sense of compromise with what we were saying before. Is if the sentence, “ the original agreement for architectural services”, is taken out, then I’m okay with this.

Troy Tornatta: Because that...I’m sorry.

Commissioner Mourdock: Then I’m okay with this.

Troy Tornatta: Okay.

Commissioner Mourdock: The entire sentence says:

The original agreement for architectural services dated and signed by the Owner on October 22, 2001, will be amended with a final scope of service and fees upon presentation of an estimated budget on December 19th.

Now one of two things; either we change the contemplated agreement for architectural services, stop right there, you know, will be drafted as a result of the budget meeting on December 19th. I could live with that. I just don’t like to breathe new life into a contract that all of us are saying we need to change. It seems to me that is clearly what’s happening with that language. Phil, do you have a comment on my less than lawyerly interpretation here?

Philip Hayes: Well, I had, I had looked through this and I had seen this as a conditional, as a condition for payment so that the effort, it appeared, was that it was an agreement between the Owner and the Architect for payment for services that were done for the Building Program. So, I had noted that this document is simply a condition of the Architect’s statement for payment, and if accepted by the County Council a condition of the payment itself, and to allow for flexibility to pay the obligation and to consider amendatory language proposed by Councilman Winnecke and others last week, and addressed by President Mosby’s letter. I would say that in order to get the job done...I don’t know that we necessarily give up anything if we take out the original, the language the original agreement for services dated and signed will be amended. I think that—

Troy Tornatta: I mean, if you want it—

Philip Hayes: —it’s a statement of intent. I think you could remove it if it would clarify it better in your mind. I don’t think it harms or damages the assertion by the majority of the Commissioners that the contract is a good contract and indeed—

Commissioner Mourdock: Okay.

Philip Hayes: —ultimately isn’t, no.

Troy Tornatta: Could you not, could you not say the majority of the Commissioner approved County Council void if that's what you want?

Commissioner Mourdock: No, I don't even want to try that one.

Troy Tornatta: I mean—

Philip Hayes: No, I wouldn't do that.

Troy Tornatta: But again I'm...the compromise, I think the compromise is there.

Commissioner Mourdock: Yeah, and I think so too. I'll just go ahead and try to move it forward, realizing I'm one vote of three, but I'll move that this be accepted with the exception that that paragraph that I read into the record a moment ago, beginning with the original agreement for architectural services be deleted.

Commissioner Fanello: Delete that sentence, you mean?

Commissioner Mourdock: Delete that entire sentence.

Commissioner Fanello: I'll second that, deleting that entire sentence, but leaving the last two sentences there, right? The final scope will be subject to the County's budget constraints?

Commissioner Mourdock: I absolutely agree with that.

Commissioner Fanello: Okay. I'll second.

Commissioner Mourdock: Okay.

Madelyn Grayson: Is there an extra copy of that for the record?

President Mosby: (Inaudible. Talking over each other.) could be such a big mountain? I have a motion and a second to delete from the original agreement, I guess, down to December 19, 2001. I have a second, so ordered.

Commissioner Fanello: Do we need a second motion to approve?

Commissioner Mourdock: No, I made the motion in the positive to approve it all with that exception.

President Mosby: Any other Old Business?

Commissioner Fanello: I've got one letter that we need to sign to send to Suzanne encumbering our \$500,000 out of the CCD Funds. We're getting all those done this week for—

Commissioner Mourdock: Motion to approve.

Commissioner Fanello: Second.

President Mosby: So ordered. Is this the one that we just got rid of?

Commissioner Fanello: That's carried over to next year.

President Mosby: Any other Old Business? You got anything else?

Commissioner Fanello: I just have one...not Old Business. I just have one letter, apparently Connie Carrier and Anthony Bushrod have been selected Voter Registration Officials of the Year. So, this is just a letter from the Board congratulating them on that.

Commissioner Mourdock: I'll certainly move approval, or second the signing of that one.

President Mosby: I have a motion and a second. So ordered. One thing I was going to bring up, did you...I guess, both of you received a letter from the Health Department? Saying that they voted at their board meeting for us to be prepared on January the 7th?

Commissioner Mourdock: I haven't seen the letter, but I spent most of the weekend in bed, so that's alright.

President Mosby: Evidently they passed a resolution at their board meeting asking us to be prepared to with our space allocation, and, I mean, I know I'm not going to be prepared, but I said that the night that motion was made here in this chambers, that we have a plan, and I didn't see anyway possible that we would have a plan by January 7th, so. I will probably have Tammy draft a letter from me personally saying that I am not prepared to do that, because I stated that as part of the record. I don't know how you all feel about it.

Commissioner Mourdock: Not having seen the text of that letter, obviously, they are concerned about their space, or at least I assume their space, they don't care about anybody else's space. They are worried about their space. So, I guess the question is, do you wish to have any discussion with them that night about their space?

Commissioner Fanello: I realize that a lot of our decisions on their space hinge on other decisions on other people's space, so I think it needs to be something that is taken into consideration collectively. With all these things that have been happening with the jail issue and trying to get that resolved so we can move forward, I would say that January 7th is a very aggressive date, and is probably not going to be a feasible date.

President Mosby: I think what they are referring to, and if I remember correctly, the night you made the motion that you had said we were going to come up with a long range plan for space allocation throughout the county. I think that is what they are basing this off of. It was my theory that night, and is still my theory, that until we decide what we are doing with the jail itself, and what we are going to do with the old jail space, whether we are going to use that in some way—

Commissioner Mourdock: Okay.

President Mosby: —are we going to turn it into court space, or whatever, I mean, that is where I'm kind of—

Commissioner Mourdock: Okay, well, I think we need to act officially then, since there was a motion and a second that night to come up with that plan. I know you said after the meeting, David, that you didn't think it was doable, but there was a motion and a second to go forward with that, so at this point I think you, if you are going to send them a letter, we need to act in some way to say that it's not going to happen.

President Mosby: I mean, if you've got something going, I'm more than willing to listen to what you've got, you know, but I don't have anything in the works, so. I know you said that night that--

Commissioner Mourdock: Yeah, I've been having on-going discussions with Steve Utley about what we have in floor space, and what we might otherwise do.

President Mosby: I mean, we've not even had another space allocation meeting, so I've heard nothing from anybody.

Commissioner Fanello: And I was just going to say that really I believe, you know, the time is coming over the next couple of weeks, well, maybe right after the first of the year where we have to get a commitment from the Council on how much they are really willing to fund renovations to the Old Courthouse, because as it is in it's present condition, I don't see how a lot of our county offices could move over there if we wanted them to move over there. So, I believe that also hinges on a commitment from them.

Commissioner Mourdock: I don't disagree with that.

President Mosby: So--

Commissioner Fanello: I believe really we ought to send an official letter to the Council asking for some type of direction and commitment.

Commissioner Mourdock: Do you want to prepare a draft and bring that in next week? I agree with you.

Commissioner Fanello: I can do that.

President Mosby: Any other discussion, Old Business?

New Business

President Mosby: New Business? Motion to recess for ten minutes and start zonings at 7:30?

Suzanne Crouch: (Inaudible. Mike not on.) actually adjourn this meeting and then start the other one.

President Mosby: Oh, okay.

Commissioner Mourdock: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. We will resume at 7:30.

The meeting was adjourned at 7:20 p.m.

CONSENT ITEMS:

Employment Changes:

Area Plan Commission	Superior Court	Circuit Court
Knight Assessor	Perry Assessor	German Assessor
County Highway	Prosecutor	Center Assessor
County Clerk	Recorder	VCCC

Travel Requests:

Center Assessor	Health Department
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Requests for Service:

Sheriff Department	Superior Court	Circuit Court
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Auditor:

Submit Accounts Payable Vouchers.

Sheriff:

ACS Contract amendment extension.
Inmate Transfer Agreement.
Submit weekly jail information and reports.

Those in Attendance:

David W. Mosby	Catherine Fanello	Richard E. Mourdock
Philip Hayes	Suzanne Crouch	Tammy McKinney
Madelyn Grayson	Phil Lawrence	Les Shively
Kenneth Grimes	Marilee Foster	Brad Ellsworth
John Stoll	Ralph Kissinger	Steve Craig
Troy Tornatta	Others Unidentified	Members of Media

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and BJ Farrell.

**JOINT MEETING OF THE
VANDERBURGH COUNTY COUNCIL
AND COMMISSIONERS
DECEMBER 19, 2001**

The Vanderburgh County Council and Commissioners held a special joint meeting for discussion of jail and corrections projects on December 19, 2001, in Room 301 of the Civic Center Complex. The meeting was called to order at 12:35 p.m. by County Council President, Ed Bassemier.

Council President Bassemier: Major, Sheriff's Department, do you want to open the meeting, please?

Brad Ellsworth: Oh yes, oh yes, oh yes, the Vanderburgh County Council and Commission is now in session pursuant to adjournment.

Council President Bassemier: Thank you, Sheriff. I want to welcome everybody to the December 19, 2001, special joint meeting. This meeting, the purpose for this meeting is to for information purposes about the jail project. You want to take roll call?

Teri Lukeman: Just start (Inaudible. Mike not on.)

Council President Bassemier: As far as Council members, please.

Teri Lukeman: Councilmember Tornatta?

Councilmember Tornatta: Here.

Teri Lukeman: Councilmember Sutton?

Councilmember Sutton: Here.

Teri Lukeman: Councilmember Wortman?

Councilmember Wortman: Here.

Teri Lukeman: Councilmember Hoy?

Councilmember Hoy: Here.

Teri Lukeman: Councilmember Raben?

Councilmember Raben: Here.

Teri Lukeman: Councilmember Winnecke?

Councilmember Winnecke: Here.

Teri Lukeman: President Bassemier?

Council President Bassemier: Here. Mr. Mosby.

Commission President Mosby: Yes, I would like to call to order Board of Commissioners meeting December 19th, regularly scheduled meeting. Present today will be Commissioner Mourdock, Commissioner Fanello, Commissioner Mosby, myself, along with Counselor, Tom Bodkin and Counselor, Phil Hayes. I guess, if I could at this point, we'll just have a motion to suspend normal business?

Council President Bassemier: Can I have a motion?

Commission President Mosby: To go into the special agenda.

Council President Bassemier: Is that okay? Motion to suspend? Do I have a motion?

Unidentified: Pardon?

Commissioner Mourdock: Just for the record, the County Auditor is here too. I know she stepped out for a moment, but the County Auditor, as she always is-

Commission President Mosby: Oh, I'm sorry. Right.

Commissioner Mourdock: -(Inaudible. Talking over each other.) County Commission meeting.

Commission President Mosby: And in my introductions include the County Auditor, Suzanne Crouch.

Council President Bassemier: Thank you, Commissioner Mourdock. Okay, would everybody please stand for the Pledge of Allegiance?

(The Pledge was given.)

Commission President Mosby: We need a motion to suspend normal business. Yeah, we need a motion.

Commissioner Fanello: I need to make a motion to suspend normal business.

Council President Bassemier: Okay.

Commissioner Mourdock: Second.

Commission President Mosby: So ordered.

Council President Bassemier: Thank you. Information items, Mr. Mosby, do you want to go ahead and start on your presentation by the professionals.

Commission President Mosby: Yes, we'll start today, as you said, this is an informational hearing, so we'll start with a presentation by the professional firms that we have with us, being Crowe Chizek, Shireman and Company, Julie Von Arx, Al Bennett, United Consulting, DLZ, Baker and Daniels, and Mike Claytor from Crowe Chizek. I think they have a designated spokesman, and I will let them go ahead with their presentations and then we will come back with questions by Council members and Commissioners.

Council President Bassemier: Thank you, sir.

Brad Ellsworth: My name is Brad Ellsworth, Sheriff of Vanderburgh County. I've been asked to make the introductions. First I would like to introduce Mike Claytor with Crowe Chizek, the financial advisor, to make his presentation.

Council President Bassemier: Sir, for the record, please state your name.

Mike Claytor: Yes, sir. My name is Michael Claytor. I'm a partner with the accounting firm, Crowe Chizek and Company.

Council President Bassemier: Okay, sir, thank you.

Mike Claytor: Hopefully, you have before you a couple of packets of information. One is, hopefully, enough detail that if you have any trouble sleeping, you will be able to take care of that. It is in a bound sheet that looks like this that has various detail of financing scenarios. Then the other thing that you have that we provided is a copy of the power point slides that I'm going to go through at this point. I think, probably, you will both squint at the screen and squint at the one's in front of you. So, if I get my bifocals aligned right, and you get your bifocals aligned right, we should be in pretty good shape. What we are going to present today are project sizing scenarios to give information to the Council and Commissioners based on the work of the professional group here as to the type of project that may be pursued by Vanderburgh County. We will have some recommendations in here. We will have various numbers in here. We will be presenting four distinct types of scenarios, and showing what the financing would be for those types of scenarios. The first one is going to be based on bond size. It is based on the direction that we received from you saying that you were wanting to look at a \$35 million bond size. I understand we were talking bond size, not project size, so that's the scale that we've used in that scenario. Then we have used three other scenarios to present you with the information of what the various recommendations would be depending on the type of project. The first would be to build an adult facility of the size recommended in some of the planning procedures that have been gone through. The second would be to build both an adult facility and a juvenile facility. Then the third set of scenarios would be to build all three; a jail, a juvenile facility and a community corrections facility. Now the various scenarios that you have in front of you, and the cost sizes, and the lease payment scenarios that are there are based on assumptions. We've had to make a lot of assumptions here to be able to present this information. We try to make as conservative assumption as we can, so that these numbers should be maximums. These should be the top points. We never want to come back and say, oops, it's

going to cost you more. So, in these scenarios we have tried to estimate things high, so that when we do get to a final bid on a project, they come in lower. You definitely don't want to come in higher. We have assumed that we would be doing a lease financing, and that it would be on July 1, 2002. Now, lease financing is what is typically done for governmental projects, building projects. A number of the things that you have done in the past here in the community have been lease financings. Typically, in Indiana these are done as lease financing because of the extremely restrictive nature of the 2% debt limitation in the Indiana Constitution. It is one of the most restrictive limitations in the country, and because of that more Indiana debt is done on a lease basis proportionately than in any other state. It is because of our debt limitation. Now if you look at, we are changing our property tax basis, so our assessed values are all tripling by going to a true tax value system. So, the legislature decided to take away your discretion on that matter, and they have reduced the 2% debt limitation to be based on the old method. So, by tripling assessed values, you are not going to get an increase in your debt limitation. So, that would not free up capacity to do this in a general obligation type of format. We are also looking at using a 25 year amortization to repay the bonds. We are looking at capitalized interest for a 2 ½ year period during part of the planning, and through all of the construction phase. Capitalized interest is a legal requirement for lease financing. We're hoping as we get further along that we could shorten that capitalized interest program, and that would certainly save you money if we're able to do that. We are assuming a 1% underwriters discount, which would be a fee that the underwriter charges for brokering those bonds to people within the community, or to insurance funds. We are assuming an average interest rate of 5.76%. Now that is an extremely high interest rate. We would probably be a full point below that were we to sell the bonds today, but the reason we estimate a high interest rate is because I can't tell you what the rate is going to be in July of 2002. If the project moves at all, we may be issuing the bonds even further down the line, so just to be sure we are within a range where we wouldn't have to go back and start over from a state tax board perspective, we use a high interest rate in our estimate. So, when I give you a payment and say this is what the payment would be, it's assuming a full percent interest higher than I think it really would be if we did this today. Now the county has done a very fiscally responsible thing in setting aside an amount of money and projecting that you will set that aside in each of your budgets until we get to the point where we've done this financing. The county has designated, I understand, \$2.7 million. That is fabulous to do that. What we can do with that, setting that aside this year and next year, we can use part of those funds to help hold down the capitalized interest costs, or to pay some project funds as we go along by doing that as part of the construction costs or part of the soft costs in this deal. That way you will save money on interest and on capitalized interest. So, by setting that aside, you are setting an excellent precedent. That is great, and that is going to be very helpful. There is one small caveat in that, when you set that money aside, and for the last several years the Tax Board has allowed units of government to set that money aside, and they haven't touched it. The Tax Board can consider that money part of your free cash balance in working your budget to reduce your property tax levy. I don't think that is very likely, but it's something that you need to make sure, and I know Suzanne will take that into account when she's working with the Tax Board guys in going through the budget to make sure that is set aside for this project, and not used as part of the budget process. So, that's just a let's make sure we do this. Now not included in the financing numbers that I presented are certain costs, and we're going to cover some of those. Some of them are really unknowns, so I wasn't able to cover them in these numbers. The financing numbers don't include

operational costs, because you can't finance those operational costs. Those are budgetary items that you will finance in the normal budget. We have outlined, and in the presentation we will show you the estimates of operating costs for each one of these scenarios, and what the staffing requirements would be, but we have not included that in financing. Obviously, that's a budgetary matter, and that's something then that you would work into your budgets in the future. We have not included a land acquisition cost, because there has not been a site selected. So, that is kind of a number that we need a place holder for that you need to realize either you are going to have to spend maybe part of that money you've set aside for land acquisition, or if it's existing county property that you could currently use that wouldn't have an acquisition cost with it, otherwise, if you don't use one of those two methods, we would have to increase the financing for land acquisition costs. If, in fact, a solution as we finally go through this, includes some modifications to the existing jail, we've not built that into the financing costs. That would be a separate matter to have to be handled later. Then, finally, we haven't included staff training to go into this new methodology, again, because that is an operational cost. That is not something we can finance with a bond issue. So with those assumptions, to tell you what the parameters are of the four scenarios that we are going to be looking at, as I said, the first one is based on a size of bond. We went to the working group and said, with \$35 million of a bond issue, we will have to set aside a certain amount for capitalized interest, and cost of issuance, and the other things that we have to have in the project, so here's a net amount that you have left for construction costs, which here is shows at about \$26 million, and \$4.8 million as far as actual project costs, what can I buy with that? They came back and said, we're talking about a 448 bed jail for that kind of a price, with 124,475 square feet. Doing that \$35 million bond issue, and using that 5.76% interest rate, a lease payment would be about \$2.85 million. I know we were also talking about a \$35 million deal would come close to that \$2.7 you're setting aside, that's assuming a lot better interest rates, and a shorter capitalized interest period. So, you know, if we were to market today and get good rates and be in good shape, we might be able to do that for the \$2.7 million, but it's, you know, it's in that neighborhood. The second scenario which was the recommended size of the jail facility for an adult jail is 650 beds, which would be a five pod system, the way they build jails now using pod systems to help with operating costs because of the staffing. It's 172,000 square feet, roughly. The bond issue size would be around \$47 million. The annual lease payment would be about \$3.8 million. The actual construction costs, the hard costs, would be \$35.66 million, and the soft costs, and we'll go through those in detail in just a minute, would be \$5.9 million. The next alternative being the combination of the adult facility and the juvenile facility would be 674 beds, which is the 650 adult jail and the 24 juvenile facility. That's roughly 191.6 thousand square feet. A \$52 million bond issue. \$4.25 million lease payment per year. Roughly \$39.6 million in construction costs, hard costs, and \$6.45 in soft costs. Then the final all in facility, 974 beds, which includes 300 beds community corrections, is roughly 231,000 square feet. \$58.8 million bond issue. Almost \$4.8 million annual payment. \$44.8 in construction costs, and \$7 million in soft costs. Now to go into detail and to show those side by side, I'm sorry, this is another squint at the numbers slide. This just presents the same information you just saw, but shows it in a side by side format. I wonder if that...(Inaudible. Stepped away from mike.) make that worse. That is better. That works for my eyes. I don't know if that works for your eyes or not. It shows those same numbers we just went over on a side by side basis as far as project costs, bond issue size, and annual payment. To go into detail for each of those, we talked about the project cost size, those are made up of components, obviously, the first component is the actual

construction cost, which in each of those facilities, you can see in the first one, it's roughly \$24 million. For the 650 bed jail it's roughly \$33 million, and it ramps up as you go to higher number of facilities. Furniture fixture and equipment, basically, out quip, excuse me, equipping the building, also ramps up because you'd be doing larger facilities and more facility. Then we have included a contingency. This is a number that we hope we don't have to use, but one of those that you get into a project and you start digging in the ground and you start finding things you have no idea was there, and something comes up just in case. So, a contingency is put into those numbers as a just in case number, and you certainly hope that when you get down to bids, and when you get down to actually doing the surveys on the property that you don't have to use that money and you can do a smaller bond issue. Now this is really a squinter. To get into this one, this is the detail of the soft cost component. We've tried to detail those as much as we could for you to let you know individually what those components are in the project, because, obviously, soft costs are a large component of a project. Of course, there is architectural fees and engineering fees that are the first line item. The second line item, program plan and implementation, is the consulting project to determine the facility size and layout to allow you to have the optimum configuration for what the community needs are. A and E Reimbursables are any costs for reimbursement the architect would have. Base CM Fee is the construction management fee of the firm that would come in and do the day to day beating up on the contractors, and making sure that the project comes in under budget, makes sure that they can get things done in an appropriate manner. There is CM reimbursables, obviously, other kind of detail of things in there; printing, distribution, surveys, kitchen design, environmental, civil design, you know, review fees, insurance, telecommunications. Issuance cost is in there, the issuance cost pays for things like the financial advisor, the bond counsel, local counsel, the ratings from the rating agency, the printing of the offering document that goes out, those sorts of things. Then there is a total there for the soft costs in the project. Now shift gears a little bit and talk a little bit about the operating costs for the various scenarios that we are looking at. We've seen, you know, part of this is based on number of pods, number of square feet. We do have a detail of the projected operating costs for each of the scenarios. Now one caveat here, and we'll talk a little bit about the current budget, this is the cost to operate the new facility. You are ,obviously, already operating a facility. So, when we say you need a jail commander, that is something you already have. So this is not new costs to operate a facility, this is all end costs to operate a facility. Okay? As you can see, depending upon how many pieces to this there are, a four pod facility has a total operating cost projected of about \$4.6 million. The adult only option has a cost of about \$5.9. Adult plus juvenile, a cost of about \$7.1 million, and then the all three component, a cost of about \$9 million. The detail on those, we have looked at, actually the design team has looked at what it would take to operate the facilities, how many people, what the average annual salary would be for that, various types of equipping. This even includes medical and the other types of costs that you would incur at a regular facility as well as whether you build a new facility. So this has the operating costs for the \$35 million scenario. The next page shows the staffing positions, how many positions would be staffed, and then based on the guidance that's put out as to how staffing should be done in a facility, came up with a number of positions. You can see the \$35 million is 86 positions. Then the next slides I will just touch on real briefly. Obviously, the adult facility takes more people with a fifth pod for the 650 beds, because you are going from four pods to five. Again, the staffing detail for that is 96 individuals. Then if you go to adult and juvenile, which is the \$7 million item. That is 132 people. As you can see, those numbers individually and how they are broken down,

and see the number of people on the next slide. Then the final slides related to the operating cost show the detail of the \$9 million operating for adult and community corrections, as well as the staffing requirement of about 173 persons. Now to give you a comparison, and we need to validate these numbers, these are at least the numbers that I've been given. Is that, currently, and if we, I'll mess up everybody's eyes and go back to the overall. If you look at the overall different size, you ramp from \$4.6 million up to \$9 million. What I understand the current budget to be of the jail, is roughly \$3.3 million, with 59 staffing. The current community corrections of \$3.26 million with 59 persons. So, your total current costs covered in your budget are \$6.59 million with 118 persons, are the numbers that I've been given that that is your budget today. So, if you look at a comparison, your budget today is about a \$6.6 million, which is sort of in between the adult jail solution and the adult and juvenile. It's a little different if you keep the current community corrections, you are not going to lower costs for that. The way I understand the way these numbers work, the adult is going to increase your costs, the adult and juvenile is, obviously, going to increase your costs, because that is not something you are currently operating. If you throw in community corrections because they are able to do this in one facility, what your current community corrections costs are will come down. Now in total it is going to be higher, because you've got a bigger adult jail, and you've got a juvenile facility, but in total the community corrections will come down. Now total costs, obviously, of \$9 million, that means you are going to have to find \$2.5 million dollars of additional operating costs if you do all three components. There are some savings if you only do adult and juvenile, and do the \$7 million and don't change community corrections, you're total operating costs are going to be roughly \$10.4, because it would be the current three million, two hundred sixty some thousand that you are spending for community corrections, plus the \$7 million to do adult plus juvenile. So, you know, there are, I can't just say, you know, this is going to cost you \$9 million, because, in fact, if you only do two of the components you may actually have almost \$10.5 million in costs.

Council President Bassemier: Sir, we need to change the tape. Hold that thought.

Mike Claytor: Oh, sure. I'm sorry.

(Tape Change)

Yes, I'm sorry, just throw a rock at me. I respond to rocks really well. The last slide that we have up is a little bit of a (Inaudible) chart to show you a time line, again this is kind of squint at a little bit but it's got a lot of really cool colors on it and it does have the timing of a project to bring out through the schematic design phase and then on through construction phase. As you will see this is the chart that the design team put together awhile ago as we were beginning this project. They expected to already be pretty well along in this phase and ready to go on further into design development and getting the construction documents ready. We are a little bit off of this time line so it will need to be pushed out a little bit as you make your decisions going forward on what Vanderburgh County is going to do. That really concludes the slides that we have. There is a tremendous amount more detail in your book as far as we have included all of the debt service schedules for each of the scenarios and more detail on capitalized interest and how that arrived

at and other costs of issuance. But the team would be very happy to answer any questions that you may have.

Council President Bassemier: Could we have the lights please? Thank you. On the Council side, who would like to start please? We will probably want to take a couple of minutes to look at this.

Mike Claytor: That'd be great. I've actually got a deal with an ophthalmologist that if I can get you enough eye strain we might have to get you all new glasses.

Councilmember Winnecke: I'll start.

Council President Bassemier: Okay, Mr. Winnecke.

Councilmember Winnecke: Help us understand how you came up with the scenarios in terms of, how was the price based on? In other words, the \$35,000,000 bond issue, 448 beds, how does that math work?

Mike Claytor: For, in terms of per bed, per square foot?

Councilmember Winnecke: Right, correct.

Mike Claytor: I am going to have to kick that to the design team. They are obviously estimates. All of the estimates are based on square footage estimates of build out with number of pods. Obviously you can't because of the podding system and I know that you are fairly familiar with the concept that jail facilities are now built in pods so that you centralize your command and you centralize to review and supervise prisoners. So, you can't take a four pod system and make it a four point two pod system. So, you can't take a 448 bed facility and make it a 449 bed facility. You have to go to the next step. So, this was based, all of the other scenarios were based on if we have 650 beds, what, how many pods will that be and what will it take to build it. On the 35,000,000 one we went the other way just because we wanted to stay within the number that you had set. So, we went backwards and went to the design team, here's an amount of money, how many beds can you buy me? But, it is still based on the square footage either way whether it is number of beds times or amount of money divided by. But, I can get you, see if that, we have to get the right. Mark, do you want to address that?

Council President Bassemier: Come on up to the mike, sir, and state your name.

We are not going to let you out that easy.

Mark Shireman: I'm Mark Shireman. We worked as a team on this. I worked on the dollars and United DLZ worked on the square footages and the beds. There is a question about that costs per square foot specifically. At this point in time, the cost per square foot is an estimate as Michael said and it is what we call a probable cost. What we have to think about is what's gonna happen a year or so from now when bids are opened? And it is an unknown. So, basically what all of us do it use historical cost data. I have a data base, so does DLZ United and some architect friends of mine and we based this on those estimates and our goal here and my job is to get the fat about of this project during the design phase. So, we set the

community corrections up for example at \$118 a square foot and we set the rest of it up at around \$190 a square foot. Now, one of the companies that is well known in the United States is RS Means and Company and I am going to go ahead if I may and pass out a page out of their cost book, if that would be okay? Okay, Michael will pass those out. You will see, if you turn to that second page, you will see that nationwide and regionally they show jail construction at \$132 a square foot to \$217 and I am going off of memory and I hope that I am right about that. So, we are trying to come up with a number that we think is a reasonable number. We don't want to be extremely high and we don't want to be extremely low and again based on our data base and other information that I have gathered we think that the numbers, the estimates, we have are reasonable and not extremely high. I hope that's, does that help?

Councilmember Winnecke: That helps.

Council President Bassemier: Anybody else?

Commissioner Fanello: I have a question. This is more of a question for Mike, it doesn't sound like my microphone was working, when you were going over the, you gave us all of the detail on the bond issue, whenever the Council earlier this year set aside the \$35,000,000, they thought was an amount of a bond issue that they could do without having to raise taxes. Is that true? Will there be a tax rate increase on that size and could you kind of briefly synopsise the --

Mike Claytor: Sure. I think that the original thirty-five was assuming that the lease payment could stay within \$2.7. Which Suzanne has run a number of numbers on that shows the County would be able to set aside \$2.7 and do that. That number is going to depend on both the construction period which impacts the capital interest and the interest rate that we got. So, if we could shorten six months off what we are kind of thinking around right now the period would be, in other words if we go down to two straight years of capitalized interest instead of two and one half and if we had today's interest rates, then yes we can stay within that \$2.7 million, that shouldn't be a problem. We are working with some unknowns though because we don't know what the interest rate will be necessarily. We are still not sure what the capitalized interest period will be. I kind of mentioned the 2.7 that's already been set aside could be used to help reduce that capitalized interest, so you know I won't say yes, absolutely, you can stay within the 2.7 but you can probably get close to it..

Commissioner Fanello: Could you on the other three bond size scenarios, tell us, kind of explain the tax rate impact just real quickly?

Mike Claytor: Sure, in the booklet you have, behind each tab of a scenario and starting with the \$35,000,000 scenario, if you go to the fourth page behind that tab, that would show you and again as we've said worse case assumptions with the only unknown that might go into the bond issue some kind of land acquisition for the example of the \$35,000,000 scenario, on that fourth page behind the \$35,000,000 tab, the estimated debt service is \$2,854,000 and we have assumed a normal growth in assessed value of roughly, where somewhere near three percent, we have assumed what has been the rate and because we changed assessed value basis we have done this both ways for you, we've done it under the old assessed value method and under the true tax value method. The only thing that I haven't

done is gone to the crystal ball and estimated what reassessment is going to do to these numbers. But, as you can see under the old methodology it would be roughly seventeen cents on the rate, that is not assuming using the 2.7, that is assuming that you paid it all out of property taxes. Obviously if you use the 2.7 million that is within your current budget, it's certainly not going to be a seventeen cent impact, it would be a very low impact because the total payment is only estimated to be 2.85. But, under the new true tax value method, it is roughly five and three quarters cents if the payment is 2.8 million. We have included one of those sheets for each one of the tabs but again we have done this in the worse case scenario. We are not assuming for these purposes that you are using any current budget money. This would be the impact if you put it all on property taxes and didn't use any other revenues any savings out of budget. So, for the \$35,000,000 again with those assumptions it starts out at about seventeen cents and ends up a little, well right about nine and a half cents. True tax value method again it starts at five and three quarters cents and ends up about three cents. The true tax value method is the value that we are going to be in for this coming budget year and the only reason that I put both in is that it confuses everybody because last years tax rate might have been three dollars and next years tax rate is going to be a dollar and it's the same amount of money. Just because the true tax value is three times. Just so that you have something to compare to, we put in both methods. Yes, sir?

Council President Bassemier: Mr. Wortman.

Councilmember Wortman: According to that \$35,000,000 right now if we stay with that and we go to the corrections center and juvenile center we are really going to get out of this \$35,000,000 considerable and I don't know if we can afford it. Plus, we know our operating costs are going to go up on top of it so we do have to be careful here and remind everybody that there has been three counties that has had financial problems so we don't want to be the fourth one. Now, I'm very conservative on this and I thought that I would kind of remind everybody we, I think this to me, all we can afford right now. That's the way I look at it, that \$35,000,000 with that 448 beds. Juvenile system, correction center and our judicial system, when that PMSI they lowered the inmates how many was in the jail? I think that has to be followed up and gone through so that we keep that population down and I think that is one way to do it because it was effective right away and now it has gotten out of hand a little bit. So now was it neglected, just a trend or what, I don't know but I just thought that I would remind everybody, thank you.

Council President Bassemier: Thank you, Mr. Wortman.

Mike Claytor: And you point also, the estimated operating costs for the \$35,000,000 scenario are higher than you current jail operating costs. So, you have to take into account both operations and finance them.

Commissioner Fanello: So, you are saying that we are not going to be saving money if we just build the jail portion and still continue to operate community corrections as a separate entity?

Mike Claytor: Right.

Commissioner Fanello: You do have to add the two together so?

Mike Claytor: Right, if you do adult only, I would have to go back to my slide, I turned off the projector. If you do adult only, you don't have any savings in any community corrections, if you coordinate them then there are some savings in community corrections that offset that.

Commissioner Fanello: So, you actually could be increasing your operating costs?

By not building shared services.

Mike Claytor: You, I mean, your operating costs, I want to say it carefully because I don't want to say that are going to save money building a new jail.

Commissioner Fanello: Exactly, but yeah, no.

Mike Claytor: You can't ever tell anybody that they are going to save money by building something new and operating it but in fact there are some economies of scale that you could do with combining community corrections and jail that you will not have if you only do one. But, you know I don't want to come out and say, gee, this is a great way to save money because it is obviously not. If you do a project it is going to cost you capital and operating.

Commissioner Fanello: Well, I was just looking at your spreadsheet and for the 448 beds, the operating costs were approximately 4.6 million and if we were to continue community corrections in its present state, that operating cost is almost 3.3 million. So adding those two together, we actually increase-

Mike Claytor: That's correct.

Commissioner Fanello: Our operating costs. So, we are not saving any money ourselves.

Mike Claytor: Your operating costs would be about 1.3 million higher.

Commissioner Mourdock: That brings up another very good point. If in fact we, and I am not suggesting this as the goal, but I am trying to understand the methodology, it doesn't make sense to me that if we abandoned this jail that we now have at 268 beds that we all know is antiquated that we all know takes a lot more man power than a modern jail, if we set that aside and simply build what you are calling option one at 400 and whatever it was 448 beds, and in doing that we are adopting a new methodology, a podular jail that is less manpower intensive, how come it takes so many more people to get simply that 200 beds? That doesn't make any sense.

Mike Claytor: And we need to defer some of those questions, because I am not the bond guy, I am the staff guy, but you are going to a larger jail. Even though you are going to the pod system.

Commissioner Mourdock: That's right but the whole theory is that I have understood the pod system is that it is less manpower intensive.

Mike Claytor: Right and if you had a 448 bed jail and you went to a 448 bed pod jail you would reduce your operating cost, but you are not doing that.

Commissioner Mourdock: I understand if it's apples to apples. I understand that we are going from 268 to 400 plus but it still seems to me that we have a huge manpower increase in there to gain those 200 beds in something that is supposed to be more efficient. Again, I understand that you are the bond guy.

Mike Claytor: And I, right, if we go to the \$35,000,000 scenario, if you look at the staffing slide which is on this little jobby here is on page five on the power point slide thing, some of you may actually have the readable power point slide on, but on the barely readable power point slide, you currently have in the existing jail, you have 50 staff for your 260 whatever beds.

Commissioner Mourdock: Two hundred sixty-eight.

Mike Claytor: This has 58 positions for the four pods and then there is a multiplier for some of the positions that get you to the 96 staff. So, it is going from 59 to, I'm sorry I am on the wrong page, it would be going to 86 staff, 59 staff to 86 staff, so you are not, even though you are about doubling the size of your jail you are not doubling the size of your staff. But, I understand.

Commissioner Mourdock: Yeah, you understand my question but it seems like an awful large increase.

Mike Claytor: This is based on the staffing estimates and I understand this is based on the staffing guidelines that the state of Indiana puts out for jail facilities and I don't know if your current staffing meets the Indiana guidelines.

John Staley: The state of Indiana, my name is John Staley, DLZ, I am one of the consultants on the project. The state of Indiana is and has implemented a program of staffing analysis and earlier this year they conducted workshops with various counties concerning the new procedures to be followed. When we developed the plans for the new project, the new facility, we will have to have a staffing plan within this book there is a staffing analysis procedure that we have to calculate. If we were to follow that procedure for the current jail I think you would find that we are far understaffed in accordance with these rules and these rules have been adopted and will be enforced currently in the inspection reports that Paul Downing and his staff conduct twice a year. They have made references to many county facilities having inadequate staff on all shifts. What that means is, in terms of your cell block design today in the linear pod design that you have under these rules you will be required to have a staff person observing those inmates all of the time for each of those day rooms. If you added up all of those day rooms, in accordance with this criteria, you would see the difference. So, you are correct sir that the pod design does save you money in accordance with the standards that we must follow.

Councilmember Raben: This may not sound right coming from me but one other consideration in terms of operating, operational costs, you have to remember too that just looking at the \$35,000,000 scenario roughly \$850,000 of that is inclusive with what we have now in terms of building maintenance, trash removal, utilities.

When you take that out of this facility, I mean that is part of our rent today, so, you know that is going to throw that figure up an additional \$850,000 that's.

Commissioner Fanello: I was going to tell everybody, did they realize that there is a bigger copy with all of the info in there?

Councilmember Winnecke: Just now.

Commissioner Fanello: In case they can't read the slides.

Al Bennett: Thank you, my name is Al Bennet with Bennet Associates. I think you need to consider also that when you build a new jail you are going to building services and operations that are above and beyond what you have now and please excuse me, I have a little cold here. The one operations that you are not paying for not, at least I think that's being paid for by the City, is intake and booking. That will be picked up in this unit and will be virtually a two person post on a twenty-four basis which means that takes ten people to cover that post everyday, 365 days a week or year. I think that there is other services that you do not have that you need to consider as well that will need to consider as well that will require some staffing so this initial intake, initial design for additional facilities will require that much more. As I reviewed, having experience with helping with the design and set up the start up operations and attempting to provide information to Councils and Commissioners all over the state for the last twenty years, I have taken a look at the staffing that has been presented to you today and I think it is amazing how well they have come up with the staffing knowing the State's guidelines and using the American Corrections Association ACA standards without even drawing a line on a piece of paper. But, attempting to do it from past experience and doing it many, many times over a period of a number of years. So, I think even though this is not an exact science, we find that we are giving you, perhaps on the high side, so as to be as correct and not low, we are giving you the opportunity to see operational costs not only for personnel but operational cost of cost of food, cost of clothing, cost of utilities and so on and so forth so that you get an idea of what your budget costs will be the first year that it is in operational and that we know will be down the road away, several years before it will be operating so, it is coming across a little high but I think it is quite accurate and is very close to other jails that are just coming on line in the state of Indiana in the next few months.

Councilmember Hoy: You may want to answer this.

Council President Bassemier: I'm sorry Mr. Hoy but we have to change the tape.

Council President Bassemier: Okay.

(Tape changed)

Councilmember Hoy: Mr. Bennett, you may want to comment on this, I know that when we did the PMSI study you worked primarily on the juvenile section of that.

Al Bennett: The juvenile and the jail.

Councilmember Hoy: And the jail. Under that study, if my memory serves me correctly, you all were recommending a minimum of 400 beds-

Al Bennett: 500.

Councilmember Hoy: -500, and adding some beds if we were a university city, is that correct?

Al Bennett: That is correct.

Councilmember Hoy: Now we're looking at 600, possibly 650 beds. I'm curious as to why, I'm assuming, and I don't assume anything, I'm assuming that came from a recommendation that was made from this county for 650 beds, 350 community correction beds, and 24 juvenile beds.

Commissioner Fanello: 300 community correction.

Councilmember Hoy: I'm sorry.

Commissioner Fanello: 300 community correction beds.

Councilmember Hoy: 300, yeah, that's right.

Al Bennett: Community corrections.

Councilmember Hoy: Your recommendation from PMSI for community corrections was 225. Do we really need to go this large is my question?

Al Bennett: Let me explain that there was a process that took place during the PMSI study in which we received input from the people in the system here in the county, including, Council members, Commissioners, of course, the Sheriff, the Evansville Police Department, the Prosecutor and Judges. There was a fiscal plan committee that came up with a recommendation on the numbers that that study should recommend. So it came from, pretty much, the people from here in the county, and there is nothing wrong with a recommendation for a minimum of 500. In our planning the last few months, we've went back to the same people that we had been talking to a year ago, and the recommendations came in from them to be a little bit higher, both on the jail and on the community corrections center. I might add, that the community corrections center is very unusual. You are a county that is super unusual in this state in that it is accepted, well accepted, the judiciary like to use it, and it seems to be, generally, very successful. So they could see that instead of 225, perhaps 300 might be better. So in the process of a matter of several months, maybe a year or two years, people in their thinking kind of when up, but I can only say that those reflect the input that came to us.

Councilmember Hoy: I just, as you know, because you know me, I have problems with those larger figures. Particularly with community corrections and thinking that we could probably be creative in approaching that situation from another standpoint, and I won't make that speech here because we are here for information. That does clarify the point for me.

Al Bennett: Well, I hope that I explained the process-

Councilmember Hoy: Yes.

Al Bennett: -that took place a year ago, and what took place the last few months, and I don't have problem with 650 jail beds in this community knowing other communities of about this size needing about that number of beds for the next, sometime in the next ten or 15 years. We cannot build just for the next year or two, we've got to build, hopefully, for the next 20 years.

Councilmember Hoy: And that's built on the assumption that this industry is just going to get bigger and bigger, which is an assumption, as you know, I resist. I don't, I want to stick with facts here which you've done for me. You've answered my question, but-

Al Bennett: Thank you.

Councilmember Hoy: -we could get into a philosophical discussion, and I'd rather not do that.

Al Bennett: I've enjoyed those discussions in the past.

Mike Claytor: Mr. President, if I may, this is sort of, I don't know if this is a point of information or what to call it. I erred earlier, I need, I know some of you have caught this. I gave you the departmental budget numbers of current operating costs, that doesn't include the Building Authority's maintenance and utility costs. So, in fact, and I don't have those numbers. Unfortunately, the only things I pulled to give you that \$3.3 million number on the jail, and the \$3.26 number on community corrections, that's the departmental budget. I don't know what the utilities are, but the numbers that we put in our presentation include utilities and business maintenance. So, if you add, I don't know what those numbers would be, but there is not as much difference, obviously, between the new costs and what the old costs were when you consider that we've included...and I know you just, you mentioned that, that those items are in there, and that's the sort of catch there that, in fact, we won't have much higher costs when you consider those things that are currently being captured in the Building Authority's budget.

Councilmember Hoy: Mike (Inaudible. Talking over each other.) that would remind, that would remind Council that, that we are still going to be paying rent on all of this space here, no matter what happens, so that empty space over there where the jail is now, we will still be paying the square footage on that. So, we do have to be careful as we estimate these, because I don't, the Civic Center rent is not going to go down.

Mike Claytor: Sure. No, but I wanted to clarify, I was comparing apples and oranges. I apologize for doing that.

Commission President Mosby: Mike?

Council President Bassemier: Commissioner Mosby.

Commission President Mosby: I wanted to ask you one thing I don't you've included here when you are talking about the departmental costs today. Have you included patient/inmate care? I know you have in your scenario here.

Mike Claytor: Right.

Commission President Mosby: But that doesn't come out of the departments budget, it comes out of our budget, so that's another \$2 million that you can probably take and add to it because they have included it in their scenario.

Mike Claytor: Okay, and I can't tell from the information I have. Eric, is medical in the departmental?

Eric Williams: What I think Commissioner Mosby is referring to is the patient/inmate care account which is (Inaudible. Not at mike.)--

Council President Bassemier: Eric, I'm sorry, Eric. You've got to come, come to the mike, please. Thank you.

Eric Williams: Eric Williams, Chief Deputy Sheriff's Office. I believe you're referring to the money that's used to house juvenile offenders out of this county and other facilities. That money is not factored into our budget, because we have no control over it.

Commission President Mosby: So, I guess-

Eric Williams: Our general annual medical expenses for inmates housed in our facility is included in those numbers.

Commission President Mosby: Okay, but the patient/inmate, the juvenile part of it is it figured in too?

Eric Williams: No.

Commission President Mosby: Okay. I think it's \$1.9 million.

Councilmember Raben: What you do have to remember, though, a lot of that is specialized care that we're not going to do in our 24 bed facility. A big part of that is.

Councilmember Sutton: Could we follow up on something Councilman Hoy was saying?

Council President Bassemier: Okay, Mr. Sutton.

Councilmember Sutton: Just to maybe follow up on your line of questioning, Councilman Hoy. Would like to get an idea, basically, we have two different scenarios in the size of the actual jail facility. Can you, I guess, Mr. Bennett was kind of alluding to it, did make mention of it, based on the assumptions and the data that you gathered, how long do we anticipate this facility lasting us based

upon the trends, demographics, what have you? I know that's obviously something that you have to try and factor in when you put together the size. Can you share that? I know you mentioned the 15, 20 year just a few seconds ago. Can you talk about that a little bit more? What went into that?

John Staley: I think AI could answer this as well as myself, but we've both been in this business, I guess, 25 or so years or more, and unfortunately the need continues to grow in spite of projections that crime is down nationally. The U.S. Justice Department said crime is down. In Indiana there is 60 some odd jails that are overcrowded today, and some of them are less than ten years old. A number of them are less than ten years old. So, I think it is prudent to plan ahead, and we try to look to a 15 to 20 year horizon. I think the discussion about alternative has got to be a part of this, because if we just build the jail and we don't look at the entire criminal justice system in any community in terms of alternatives, such as community corrections, home detention programs, they have to go hand in hand. I think that the reports that have been done, and the assessments that have been done that AI participated in have looked at those things, and those continue to be important. The bottom line is you still need adequate space. One of the things that is important to know, if you'd really, if you really conduct a jail in terms of it's operation, with a classification plan, you really can't use 100% of the beds all the time because of the classification of inmates away from each others predators, or certain kind of offenders. So when you look at those beds, there is a constantly changing population there, I'm sure, the Chief Deputy can reiterate this, but, you know, the jail has to be flexible enough to accommodate this sort of detail. We looked at 15 to 20 years, recognizing all these other programs.

Council President Bassemier: Sir, would you give your name again?

John Staley: John Staley, DLZ.

Commissioner Fanello: I have one more question, John. To build on Royce's question. All these scenarios we have here they have expansion capabilities in the scenario?

John Staley: That is correct. When we-

Commissioner Fanello: Well, I know this is 650 bed on up.

John Staley: When we look at the intake booking function, the food services function, inmate property, storage, staffing areas, as we design the facility, we would certainly design it to be capable of expansion, but I think that is essential, because you know you need to plan for this, and whether and how you do it is as important, and sure there are some more costs to accommodate that in the first step, but we believe that is also is important.

Councilmember Sutton: When you say a 15-20 year horizon, what did you factor in to make that projection?

AI Bennett: In the 650 or the 500?

Councilmember Sutton: Either one of, really any of the scenarios that you've presented to us. I guess, just trying to get a real sense of how long the facility, you know, what we are looking at at far as capacity. What we are looking at in terms of the length of, the life of this facility on any of the sizes that are shown here.

Al Bennett: The size of the jail and what bed size you need is basically up to the judiciary. They are the folks that make the decisions that place people in jails. We saw a year ago an operation of the offenders going in and out of court being handled in a very prudent way. Not waiting too long for trial, and we felt under those circumstances about 500 would be a jail that could be good for at least five years, hopefully, as long as ten years. I would suggest that 450 beds, probably, you'll be back here five years from now asking to make that larger. Now going up to 650, we actually did not make that projection. Again, that figure came from input from people in the community, Council members, Commissioners, Judges, Prosecutors. They are feeling like 500 is not high enough, and that was determined to be 650.

Councilmember Raben: Al?--

Council President Bassemier: I'm sorry, Jim. Let...Mr. Winnecke's been-

Councilmember Winnecke: This gets back to the, Mr. Shireman may actually be better suited for this. Did I understand you to say that when you were computing the cost that the square footage that you used was \$190 a square foot for the jail, and \$118 for community corrections?

Mark Shireman: Yes.

Councilmember Winnecke: Then in these scenarios, like on the \$35 million scenario for instance, shouldn't 125 or 124,475 square feet times \$190 equal the construction cost.

Mark Shireman: What does it equal? Maybe I've-

Mike Claytor: I've got to calculate...this is Mike Claytor again. The construction costs number, and it works out a little odd on the \$35 million, because as I said, we backed into a number, and then, unfortunately, just to make it balance to \$35, instead of being \$34 million 900 when we got done, we rounded the numbers off. So, I've got the \$35 million working out to be \$192 on the actual construction costs, not the project cost. Because project cost includes furniture, fixture and equipments and the contingency. So, I've got construction at \$192 on the 35, \$190 on both the adult scenario and the adult and juvenile. Then because it blends between adult juvenile and community, it comes out to an average of \$178 on that for the scenario.

Councilmember Winnecke: Okay, but wouldn't these, wouldn't those numbers then be reflected in the bullet points tabbed construction costs?

Mike Claytor: In the power point?

Councilmember Winnecke: Right.

Mike Claytor: I hope my two sets of books agree. Actually, if you look at, on the bound book, the, in the very first tab, on the second page you've got the construction costs broken down. I hope that very much agrees with the power point, otherwise my typing skills have left me. Yeah, I've got construction costs on the 35, I've got at -

Councilmember Winnecke: 23,920.

Councilmember Wortman: Where do you see that?

Mike Claytor: I've got that at \$192.17. It would be divided by the 124,475.

Councilmember Winnecke: Do you get \$26,055,000?

Commissioner Fanello: No.

Mike Claytor: No, that's project cost.

Councilmember Winnecke: Well, it says construction cost on this.

Councilmember Sutton: Turn it around. It's called project cost.

Mike Claytor: I'm sorry. I'm sorry, it's headed differently on the power point. If you look at the slide you are on on the power point, where it says project cost. The very next slide below it summarizes the project cost, and it shows construction costs at \$23,920,000.

Councilmember Winnecke: Where would I look at that?

Unidentified: After the tab.

Commission President Mosby: Over here it's got construction cost. That's what Lloyd is doing.

Mike Claytor: Yeah, I apologize. On the earlier slides, it uses the term construction cost, and it really should be project cost. Because the project cost includes; construction, furniture, fixture, equipment and the contingency.

Councilmember Raben: Mr. President?

Council President Bassemier: I'm sorry, Mr. Raben.

Councilmember Raben: I might direct this to either Al or John. Al, you had mentioned that using the figure 450 or 500 beds may be adequate for the next five to ten years. I still have a problem with why that's not adequate. Why...it appears to me as if getting larger than that and getting in the area of 650 is a bigger gamble, because I agree with all of this, nobody knows where the trend is really going, what the future is going to bring. The Feds do state that the crime rate is

going down, and I don't know why if the design is not, if the design of the jail is proper why it's absurd to look at the possibility of needing to add another pod ten years from now.

Mike Claytor: Just from the bean counter standpoint. I'm currently working with two counties where this is our second jail bond issue in the last ten years, because they built new jails and now they are building new, new jails. The one in particular is a situation where they designed modular pods that could go up, and, apparently, at the last minute to save money, they ten years ago took out the ability to go higher, and so now they are building a whole new jail when they thought they were going to be able to add to this one. We are seeing that in various places around the state.

Councilmember Raben: Okay, well we're talking about, say for instance, the 650 bed facility expandable to 1,000, where do those, what type of expansion is going to give you that other 350 beds? Are you going to go up? Or just add another pod? Or add another two pods? Again, if we're designing this jail correctly, where it is expandable, I'm not a bean counter, but it seems to me, again, the wiser thing to do is not spend all that money up front in interest for beds that may or may never be used. I still contend that if we get that large and they do get used, shame on us. Because we're not handling society the way we should, but, again, somebody answer that for me.

Commissioner Fanello: Are you saying you don't want to build for expansion? You are saying you don't want to spend dollars, cheap dollars today to build for expansion, but you would rather come back and ask the taxpayers in five years to build an addition?

Councilmember Raben: How is it more expensive? If you are going to pay interest on that today, how is that-

Commissioner Fanello: Well PMSI in their study-

Councilmember Raben: -for the next ten years.

Commissioner Fanello: -said it would 10% to 15% less expensive to build shared services today-

Councilmember Raben: Okay, today, but how much interest are you going to pay on that money over the course of that ten year period?

Commissioner Fanello: Well, I believe interest, if we are talking about 4.76, you estimated 5.76% interest, and it probably will realistically come way in under that, are you saying it's better to wait and borrow money five or ten years from now at a higher interest rate?

Councilmember Raben: I think it's a more secure thing to do for the county.

Commissioner Fanello: I-

Councilmember Raben: Because, again, nobody here in this room, and there is a room full of professionals, and a lot of us that aren't, can answer or tell you where the crime rate is going to be ten years from now.

Commissioner Fanello: And that's exactly the reason. If we are going to spend the money today, we build for the future and we don't come back and ask the taxpayers in five years-

Councilmember Raben: Catherine, that is-

Commissioner Fanello: -to do it again.

Councilmember Raben: -probably in the simplest form, that formulation or that way of thinking is like a young couple today that gets married tomorrow, buys a minivan because they may have a large family ten years from now.

Commissioner Fanello: A minivan doesn't have bars and lots of plumbing in it.

Councilmember Raben: I think, well, it's my opinion, so.

Council President Bassemier: Okay, Mr. Hoy.

Councilmember Hoy: Well, my question about size, I just did some quick math. United just did a jail that was opened in 2001 in St. Joe County, and that jail, if you do the math on that there is one bed per 367 people in that county. What we are proposing here is one bed for every 264 persons. Why?

Commissioner Mourdock: That's the 650 bed number?

Councilmember Sutton: Which one are you looking at, Phil?

Councilmember Hoy: That's the 650 bed number. If you do the math on the population of the county, because St. Joe County is a lot larger, it is, I know you are comparing apples and oranges to an extent. You built that jail in St. Joe County with 600 and how many beds, 72 or 74 beds? For \$35 million dollars, and finished it in 2001. We're looking at a whole lot more money, and United Consulting built that one. Was the architect on that one. So, that's a huge difference in cost, plus they built one bed for every 367 people, persons in that county, and we're looking at building a jail for every 264 persons. Now, I do not believe for one minute that we are any more sinful in this county than they are in St. Joe County, or Allen County, I've lived in Allen County.

Commissioner Mourdock: They do have Notre Dame up there. They may have something.

Councilmember Hoy: They got a coach that can't remember what he did. Had Jesus, you know, signaling a touchdown on the building. Have you not seen Jesus doing this?

Council President Bassemier: Sir, I've got a question. You know, you've got it figured in here on 190 a square foot and, of course, all jails as far as maximum

security, you might not need say maybe 150 maybe for felons, and misdemeanors you might need 50. I'm just using a round figure, I know, that's not right here, but you all got it figured in at 190 square foot no matter whether they are misdemeanors or felons. Is that correct on the 190?

Mike Claytor: That's an average square foot number, and as we said earlier, we are estimating high. You really, you don't know what the square footage cost is going to be until you get your bid packets back in and the people actually bid on the construction of the jail, which, I mean, can have all kinds of factors, but this is an estimating number that we are using as an average of 190.

Council President Bassemier: Okay, I was just kind of curious, because I know it costs less to build a minimum security than it does a maximum security. I just didn't know when you get into the numbers again, if we don't need as many maximum security as we do misdemeanors, this cost might go down.

Mike Claytor: Well, and, in fact, if you look at the configuration we've used that same 190 for planning purposes on everything but community corrections. Which is the 118 figure, so you are exactly right, you use a smaller number for the less secure type of facility, but we haven't, just for planning purposes, we haven't differentiated in that number between adult or juvenile. The only differentiation has been in the community corrections side, so. Like I said, these are planning numbers.

Council President Bassemier: One more question. I tell you, I've got a really concern about location. Why, I'm just curious why is this the last thing we are doing? I feel like it should be the first thing we do. Where are we going to build, what back yard are we going to build this in? Why are we, what's the hold up? Maybe this answer is not for you, but I'm curious, I would like to have a location so we can put some more accurate numbers together. So, can somebody answer, Mr. Mosby or? Oh, I'm sorry, before you answer that, we're going to change the tape.

(Tape Changed)

Commission President Mosby: Councilman in an attempt to answer your question, the problem lies within us. I would say that the problem lies within these two bodies. I mean we are the ones dragging our feet so I would say that it is our problem to find a site and I mean I will take part of that blame. We are sitting here arguing over contracts and numbers and everything else and I don't see a big attempt to go out and iron out a site right now.

Council President Bassemier: I was just kind of curious. This is great and I really do appreciate it what you gave us today. This is the first time that I have seen any numbers to, I didn't see any on the contract as far as how many beds we are going to get for \$35,000,000 so this is great. I want to thank you all for coming here and putting this all together. But, I hope real soon that we can work out differences out so that we can get a location and I know with what you gave us today and your presentation I know that we are going to move forward on this and I appreciate it.

Commission President Mosby: Just to expand for a second because made the comment several times and I still stand by the comment, I didn't want the facility to be driven by the site, I mean I was waiting for some of these numbers, waiting

for the size of the project and I still say you know as soon as these people are done today, we have to make a decision on what we are building because we are still not going to know how big of a site we need if we don't make a decision. So, rather than the building by the site, I would rather the site be driven by the building. So, we need to decide that.

Council President Bassemier: Thank you sir. Mr. Tornatta.

Councilmember Tornatta: This might be a better question for Sheriff Ellsworth and of course any professional chime in. Are we considered a regional, a regional site, even though we are Evansville and we can throw numbers per person, per bed, type of situation, are we considered a regional site where we have passers by coming through from Illinois, Kentucky, in the tri-state area where we would be affected?

Brad Ellsworth: Brad Ellsworth, County Sheriff. Probably the most marked example of that is when I think her name was Hessemann was murdered in the Bristol Meyers parking lot by two teens that certainly weren't from here and they were coming to the Vanderburgh County 4-H fair. Absolutely, Evansville, between St. Louis, Louisville, we get a lot of inmates that come from other areas that come here because it is a hub and it is a center and they are running drugs on the interstates, we have I-164, 64, 41, we are catching people coming down the highways, absolutely it is a center where people come in and commit crimes from the small, the Warrick, the Posey, I don't have the exact numbers but if you look at my numbers historically there is a percentage that are out of Vanderburgh County, absolutely.

Councilmember Tornatta: Is there a way, and Mr. Bennett might be able to answer this, is there a factor for that, considering the counties around? Or is there a way to factor that in?

Brad Ellsworth: I can tell you a couple of things, I know that we have done some research on our bookings and in going back to those number things and you know our bookings have gone up. We did a time line a couple of years ago and I don't have the chart in front of me but based on history and the time line went straight up the predicted, the highest that we ever had in our jail was 428, to me it doesn't make any sense other to modernize and the really poor design of this jail to go to 44, 448 is ridiculous right now when I had 438 inmates in jail. The true numbers, if this county jail were perfectly designed the real number that ought to be in that jail so that I can do maintenance, so that I can do classifications, so that I can run, would be about 220. Now, you think, well you've got 268 beds, why would you only want 220 people in there? Because my job, running the place, by the Constitution is that I have to classify inmates, I have to keep sometimes sight and sound separate when a judge that inmate A and inmate B can't be in the same cell, I have to separate them. If I get an inmate that has AIDS, hepatitis, tuberculosis, communicable diseases, because of his sexual preference, I have to separate them, then I have to move that to another place. If I have only got, right now I may only have 25 females but I've got 40 female bunks, I may have empty female bunks but I've got 25 men sleeping on the floor, that 268 is a false number because it is not indicative of the population that I have. On top of that we are not, we are living under false numbers right now, this 329 cap and I don't know if there is a judge in the audience but the judges and I won't speak for them, but they are keeping

these numbers down based on beds but there is going to come a point where these judges go, I think this person deserves to be in jail and I don't care if they are overcrowded or not and they are going to put them in there and we are going to be in the same boat again. That number went up well above and I think we put a ten year projection and it went well above 400, 450 going into the mid 2000's, 2001, 2005 or whatever, I can't remember the exact numbers, I can pull the chart up. We also have to look at the warrants that are in Vanderburgh County. I've got thousands of warrants. Now if the City police, County police go out and do their, if we go out and arrest them, I have 6,000; 6,000 failure to appear warrants? Six thousand failure to appear warrants in the Vanderburgh County Courts alone where these people have been to court, the judge said come back on April 30th or whatever and they aren't coming back. So, my officers and the city police have to go back out and up on their doors where now when we caught them in the car they didn't have a gun, now I am going up knocking on doors and putting my officers in danger again because we had to let them go and we had to (inaudible) and we did that, we are going to get our guys killed one of these days because we keep letting them out and that also clogs our court system because the judge hits the gavel and he sets another court date and then we arrest them again and he lets them go again because we already have 329 inmates in there and then we have to go out and arrest them again and they give them another court date and they keep continuance after continuance after continuance because these idiots won't come back to court. That's not their nature and they are not coming back. So, it's easier to leave them locked up until you adjudicate their court case and then be done with them and send them off to DOC or the Safe House or whatever you are going to do with them. You also have to look at these numbers. Are we going to be, you know some people don't want to make this a business. But, some people, we could recoup some money in this situation if we build some extra beds, not what we just need in the next five years, but we can stand to gain money in holding DOC inmates and we can also stand to make money in bricks and mortar and we talked about this last week so I won't beat it up. We can get bricks and mortar money from the U.S. Marshall service if we agree to house federal inmates and I think Commissioner Fanello has-

Commissioner Fanello: I think this would be a good time to pull out that chart and it is just for information purposes and I talked with the Sheriff about it a couple of days ago. Just looking at a scenario of housing fifty state inmates and fifty federal inmates, the fifty state inmates at \$35.00 per day and the federal at \$41.00 per day, I mean if we did that, assuming a 100, those 100 on a 365 basis, our annual total would be one point almost \$1.4 million. Over a 25 year, 25 years that comes out to be \$35 million.

Brad Ellsworth: Say we build it in five years, we say our inmate population does go up, you can then reduce the amount of Feds, reduce the amount of DOC's and you've got the beds for the local bad guys. That's a way that you all could recoup from this money that you are about to spend, or maybe about to spend on this-

Councilmember Raben: Brad, could I, could I stay with that point just a moment that Catherine brought up? Has anybody ran the math on what it costs you to house that inmate?

Commissioner Fanello: Well, I think-

Councilmember Raben: Because I did earlier. I saw this form.

Commissioner Fanello: Uh-huh.

Councilmember Raben: I did earlier, and it's right at \$39 a day.

Commissioner Fanello: It costs us \$39 today to house-

Councilmember Raben: Yeah, if you look at your operational costs and your-

Commissioner Fanello: So, that's why other counties are doing it and recouping money?

Councilmember Raben: Well, I'm just telling you, it costs you \$39 a day-

Commissioner Fanello: I'd have to-

Councilmember Raben: --per inmate to operate that jail.

Commissioner Fanello: -confirm that. Maybe the Sheriff can confirm that, but I don't think that that's-

Brad Ellsworth: We did it one time, and we-

Councilmember Raben: I mean, that's based on the numbers provided today.

Brad Ellsworth: We did it one time, and we thought it came in at about \$26, in that area. The point for me is that it doesn't cost that much more to house 500 or 400. You are basically talking about meals, and it's going to take the same amount of guards if you design it right. Unless you do a whole another pod for Federal and DOC, you are not talking about that much more-

Commissioner Fanello: I mean, are you, I mean, is it okay for other counties to get this money and not Vanderburgh County?

Councilmember Raben: Well, I'm just telling you, don't sell it as a money maker-

Commissioner Fanello: Well, but-

Councilmember Raben: -because that's-

Commissioner Fanello: -you're still going to recoup a large portion-

Councilmember Raben: -I mean-

Commissioner Fanello: -even if at \$26, if you're looking at \$76 a day-

Councilmember Raben: Okay, that's \$26-

Commissioner Fanello: -combining the per diem.

Councilmember Raben: -on the existing facility. I'm using today's numbers provided to us by the professionals, and it's 38., \$38.88 a day.

Commissioner Fanello: I would want Brad and Eric to confirm those numbers-

Councilmember Raben: Well, yeah, that's fine.

Commissioner Fanello: -because they work in the department.

Councilmember Sutton: On bricks and mortar, if you have Federal or State inmates, what type of numbers would we be talking about in assisting with a project like this.

Brad Ellsworth: They won't, they won't enter into an agreement until you a schematic drawing, and agree to it. But I know there is counties that have received over \$1 million. I would venture to guess between \$1 million and \$2 million. Julie Von Arx with Correctional Concepts says that she knows of counties that have received \$2 million per grant. Julie, do you know how many inmates that was housing? Feds?

Julie Von Arx: Between 50 and 100.

Brad Ellsworth: Between 50 and 100 inmates that they would agree to give you \$2 million towards bricks and mortar. I don't know how many years you have to sign to that agreement, but I-

Councilmember Raben: Brad, can I-

Brad Ellsworth: -that's Federal, not State.

Councilmember Raben: Can I ask one other question? In terms of housing Federal or State prisoners, is there ever the threat that they, their sentence ends here and they are released in our community? Is that ever a threat?

Brad Ellsworth: Yeah. I think so. There is release dates where we would just release them. Sure.

Councilmember Raben: See that's, I mean, to me that is something important too. We are talking about crime rate going up and we may or may not release Federal or State prisoners back in our own community.

Brad Ellsworth: Right. It's, there's going to be a certain population...when we switched computer systems a couple of years ago, we were putting historical data in, and we ran, there were 88,000 different people booked into Vanderburgh County Jail in, I think it was, a seven year period. Of that 88,000 booked in, there was only 22,000 different names. There is a very small percentage of the population that is committing a very large percentage of the crimes. So, there is that group that every time you let them out, they are going to go out and commit a crime. That's just the way it is. As much as, as hard...and we don't do a lot of

rehabilitation in the jail; AA, NA, some church services, but that's not our job to rehabilitate in the county jail. We do what we can with what we are given, but, you know, that is supposedly what the prisons do. Like I said, it's...the crimes are being committed by a small group. It happens to be more than 268 people in Vanderburgh County.

Council President Bassemier: I've got a question for you, Sheriff.

Brad Ellsworth: Sure.

Council President Bassemier: You know you and I and some others went up to Indianapolis and visited with the DOC, I don't know if I understood this right, but do we have to go ahead and build the facility first and then ask for the funding? Or is it we ask for it now and then build it? What, do you remember?

Brad Ellsworth: My understanding from DOC was that we ask them to put the money for bricks and mortar into the legislature to make it a part of their budget to give us money. We then have to agree to, basically, be a regional facility. For them, for the state DOC to give us bricks and mortar money, we have to agree to be a regional facility. That may, Julie, is that juvenile only? Is that...oh, I'm talking about community corrections too.

Council President Bassemier: Yeah, both.

Brad Ellsworth: I was thinking jail.

Council President Bassemier: Both, community and juvenile.

Brad Ellsworth: Right.

Council President Bassemier: And wasn't that 50% they agreed to give us if we would do this?

Brad Ellsworth: They said they have funded up to 50. The law allows for 50%. I don't know if you would ever really see that number-

Council President Bassemier: Right.

Brad Ellsworth: -but it would allow, the statute allows up to 50% funding on that facility.

Council President Bassemier: I just wonder, if we, you know, if we'd really tried to pursue that just yet? To go after this before we sign any of the contracts or anything?

Commissioner Fanello: Well, but you can't, because he is saying you have to show them plans.

Brad Ellsworth: We don't know the scope of what we are going to build, so it's hard to say if we're only building a 440 bed jail, and knowing that we can't commit to community corrections, then there's no sense in trying to negotiate-

Council President Bassemier: Right.

Brad Ellsworth: -a jail, or having them put it in their budget. I think we need some, a plan first and then go to them and say-

Council President Bassemier: Okay, I understand it that way, I just wanted to get it on record that way. Okay. Mr. Raben.

Councilmember Raben: I would like to go back to a question that was raised earlier, then other conversations took place, but I had asked that somebody give me their reasoning as to why they think over the next 20 years our jail population would rise to 650? What facts do you have that would substantiate that?

Brad Ellsworth: Basically, what I've said before, we did time lines on bookings. We did time lines on projected, time lines out of the future taking the past, the rate of increase, the amount of warrants that we have outstanding in Vanderburgh County, because those people normally stay here. That is kind of what you have to base it on, in fact, like I said, those statistics and the FBI statistics are felonies only. Regardless of what Mr. Hoy thinks, and I applaud him in his efforts, but, you know, every statutes are changed that increase the things that people (Inaudible). You very rarely see things taken off the books that disallow us from arresting people. Domestic violence, battery, drug cases, you know, the drunk driving increases. You know, that's where we see these increases. Once those laws go in the books, they are hard to get off. I think, historically, we are seeing that go up. Those crime rates and those FBI reports are only as good as what those jurisdictions send in. It doesn't, it only takes care of different kinds of felonies that they are showing. So, certain kinds go down, and they are more interested in violent crimes, the rapes, murders, robberies and that, and they are not talking about the dead beat dad that, you know, the judge might put in for 10 or 15 days, or 20, or whatever, and sentence to a facility. So, you can't be exactly scientific. We are just basically taking historical, what the numbers we've had and going from there.

John Staley: We've got a little caveat to add to that. The state has a guideline, that's not an official guideline, that they recommend. Paul Downing had told us recently, I think in the last few months, the statewide average of inmates is about 2.5 per thousand population. In communities that have a college or university, their recommendation today is four beds per thousand is their rule. That's a recommendation, it's not a requirement, but based on trends that's what they have seen as what we call prudent planning. If you asked Paul Downing to come and speak to you, and you know, it could continue as a part of the design process, obviously, we could design a project as a scope is defined and have this expansion. If Paul were to come and speak as a part of that in the future, I think that he would tell you a little bit more about what the state wide pattern has been, and what their recommendations are for design people or people planning projects.

Councilmember Hoy: The reason that, since I've been mentioned by name, I feel some need to respond, is I, frankly, my cynical side simply says that if you build a

1,500 bed jail, I'm certain we would fill it. This is why I say the whole process is a business. I'm not talking about the business from the standpoint of renting rooms to the state or to the Feds, but I think that's simply a mind set that we deal with. I still stand by my statement that the Safe House and the jail, typically, are places that we keep low income people, and I'm not convinced that they are any more criminal than middle class and upper class people. In fact, I'm convinced that more crimes are committed in air conditioned offices than are conditioned, than are committed in low income neighborhoods. I think part of this whole growth business reflects our attitude toward the poor, which I think is the last bias in America. I've dealt with that for a long time. Second thing I want to address is what Mr. Tornatta said and the Sheriff said, and that is I would remind you that St. Joe County is located on a number of busy highways. It's right across from the state of Michigan, and is next door to a much, much larger population base than we have in this area. If you take the five counties in the MSA here, which I do and the Feds don't, they don't include Gibson, you've got 340,000 people in five counties, and that's all. I see a major difference between the size of the jail in St. Joe, which you just built. I also see a major difference in the cost. They built a whole lot more beds for \$35 million, and that was in 2001. I can't believe that inflation is going to make us, make it cost that much more for us.

Commissioner Fanello: Is that \$35 million construction cost?

John Staley: The actual-

Councilmember Hoy: This is a sheet of paper provided by United-

Commissioner Mourdock: That is the right question. Was that a hair, guts and feather number? I presume it was.

John Staley: The job was bid though several years ago. It's been open about a year, so when you look at the construction period and the time that the bid was taken, you are talking now about several years that have transpired. So, those numbers have to be looked at in that light. You know, what the bidding climate is in the community also, those things take into account. One of the things about St. Joe County's jail is important to note, is that the city of South Bend has a police department right next door with a lock up, so they are able to house inmates in the lock up for a certain period of time. Our company is currently working on a new plan to expand that jail, the lock up, the police lock up in the police command right adjacent to the jail. So, there is a substantial number of holding cells currently that would be increased in this plan. I think that is the difference here in this community that this jail also serves as a lock up for the city.

Commissioner Mourdock: The latter part of what you just said certainly responds to the potential numbers that could be in the jail over some period of time. But going back, the \$35 million dollars, was that a fully loaded bond number?

John Staley: That's a construction value only.

Commissioner Fanello: Yeah, so-

John Staley: That's a construction cost. There are other costs for design, soft costs, land costs. The city sold the land to the county, and there was an environmental clean up cost. I think the total might have been \$41 million, or something like that total, with the land and the clean up. I don't know that that is a precise number, but the Auditor's office or the Commissioners would have that.

Commissioner Mourdock: Okay, so still then, comparing apples to apples, that soft number, that's not the correct term, that construction cost number compared to the number you are quoting us is still, would appear to me, that they are getting 50% roughly more beds than we got with 672, than the first scenario you gave us 448. I realize there is certainly some inflation in the time of bidding, but that's seems to be a whole lot.

Mike Claytor: The project cost, Mike Claytor with Crowe Chizek again. The \$35 million bond size, which the \$35 million is the bonds. The project cost is \$26 million. Of that, the hard construction costs without the contingency or the furniture fixtures, is \$23.9. So, you're comparing a \$35 million project cost to a \$35 million dollar bond issue doesn't compare.

Commissioner Mourdock: But theirs does have land and ours doesn't.

Mike Claytor: That's correct. The adult facility, the 650 bed that we've shown you, the project cost, and again that's construction, ff and e and contingency, is \$35.7 million, the 650. So, that's a \$35 million project cost, so that's more similar. Again, without land, but that's a lot more similar number to the South Bend number. You know, \$35.7 compared to \$35 of project costs.

Commissioner Mourdock: Okay.

Mike Claytor: The bond issue is actually \$47 million to get you to a \$35 million project cost, because, you know, you've got your soft costs, which are \$5.9 million, and the capitalized interest is over \$6 million, because of the lease financing. So, and I know those numbers are a little, that's a lot of numbers to absorb all at once, but the 35 is close to what we are showing as project costs for the 650 bed jail.

Councilmember Raben: How difficult would it be to provide us with some other scenarios? I mean, if we went, I'll just give you a scenario, 550 adult, 200 community correction and the 24 juvenile. Then you may figure 600 adult, you know, just if we had two or three scenarios in between these scenarios, because honestly, my personal opinion, I don't know, I mean, looking at what appears to be what a lot of the folks here today want are the bigger scenario, the 974 total. I know that, you know, our budget doesn't allow us to provide that much facilities. So, you know, we need some other scenarios to look at.

Councilmember Tornatta: Mr. Raben, if I could kind of shoot in here. I don't want to overstep the boundaries of the County Council. If we have a number, you know, we set a number, I think it's the Commissioners job to set the amount of beds, and they have set that in their meeting, and the majority voted on that. I guess, if we have an idea of a number, we can set that number in there, but I don't think we can negotiate on the bed size. I think we've got to watch what boundaries we

cross. I don't think that's a boundary we can cross today. I think we can cross it on a monetary side, but I don't think we can cross it on the bed number size.

Councilmember Raben: I don't know that there is any problem with probably most everybody on this Council asking for that.

Councilmember Sutton: Well, I think if you look at the, of what the information we have available to us right now, the different scenarios, you know, I think we can, you know, if you played around with the number of beds and either increase or decrease it can give you somewhat of a general range of what you might be looking at. If we are talking about \$35 million, you know, right now that gives us just 448 beds. Now, the question is, this \$35 million figure, how much do you want to dice and slice to try and get that? Obviously, if you are talking about \$35 million, and you start cutting the number of jail beds so you can accommodate community corrections, obviously, that is not going to work. You know, if you're talking about adding community corrections and the juvenile, you are going to be in excess of the \$35 million. Especially, if you're exceeding 448 beds on the jail. So, that's something that maybe we need to just be aware of that the \$35 million figure is something that doesn't really give us a whole lot of flexibility given what we see here right now.

Councilmember Raben: Okay, well, we might, I mean, then we may want to refer back to the Commissioners. I mean, they are not paying any attention, but I might ask Catherine and David is your recommendation the total package?

Commission President Mosby: I'll refer to Judge Heldt.

Council President Bassemier: I want to change the tape.

Councilmember Raben: No, again this-

(Tape Changed)

Council President Bassemier: - we still have to hear the public input, so and I want to hear from the judge. He's been patiently standing there for about ten minutes now, so we kind of better move on. Not to cut anybody off, but we've got to go with what we advertised. Okay.

Commission President Mosby: To answer Councilman Raben's question, I'm not a professional, so I didn't try to come up with these numbers on my own, but after hearing the judges in our meeting, after sitting through all the juvenile detention meetings that I sat through, and after discussing community corrections and the time, the waiting list and everything that we have over there, that's how these numbers were arrived at. These numbers were more or less recommended to me and I'm taking the recommendation of the professionals.

Councilmember Raben: Okay, but I guess, again, because it's all - I mean, it really does stand between you and us and the 35 million that was established was based on what we were comfortable with, what we could afford without increasing any tax or creating any new taxes. So, you know, again, I'm asking you, do you prefer

the 974 bed package, and I mean, help me out here, do you want to increase that tax to do it?

Commission President Mosby: I'm not going to say we're going to increase the tax to do it. What I'd like to do is, we need to look at what the community needs. I don't want to be back here in five years building another jail. I think the Sheriff one day looked at me and said we could cut a ribbon on the front and walk out back and break ground, or I could do it all in one, if we want to build 400-450 beds. We'll just do a ground breaking and ribbon cutting in one day. I don't want to do that. What I want to do is look at what we need, then let's go after the money they're talking about for bricks and mortar through the feds, let's go after the state money, let's look at housing federal prisoners, state prisoners, let's look at the income that we can bring in to offset the cost of this bond. I mean, it doesn't have to come out of tax money. Don't refer to tax money all the time. Look for additional money. Let's go to the state. You can go with me. We'll go up and talk the representatives and the senators. We've got several of them around here. You know, let's talk to Julie. Let's get whatever money we can through bricks and mortar, let's do what we - but let's don't build something that in five years Mike Claytor is going to be standing back here saying here's the cost of issuing another bond -

Unidentified: No, we won't.

Commission President Mosby: - and Tom is going to be sitting here saying, you know, here's what it's going to take, and we're going to pay all this additional cost over and over. That's what I'm trying to prohibit right here and now. So if it takes building this package, let's see how much money we can get, let's see what we can come up with and then let's look at the bottom line cost of what we might have to do. That's my answer.

Councilmember Raben: I guess my question would be with that is, how long do you think that will take? I mean, if we go to state, try to look for state funds, -

Commission President Mosby: I wish that in your meeting at 3:00, you could walk out and give me an answer and we'd start tomorrow. That would be my hope. You know, that we could move forward tomorrow. Me and you go the Mayor's office, we'll do that meeting with him like we talked about, and then we'll move forward in seeing what kind of other revenues that we could start exploring, what we possibly can get. We have numbers on what we can do with housing prisoners, federal and state, so we can calculate them numbers and we can look at what we can afford. But I'd love to do it 3:30 or 4:00 when you get out.

Councilmember Sutton: Keep in mind, too, though, I mean, the \$35 million dollar figure was not based upon a facility, I mean, there really was nothing that we equated that number to as far as the number of beds, site, that really was not tied to any particular thing related to how this project will be built. So that's something we need to consider here as we're looking at what the numbers are telling us right today. Now that we see what we can possibly get for our dollars, what do we really want? What do we need, based upon what we know now, what we didn't know then.

Councilmember Winnecke: I was just going to say, I believe the initial \$35 million dollar budget was set based on information related to the original PMSI study, so there was a basis for the number beyond just the revenue projections over a decade period of time made by the Auditor's Office. So I do think there was some good basis for the original budget. Can I ask one question?

Council President Bassemier: Yes sir, go ahead.

Councilmember Winnecke: This will be of United and Shireman. How are your fees determined based on each of these scenarios?

Mike Claytor: I'm going to have them answer that, but one thing that I should have pointed out, we are now operating under a state tax board rule that prohibits professionals from charging a percentage fee, so I know that's what we all used to be used to in public contracts, but the tax board will not approve a bond issue until you submit copies of the contracts for all the professionals and you prove that it is not based on a percentage of the deal. So, I don't know if I was assuming your question and assuming wrong, but that is now promulgated into their rules. So that kind of underlies that basis.

Craig Burgess: My name is Craig Burgess. I'm a vice president and the architectural department manager for United Consulting Engineers and Architects. Given what Mike just said about percentage fees, he's absolutely right. The fees are not in the letter of the contract stated as percentages, but in order to arrive at the hard, fixed fee dollar costs that we proposed, we do go back to construction costs and the overall type and size of the project. It's what we expect the complexity of the job to be in addition to its size, and work from percentages of those figures to arrive at fixed fees. So if we're going to end up talking about some percentages here, and I don't think there's any way around that, but keep in mind that in the contract, they're stated as fixed fees and they are based on percentages of an assumed construction cost that's tied to a specific scope of work. And the distinction that I'm trying to make here is that we designed to this scope of work that we were directed to by the owner, and should those figures, when the project is bid come in higher, if they do come in higher than what we had anticipated, that difference in the original construction cost estimate and the final bid numbers has no effect whatsoever on our fees. We don't get anything extra because of that. Given all of that information, we take a look at, like I said, the size and the complexity of the project. We take a look at the hours that we believe are going to be involved in the various tasks that we have to perform for a given package of service for a given project. We also compare those numbers with national standards that are published by the R S Means Company that Mark referred to earlier. We also used some numbers from another organization out of California called the guidelines group, that looks at architectural and engineering fees for complete professional, high-quality services for different types of projects of different sizes, and based on all of that, we decided that when we first started talking with the Commissioners about this project, that if we were to assume a 30 million dollar construction cost, the appropriate fee for our services would be 8 ½ percent of that, or I should say would be a fixed fee, a fixed sum of money that's based on 8 ½ percent of that 30 million. We believe that that is what's necessary to do a thorough, high-quality professional job. We have in the last week as these four scenarios have been developed, we've had an opportunity to fine tune some of those numbers and the fees have actually come down a bit. And granted, it hasn't been a lot, but I think

one of the things that you have to keep in mind is the range of services that are being provided for these particular fee figures. We've assembled a team of very thorough, very professional, very knowledgeable experts in the field that we're bringing into enhance the work that we would do on the project. I honestly believe that in terms of architectural and engineering fees, you do get what you pay for. And I'm not sure what else to add to that besides the fact that we think it's an accurate reflection of the work that's required. Keeping in mind that we are (inaudible) to stay in business and frankly, my own personal opinion is that firms that compete on the basis of fee, don't have any other qualifications on which that they can compete. I honestly don't know how a firm could stay in business doing a project of this size and nature for some of the numbers that I've heard over the last week or so. I firmly believe that what we're proposing is a fair fee, if you take the time to examine what services are provided under our basic package and under our added value package. And I think if you examine the credentials of all the members of the team, I don't think there could be any question on that.

Councilmember Winnecke: How do you compare your fee structure generally to competitors on any given project or in any given - just day to day, I guess.

Craig Burgess: I'm not sure I could give you a completely satisfactory answer to that and the reason for that is, like I said, we use as a guideline for our fee calculations these figures that are published by the R S Means Company that are based on data that's gathered on recent project history from all over the country. What's happening in a given economic climate in a given geographic location, really sometimes it kind of flies in the face of that information, so it depends on the project, it depends on the location, it depends on the current economic conditions, how those numbers would actually compare to what some of the practitioners in that area are willing to do. All I can do is go back again and say that I firmly believe that what we've proposed is a reasonable fee for the level of services that we'll be providing. We're a very good team, we are very thorough, we're very responsive, I don't think that there would be any question that in the end, everyone involved would be satisfied with our service.

Councilmember Raben: Is it possible, Craig, to at some point, give us your fee for all four scenarios?

Commissioner Fanello: It's in there.

Craig Burgess: Yeah, that's in the information.

Commission President Mosby: Jim, Councilman, look under detail of soft costs on the four scenarios.

Craig Burgess: Let me also add that in going back to Mr. Winnecke's question about how our fees compare to other competitors, -

Council President Bassemier: Sir, could you talk a little louder?

Craig Burgess: Sure. Going back to Mr. Winnecke's question about how our fees compare to competitors, one other aspect that makes it a little bit difficult to answer is the fact that most of our projects, on most of our projects, we're selected

on the basis of qualifications. It's typically a situation where since we do mostly public work, a public body will issue a request for qualifications, we'll respond to it, if we're lucky we'll be selected in a short list, they'll interview us, they'll talk to previous clients, then they'll make their selection and at that point we enter into negotiations on the fees. So it's rare that we're actually in a competitive bid environment with a competitor.

Council President Bassemier: Jim, guys, we better hurry. I don't know how many wants to speak out there and we've still got to hear Judge Heldt, so can it be quick?

Councilmember Raben: Okay, can I ask one question of Craig before he gets away? Looking, and I'm sorry, I missed the breakdown on the fees, but looking at this based on \$35 million, am I safe to assume that the fee is down from where it was originally?

Craig Burgess: It is. And I will be the first to admit that the reduction isn't large, but it is less than the 8 ½ percent that we had figured on the \$30 million dollar.

Councilmember Raben: Now the \$500,000, the program plan and implementation, is that the value added services that are addressed in the -

Craig Burgess: The added value services consist of the programming and planning work and also the work that Al and Julie bring to the project actually runs from the beginning of that programming and planning work through the completion of the entire project.

Councilmember Raben: Okay, thank you.

Mark Shireman: I would concur with most of the comments that Craig made and I won't say all those same things. Also when you look in the four scenarios, you'll see our fees are listed there. We have a contract that's about 95% boilerplate, standard in the industry. Based on those services, and based on what it's going to take to do the job, this is what we think the fee should be. And based on what we think our involvement will be in the hours that we'll be here. We're looking at a year of design input and two years in the field. So this is basically the way we calculate it. And I think that if you look at that contract, the services that are in that, and compare that to other situations, I think you'll find it's very fair.

Councilmember Raben: And it appears as if your fee is down, too. Is it?

Mark Shireman: When we first issued a contract, we didn't know what the scenarios might be, we didn't know what the program would be exactly. United and us worked on a program after having read that program which some of you have seen, and after we've seen the scenarios were able to more and better calculate what our costs would be. So that's basically, now that we know what the scope is, this is what we've come up with.

Councilmember Raben: Mark, just one question, and Craig and I discussed this on the phone yesterday, and I'm not at all familiar with working with CM's, but I know on the typical project where you have a general, the general contractor is

responsible for acts of nature. For instance, like if a wall blows down or something, and you know, we've had that happen actually twice in the city in big construction projects where there's actually been people killed from a concrete block blowing over or something like that, a wall. Is that your responsibility as a construction manager, or who assumes that liability?

Mark Shireman: Well, basically, when you have a package program, and I'll, if you wouldn't mind, I'll pass out a little cost benefit thing here - every person working on this job will carry a 100% performance and payment bond and full liability insurance. And all the responsibilities will be laid out in those separate contracts. So whatever happens will be covered.

Councilmember Raben: Covered by?

Mark Shireman: The performance and payment bonds and all the insurance.

Councilmember Raben: Okay, and I - just one other question, as CM, will your firm actually take part or bid for any of the services that are being -

Mark Shireman: No, it's against the law for a CM to bid on their own things that they inspect. We'll have full-time people here on the site performing quality control, but we cannot work with our own forces.

Council President Bassemier: Okay, thank you. Thank you very much. Judge?
(Inaudible)

Carl Heldt: Carl Heldt, Circuit Court. I just rose to respond to a question Mr. Raben had 20 or 30 minutes ago. If you still want to hear my response, I think I can shed some light on it. I think his question was, what evidence is there that our need for jail beds five years from now would be any greater than it is right now. And my response is that I think you - at least I look to past experience and the past history as far as needs are concerned. And the jail beds are a function, the number of jail beds needed are a function of the number of felonies filed in a county, in my opinion because the more felonies, the more jail beds you need. And when this jail was built in 1969, we don't have figures from then, but in 1975, and these are round numbers, I think there were 450 felonies filed in Vanderburgh County. Last year there were over 2,400 felonies filed, which is an increase, I think, of around 500% with an increase in the number of jail beds of 0%. And if you look at a graph of those years, I think it pretty much is like this. Now it may very well, I can't guarantee you it's not going to level off and go down, but historically over the last 25 years, it's gone up almost every single year, so if you believe the past experience is a predictor of future occurrences, then that's the evidence that I would present to you that we're going to need more jail beds as the years go by. The other thing I heard while I was standing there was the reference to perhaps a new corrections facility, community corrections facility of 200 beds which is less than what we have now. I think that would be big mistake for several reasons. First of all, community corrections is one of the best thing we do here, and I think that community corrections, I know that community corrections takes pressure off the jail as far as beds and needs are concerned. I think that, quite frankly, I would prefer that you do nothing at all as far as community corrections are concerned if you just want to build 200 beds because it's less than what we have now. You may not know this, that community corrections, it started in the jail, it was work release

program run out of the county jail. And it was moved out of the county jail to relief pressure on the beds in the county jail. And I am concerned, I believe that if you lessen the number of community corrections beds or you don't provide what's needed in the future, assuming once again an expanded felony caseload, that a not insubstantial number of those people are going to end up back in the county jail. And so it might be wise to build more jail beds in the case. I firmly believe that.

Councilmember Raben: Judge, on that topic, I guess there's been enough written about our community correction program and the cost or the burden that its put on the county in terms of cost, what are you as a judge doing to...in regards to that with the state in trying to alleviate some of the burden that we've taken with that program?

Carl Heldt: Me, as a judge, what am I doing with the state?

Councilmember Raben: Yeah.

Carl Heldt: I've had no contact with the state with regard to alleviating - you're talking about the funds and such as that?

Councilmember Raben: Sure.

Carl Heldt: The only thing I've done is traveled to Indianapolis to talk to the people at the Department of Corrections with a number of other people in this room. I don't know if any County Councilmen - Mr. Bassemier was there - to try to attempt, I guess, to get some money for bricks and mortar.

Councilmember Raben: Right, and -

Carl Heldt: I think community corrections is a great investment for this community. I think we get our money's worth big-time and always have. I think it's very important to have community corrections so that we can have people that are convicted of crimes that don't necessarily belong in the Department of Corrections or in the Vanderburgh County Jail be in a place where they can support their families and be rehabilitated. Reverend Hoy talks about, I think, about the need to rehabilitate people, especially people that have drug and alcohol problems. Community Corrections complex is the best place we have here to do that. So I think it's a real community asset. I think instead of it being suppressed, it should be expanded. I think it's money well spent. Even if it's tax money, I think it's money well-spent.

Councilmember Raben: There's probably several in here that would differ on that one with you, Judge.

Carl Heldt: They have a right to do that. It's a free country.

Council President Bassemier: Is that it? Judge, you got anything you want to add?

Carl Heldt: That's all. Thank you.

Council President Bassemier: Commissioners, is it okay to go ahead and open it up to the public? Is that okay? Catherine, you got anything to say?

Commissioner Fanello: I was just going to make -

Council President Bassemier: Mr. Mourdock, you got anything to add here?

(Tape change)

Council President Bassemier: And for the record, sir, please give your name and whatever you want to say. We're here to listen to you and I've seen your face -

Councilmember Tornatta: Mr. President? Mr. President? Did we set a time limit? We talked about that before.

Council President Bassemier: How many out there wants to speak? We've got to have a little break here before 3:00. Is there two of you? Okay, why don't we allow you both five minutes? I mean, is okay?

Unidentified: I don't need that long.

Council President Bassemier: Right, great. Is that okay with everybody? Thank you very much.

Marty Amsler: My name is Marty Amsler and one of the reasons I came down here was some of the articles written from your last meeting. And I lived in Chicago for 30 years and I'm very much ashamed because it sounded like the goings on of Cook County. And we in Evansville in Vanderburgh County, I think, are much bigger people than those up there. As far as, there is an increase in crime and I think there always will be an increase in crime. And according to whatever the comment was made, I think shame on everybody in this chamber and shame on society because, you know, no matter how much we try, there's still those people out there that are always going to commit crimes and each day we find out there are sicker and sicker people out there, as we found out not only within our area but the world. The other thing you talked about was, Mr. Raben, I'm not going to pick on you, but you know, you're asking these people to come back with different figures, you know, so many beds, so many things, you know, somebody has got to pay for that, sir. I mean, these people, they do so much but you just can't keep going back to the well. So that means that me as a taxpayer within Vanderburgh County is going to have to pay for that, and you can't ask them to do it for free. The other thing is that when they chose a firm, I would imagine that there was a bidding process, and within that bidding process, at least the way it is for all government projects, that there should have been a fee structure and qualifications, which I'm sure that the people within Vanderburgh County and when they selected these people, picked that out. So that should have been public record for everybody. And as a citizen, I'd like to say this, I think this is really important, but I think it's important for you people to do it right the first time. You've got I-69 that's going to be coming into Evansville and we don't know which way it's coming in. But take a look or even remember back when you've taken vacations, look at the different communities that have interstates coming into their towns, and I'm not going to exclude Terre Haute 'cause they didn't do it right, but we've got

aggressive people down here that want to see this community grow. And with growth comes additional crime. So as a taxpayer, if I've got to pay a few more dollars as far as my taxes are concerned to get a jail that needs to be properly done the right way, one that can be done that we're not going to be sued later on, that's got the right medical facility within it. I have a friend of mine down in Orange County that's looking into the county jail down there because of a death. They have a citizens committee looking into it. We don't need that. What I'm saying is, please do it right the first time and use common sense on it. You know, black and white doesn't always spell everything out. Use common sense. And every one of you, every one of you have common sense. I thank you very much.

President Bassemier: Before you leave, let's get your name again.

Marty Amsler: Marty Amsler, A-M-S-L-E-R.

Councilmember Raben: Can I answer one thing for Marty? And thank you for your comments, even though some of them were pointed at me, they're good to hear. But you had mentioned that you assumed that there were both RFQ's and RFP's. There were only RFQ's on this project, so...

Marty Amsler: But it probably was a process where you did qualifications and evaluations?

Commission President Mosby: Yes -

Councilmember Wortman: You used to play football.

Marty Amsler: Yes sir.

Councilmember Wortman: That's right, Chicago Bears. I remember you.

Marty Amsler: Well, thank you, sir. That's awful kind of you.

Councilmember Wortman: You used to run over me.

Marty Amsler: Thank you. Thank you. I appreciate that. Anybody else? Thank you very much.

Councilmember Tornatta: I'd just like to say, the sentiments of Mr. Amsler, I think, travel farther than we think. I think people want to see something be done and be done rather quickly as not to cause any more torment to the county financially. But they want to see it done right and they want to see it done so they don't have to pay twice on a project. And I think that's the one thing I'm looking at. If we do this and do it right, and factor in what the county needs and the projections of what the county is looking toward, then maybe we do need to step out there, but just do it once. And that's what I'm looking at. I want to do it just once. My grandma told me this is the last jail she wants to pay for.

President Bassemier: Thank you sir. Would you state your name please?

Richard Helzerman: My name is Richard Helzerman. I would like to say, before you try to solve a problem you should analyze the problem. And if you don't analyze the problem, you're going to fix something but it's not going to really fix the problem. If you want to talk about how big a jail you need to build, you just heard the Sheriff up here saying he's got 3,000 or 4,000, the number used to be 9,000 or 10,000 outstanding arrest warrants. Unless you build a jail that has 5,000 beds or 4,000 or 3,000 beds, it can be filled in a week or two. And you don't have the money for that. Now if you analyze the problem, each of you should get the jail reports every week. Here's a typical one for December 5th, the problem with the jail is the non, what we call pre-trial felons. Now it isn't the number of felonies that determine how many people are in the jail, it's the number of poor pre-trial felons. If you or I were arrested for something, and you can look at the numbers, a hundred people come into the jail every week and 100 people go out. Just think about it. If you were arrested, you or your wife or your husband or your family would gather together the money, raise the bail and you would be out. And if you look at the numbers, they flow in and out, it's only the poor people that can't afford the bail. Now, the constitution, and all of you took an oath to defend the constitution and to support it. The constitution says that a reasonable bail will be given to every person unless they are a capital offense, which means they would be put to death if they were found guilty. Now, there's 209 in this case, out of the 337 people, 209 of them are pre-trial felons. Of that 209 pre-trial felons, there's only 8 or 10 that are charged with murder and probably only one or two that are going to be put to death if they're found guilty. The rest of them are only there because they're too poor to afford their bail. And it is very upsetting that you all talk about wanting to do something about a problem when there's a constitution. Now, I've talked to Judge Heldt about this. I guess he's not here anymore. And he acknowledged that the constitution says that you're supposed to get a reasonable bail. But he says the law of Indiana says I can charge them a bail based on their failure to appear, based on their previous criminal conduct and all of those things, and I'm gonna do it. Now, when the county was set up by the constitution, the amount of tax base that you had was based on the property tax, and the wealth was in the property tax, and with the constitution you have enough in your property tax to pay for a jail that's big enough if they got the reasonable bail. If the - the state legislature makes the law that the judge can give people unreasonable bails, and the only reason the bail is there is to keep them in jail, then the funding has to come from somewhere else. Now, as our country developed, the schools ran out of money. They had to get state money to run them. The welfare system, as more people got poor, the counties couldn't afford the welfare system, the state and federal government had to help them. Now we're running out of jail space. You do not have the sources of income to pay for the jail that you need. Now the state will tell you, you need four people per thousand for your jail, that's 700 beds. And none of these proposals that these guys have put before you is big enough for the jail that you need. And you don't have the money to do it and I wish that you could put, you need to go to the state legislature, say look, if you guys are passing all these laws that allow, and aren't willing to abide by the constitution, then you've got to provide the funding for it. And now, the PMS, the last consultants you had in here, they recommended that you have a pre-trial...what is it, a conditional pre-trial release program. Now, if you would put a pre-trial conditional release program, these 209, at least 150 of them could be released under the exact same terms, all you would have to do is hire four probation officers and put them under probation. Say you go out, but you come back and report to me. And they could be having their jobs, they could be supporting their families, they could be preparing their defense. All the judges signed on that they would willing to support whatever

the PMS recommended. PMS recommended a pre-trial conditional release program, none of them are doing it. I proposed one, I got one guy out for a week. The judge slammed him back in after a week being out. And so you could save the county all kinds of money. Now you need the new jail, there's no doubt about that, but unless you build one with 700 beds, it's going to be filled within 3 to 6 months and you're going to be back hearing the same thing.

Council President Bassemier: Is there any questions?

Councilmember Tornatta: Yeah, I just want to make a comment. One of the programs Judge Trockman and I sat in yesterday, he's got a program to try and help keep people on the right track and that's the way to do it, I think. We have to use the historical numbers and the professionals, including our Sheriff, to come up with the way the things are moving in the future and the way that things are as in reality. Okay, it's fine to say we need a 5,000 person jail because we have 5,000 warrants, but that's not how the ultimate system works. We need to look at how the system works. That's why we have the professionals here. And I appreciate your point of view, but we do have the Judge Trockmans, we do have the judges that are working to try and make sure that the system flows the best way they can, knowing how the system works. And I think nobody knows better than these professionals that we have, including our Sheriffs and our judges, to know how that does because that's their day in and day out job. And that's where I come from and in asking them questions because they're able to help me to figure out how that system works.

Richard Helzerman: Well, I'm a professional in systems analysis, and I've analyzed the numbers that are given here. And if you take the numbers and you analyze them, you find the problem in the pre-trial felons. If you analyze them a little further, you'll look down at the - have a Superior Court and you have a Circuit Court. More of the cases go to the Circuit Court, four of the seven go to the Circuit Court and three out of seven go to the Superior Court. If you look at the jail, most of the cases are Superior Court cases, now Circuit Court cases, even though they get more of the felonies. And there are significant differences in procedure between the way the Circuit Court operates and the way the Superior Court. And I've calculated that if you could make the Superior Court operate as efficiently as the Circuit Court did, there'd be at least 70 less people in the jail.

Councilmember Tornatta: And are we the only county that works that way?

Richard Helzerman: You are the only county in the world that operates the way the Superior Court does. Yes. You're the only one.

Commissioner Mourdock: I think it is still true, and maybe Julie could reflect on this, cut the rotation system that we have in Vanderburgh County is, I think, the only system in the state that functions that way. It is a unique system, which isn't Superior or Circuit, but we do have some unique nuances.

Richard Helzerman: But there are other significant, there's significant procedural problems with relation to the number and the method of assigning the public defenders. In the Superior Court, every eight weeks, the public defender comes in. So whenever he comes in, if they have to delay for anything, they delay it eights

weeks until that guy is back in jail instead of every three weeks like they do in the Circuit Court, because they're back in more regularly.

Council President Bassemier: We've got to wrap this up, thank you, everybody. So anyway, do I have a motion to adjourn?

Councilmember Sutton: Just real quick, Ed, just wanted to say something. I think this was excellent, the information we received here, but we don't want to be remiss in that with all the information that we have gathered here, you know, the question is what do we do with this information? I think we need to at least maybe take a couple minutes here, maybe try to figure out what we do next before we wrap up.

Council President Bassemier: Can I have a motion to adjourn?

Councilmember Sutton: Hold on -

Council President Bassemier: You want to do it now? You want to do it here? I was going to say at 3:00, so -

Councilmember Sutton: I was just talking about in relation to what we've heard.

Commissioner Mourdock: May I ask a question in that regard because I think Royce is again on point, and this has been very helpful for me today as well, seeing all the numbers, but I think the conclusion of today's meeting, if you will, you know, what is that one point that we conclude with? I think it was stated in about the first five minutes by Mr. Claytor when he put up option one, which was to show us at a \$35 million bond project, we could end up 448 beds, and I think that one bit of information puts the question or should put the question in front of the Council, as to what is our fixed, final, absolutely, that's it, top dollar number for the project, because, and that is clearly the Council's call. I think the only variant to that might be is there some way that in addition to the money that the county would do a 35 million, is there some other way that we might try to find bricks and mortar money as the Sheriff suggested or someone else. But it seems to me that with the presentation here, we can all argue exactly as to the square foot price and the per bed price and all of those things and I can certainly get in those arguments, too, but the real bottom line is if we're going to go forward with this project, we need to know exactly what the Council is committed to on dollars because if it's that number, then I would suggest the first thing we need to do to tell United, we meaning the Commission, is to forget about community corrections, forget about the juvenile, and let's see what the real bare bones jail is, because that number, again, doesn't include land. It doesn't include a lot of things, so if we're going to go that direction, the Commission, at this point, needs some guidance from the Council on the dollars.

Commissioner Fanello: I was just going to add one last final sentence. I couldn't have said it better and he's exactly right, we have to have a commitment from the Council before we can continue to move forward. So I would say that would be your next -

Commissioner Mourdock: Let the record show, that may be the first time Catherine and I -

(Inaudible-laughter from several open mikes obscured last remarks)

Commissioner Mourdock: - in a long time.

Councilmember Tornatta: Commissioner Mourdock, the Commission voted and I just want to ask this while we're all here together, the Commission voted on some language to allocate some funds to, I believe it's United, is that correct? Were your problems satisfied with that? Obviously, -

Commissioner Mourdock: My comments, as you heard them the other night, just for the rest of the Council's benefit here, I think you'll be presented today with a document that Catherine presented on Monday night that was in summary a request for payment for services already provided by United. There was the question that came up during our discussion, did that one request for payment in effect validate or put new life into the original contract as the Commission had acted upon and that this Council had ruled null and void? My comment that I requested of David and Catherine Monday was that we take out language that basically gave new life to that contract and they agreed that we strike that language. That was the motion that was made, that sentence was struck.

Councilmember Tornatta: And so you're...okay. I was just making sure that you voted affirmative and -

Commissioner Mourdock: I did vote affirmative with that language removed. I have not seen the document since. I presume it was struck.

Councilmember Sutton: I don't want to rush us along, but we do need rush along, what are we going to go as a Council?

Councilmember Raben: And to your - Troy, no wait. Royce has still got a concern that he wants to address.

Council President Bassemier: I talked to our counsel, he thinks we can continue this in the next meeting.

Councilmember Sutton: This isn't a contract issue.

Councilmember Winnecke: What we're going to do next.

Councilmember Sutton: Yeah, that's what we're trying to figure out.

Jeff Ahlers: We need to convene the next meeting at three, so you're not going to have a break. That's up to you all, but I mean, I think you have to convene on time or shortly thereafter.

(Inaudible - several speaking at once)

Councilmember Sutton: We could put it up as new business at our next meeting.

Commissioner Mourdock: Well, I will motion for the County Commission to adjourn.

Commissioner Fanello: Second.

Commission President Mosby: So ordered.

Councilmember Sutton: Can we ask that the professionals staff, if they would stay for our Council meeting, could we ask that they do that, because there might be some questions that we may have during that time?

Council President Bassemier: (Inaudible - microphone not turned on)

Councilmember Raben: Well, the special meetings pertains to -

Councilmember Sutton: Right, right.

Council President Bassemier: I think I just advised, we already had the question and answer time, I think we'd better move on. Do I have a motion to adjourn?

Councilmember Winnecke: So moved.

Councilmember Wortman: Second.

President Bassemier: Okay, everybody in favor say aye real quick.

(Motion unanimously approved 7-0)

President Bassemier: We'll come back in about ten minutes.

(Meeting adjourned at 3:07 p.m.)

VANDEBURGH COUNTY BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

VANDEBURGH COUNTY COUNCIL

President Ed Bassemier

Vice President Lloyd Winnecke

Councilmember James Raben

Councilmember Phil Hoy

Councilmember Curt Wortman

Councilmember Royce Sutton

Councilmember Troy Tornatta

Recorded by Teri Lukeman. Transcribed by Madelyn Grayson, B.J. Farrell & T. Lukeman.

**Vanderburgh County
Board of Commissioners
December 26, 2001**

The Vanderburgh County Board of Commissioners met in session this 26th day of December, 2001, at 12:04 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order the Board of Commissioners meeting of Vanderburgh County for December 26, 2001.

Introductions and Pledge of Allegiance

President Mosby: In attendance today we have Superintendent of Buildings, Tammy McKinney; Counselor, Phil Hayes; Commissioner Fanello; myself; Commissioner Mourdock; Chief Deputy Auditor, Bill Fluty; and Madelyn Grayson, Recording Secretary. Everybody please stand and say the Pledge.

(The Pledge was given.)

Approval of Minutes

President Mosby: Motion to approve the minutes?

Commissioner Fanello: So moved.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second. So ordered.

PTABOA Appointments

President Mosby: Cheryl Musgrave. I don't see Cheryl.

Commissioner Fanello: I don't think she is going to be here. I think we just need to go ahead and make the appointments.

President Mosby: Okay.

Commissioner Mourdock: I understand there are two appointments for the, yeah, I don't get the acronym, PTABOA, I can't think of what all it stands for. It's Board of Review, but at any rate, those appointments are to be a Mr. Richard Althaus, and Jim Knauff.

Commissioner Fanello: Jim Knauff is, Knauff is the Republican appointment, and the Democrat appointment, I'm recommending Arthur Aarstad.

President Mosby: Who was the other guy?

Commissioner Mourdock: I thought it was Richard Althaus.

Commissioner Fanello: Don't even know who that?

President Mosby: Who's Richard Althaus?

Tammy McKinney: Wasn't the one that was up for was Kraig Nance? Is that not right?

Commissioner Fanello: Well, all of them are up for reappointment.

Tammy McKinney: Oh, okay.

President Mosby: Is Althaus ours?

Commissioner Mourdock: I thought he was yours. I had received a call from Cheryl saying that, and I normally do this, she just gives me a call as to who is being considered, and I thought she had spoken with you about—

Commissioner Fanello: No. No, I mean, our, we get a Democrat, as I understand, a Democrat appointment and a Republican appointment. I am recommending, I'll make a motion for Jim Knauff and Arthur Aarstad.

Commissioner Mourdock: Second.

President Mosby: So ordered.

Safe House Lease

President Mosby: Sheriff.

Brad Ellsworth: Yes?

President Mosby: Safe House lease.

Brad Ellsworth: Am I supposed to speak to that?

President Mosby: I don't know. Is there any questions?

Philip Hayes: I think that we had just received the explanation of what the Consumer Price Index would amount to. I see in the audience, Mr. Delucio, who's the legal counsel for the landlord, Ms. Hart. I appreciate him coming over. Do you want to explain the nature of the increases that you believe are called for under the lease, Marco?

Marco Delucio: Yes. Good afternoon, my name is Marco Delucio. I am here on behalf of Mary Hart, the owner of the Safe House building. A couple of years ago we negotiated a, basically, a one year lease with two, one year options. The lease payments were \$3,000 a month for the first two years of the lease. The lease has a third year option, which by the terms of the lease has to be exercised by December 28th, and I don't know that we are particularly sticklers for time on that, but if the lease is exercised during the third year, it is subject to Consumer Price Index increase. That is based upon the Consumer Price Index for the first month of the lease, which was March of 2000, and what the Consumer Price Index would be in February of 2002. Speaking with Mr. Hayes, he asked that I run through the calculations, and since the February CPI is not available, we took the most recent CPI index available, which was November, and calculated that the monthly increase,

if we were to utilize the November CPI, would be a roughly \$108 a month. I wouldn't anticipate that there is going to be a significant change in that, although there probably will be a variance, and I do note that the November CPI Index dropped a couple of tenths of a point. So, it may be even less. That's what we, that's how we calculated what the rent would be. We won't know that for sure, probably until the middle of March.

Philip Hayes: If the Sheriff has any comments or issues concerning any of the landlords responsibilities that we have. I mean, I know we've pretty well reduced this proposition to a net, net, net, net situation, but I understand we had some maintenance situations with the roof. Some of that was insured, some of it wasn't. I don't know if there are any issues whatsoever with the landlord at this time that need to be spoken to.

Brad Ellsworth: Not being a contractor, there are things that certainly we've paid for that, something to the tune of \$11,000 for termite control and prevention out of User Fees, which was absorbed by us. Putting metal fire escapes on the building as opposed to the wooden ones. You know, if it was up to me, I would like to take that into consideration. I think that we've done more than our fair share of upgrades to the building to bring that up to some kind of standard. So, I'm not, I mean, I think we're doing more than our fair, more than what the Consumer Price Index on improvements to the building on a monthly fee. I didn't negotiate the lease, so. I don't know if that helps. It's just—

Marco Delucio: I would only point out that the lease, Mr. Hayes is correct, is a triple net lease, and the lease did not increase in price during the first two years. So, I think, and we've not received notice to make any repairs, but as I understand and have read the lease, it is a triple net, and all maintenance and up keep responsibilities are on the county.

Commissioner Mourdock: If we, in fact, exercise and provide notice, what is the term, Marco? Is it just one more year? Or is that binding us into additional years beyond that next 12 months?

Marco Delucio: It's just one year. From March of 2002 to the end of February 2003.

Commissioner Mourdock: If we were to add a year to that lease, would your client be amenable to negotiating as part of our cost for it the things the Sheriff has already mentioned?

Marco Delucio: I sincerely doubt that she would be amenable to incurring any expenses associated with that building. I haven't spoken to her about that, but I think it's always been on a triple net basis, and I doubt very much whether Mrs. Hart would change that position.

Commissioner Mourdock: So, even if we were to extend the term of the lease beyond next year? I mean, if we exercise on this, signed up for one more year, for any additional time beyond that year that we might be willing, and obviously I'm just one Commissioner here, that we might be willing to do, none of the consideration, or there would be no consideration given for improvements we've made?

Marco Delucio: I can't say never, and I haven't spoken to her about it, but I doubt it. I'm not sure, as you know, Mrs. Hart's husband died about a year ago, two years ago now, and so I don't know what her financial where with all is, but I doubt that it's

significant enough that she could afford to make significant improvements to the building.

Commissioner Mourdock: Okay.

Brad Ellsworth: One thing you might ask...Sheriff, Brad Ellsworth, is with us making the improvements, maybe that negotiation would be us to ask, would you relieve the Consumer Price increase in the rent based on improvements we make if we go for the two years opposed to one year? Maybe not add, reimburse us for the improvements we're doing, but at least not raise the rent on us. We're not getting anything for that increase in the rent, I can tell you that.

Commissioner Mourdock: Yeah. That's a fair question, Marco. Do you want to field that one?

Marco Delucio: It is a fair question. As I recall when this lease was negotiated, my recollection is that we wanted to have a three year lease, and the county wanted to have a one year lease, and kind of ended up with a three year, with a one year lease with two one year options with the CPI. Whether or not she would be willing to forego the CPI increase in consideration for the extension of the year, I don't know as I stand here right now. I could only ask her. It would be a fair question to ask.

Commissioner Fanello: Sounds fair to me.

Commissioner Mourdock: Do you want to report back to us next week then, Marco?

Marco Delucio: Do you want me to ask her whether, are we talking in terms of a two year extension of the lease at the same rental rate, is that?

Commissioner Mourdock: Let me just make a motion here and we'll see if this fits. I would move that we execute the one year addition as called for in the lease, and that we act to include another one year on to that lease, on the condition that the lease payments remain at \$3,000 per month.

Commissioner Fanello: I'll second that motion.

Commissioner Mourdock: The reason why is because, as the Sheriff said, we've put those other costs into it.

President Mosby: I have a motion and a second. So ordered.

Marco Delucio: I'll report back to you.

Commissioner Mourdock: Okay.

President Mosby: Thank you.

United Contract Amendments

President Mosby: Next item, the United contract. In your packet, I believe everybody's got the changes that United has faxed down. There has been a lot of

conversation with Craig Burgess and United Consulting. Conversation with the County Council. I think everybody is aware of the concerns that they had. Everybody should have gotten a copy of United Consulting contract concerns A through T. I met with Jim Raben, Phil Hoy and Ed Bassemier last week on Tuesday, and had conversation with Troy Tornatta and Lloyd Winnecke on the Friday before, and they had conversation with United on Saturday, and then Councilman Raben and Bassemier and Hoy had conversation with United for about two hours on Tuesday. What you've got in your packet is what we came to agreement on. They had wanted several changes made, and we were able to successfully complete all the changes, basically, except for the ones that deal with scope and cost, and that being because we don't have a negotiated scope yet of services, so it's hard to come up with a cost. It's in your packet, and it's here for us to pass as an addendum to amend the contract to satisfy the Council's needs.

Commissioner Fanello: That scope of service really depends on the Council either ratifying a \$35 million budget, or increasing the budget based on what we saw last week. So, that is really dependent on that, correct?

President Mosby: Yes.

Commissioner Fanello: On there passing their budget.

Commissioner Mourdock: Just as a suggestion, and I know this things been bantered back and forth like a ping pong ball here for awhile.

President Mosby: That's mild.

Commissioner Mourdock: That's mild, yes. I agree, that's mild. I would suggest that if we have the entire contract revised with this language that you are saying is mutually agreed between this board and the contractor, and the Council have a chance to look at that in it's final form, before we act, we might have the chance to end the ping pong game and just have this thing done once and for all.

President Mosby: The majority of this is their language. This is what they discussed with Craig Burgess on the phone. The only items that you will find that are not referenced in here, probably are the one's where you get to M, O, P and Q and then T. The reason they are not addressed in here, and that was a conversation that I had with the County Council, is because they are the compensation for added services, compensations for, you know, fees. Some of them spell out fees. If you'll notice then, excuse me I've got a cold, but if you'll notice in what United and Mike Claytor and them presented to us the other day, I believe, the fees go down a little bit, and that was negotiated with the architects too. The only thing that you will basically find, and this is a lot of their language, and we did discuss T, which was the one that said we would like a paragraph located somewhere that states any and all funding changes related to this project requires approval from the County Council. The reason that's not in here is because we had conversation with them and myself and I told them, I said, you know, there is a lot of meetings that we come to every week that we do change orders, and we can't wait a month—

Commissioner Mourdock: Yeah.

President Mosby: —for you guys to have a meeting to do a change order. So, I think what we are going to end up doing there, on T, is that when we get a final scope of services, and if it's \$35 million or if it's \$40 million, we will put in there anything over

and above the final scope of services and cost will come back to the Council. To just say any and all, I told them, I said there is no way that we can wait for you to have a meeting, you know, to change what might be a \$50,000 change order.

Commissioner Mourdock: This document that you gave me the other day is what I think originated with Jeff Ahlers and the Council.

President Mosby: Right. That's this one they wanted answered.

Commissioner Mourdock: Okay. Has Ahlers seen this specific language that you've given us this morning?

President Mosby: I don't know if it's been sent over to him yet or not.

Commissioner Mourdock: That's my point. If this language is being done in reaction to what he drafted here, again, to quit the game of ping pong, it seems to me that it would be wise to let him review it, see if this meets what his concerns were in the drafting of this strict language. If it is, fine. If it's not let's fix it before we do another amendment.

Commissioner Fanello: I understand what you are saying, Richard. Just a thought here, and I think Ahlers has had discussion with, I guess, with Raben and them after they had their conference call—

President Mosby: Yeah.

Commissioner Fanello: —so I think he knows what's coming down. My concern is what Councilman Raben said last week that, you know, he wanted to see in writing that the Commission is going to make the changes that the Council had concerns about. You know, they have a meeting, I believe, coming up on January 2nd, which they are going to, I believe, take up maybe the appropriation again, or something.

President Mosby: I don't think they had time to advertise.

Commissioner Fanello: Oh, okay.

President Mosby: I'm not sure. This is what they wanted passed before next week.

Commissioner Fanello: Exactly, and that was kind of my point. I want to show the Council that, yes, we have addressed their concerns. We are willing to address their concerns, and we're not denying them any of their language. So, I think in the spirit of bipartisanship, to get this passed would be a good thing. I don't think there is anything in here after reading it. I know Phil's read it also. I don't think, I think it really addresses everything pretty clearly, so.

Commissioner Mourdock: Well, go ahead and make your motion here.

Commissioner Fanello: I mean, I really don't know how we could address it any more clear. I mean, they gave us their concerns that, you know, they had us delete, they just said strike several things, and those things were stricken like they wanted. I think everything has been addressed.

Commissioner Mourdock: But there are a couple of things here that aren't addressed here—

Commissioner Fanello: And they can't be until the Council sets a budget. Or ratifies their current budget.

President Mosby: I told, I mean, it was obvious some of these concerns that they had, I mean, cannot be addressed yet. You know, they wanted a whole clean copy, and I told them until we decide on a scope and a project amount, you can't address some of these. So, there is going to be another addendum to this as soon as we get a scope of services to do what they want N, O, P and Q.

Commissioner Mourdock: Uh-huh.

President Mosby: Basically, so there will be a, I said, you know, we'll address that. It's on the sheet that Mike Claytor passed out the other day. I mean, architect and engineering fees are addressed. Basic, you know, services are addressed. So, when we pick a scenario then we can address their concerns there. Then there will be a specific amount put in there not to exceed, and we can address the other parts of it, so.

Commissioner Mourdock: Well, given that, and, again—

President Mosby: And T.

Commissioner Mourdock: —this is the language that I still need to have better defined, that null and void term that was thrown around when the Council acted as it did on the other one, this amendment as titled is basically recognizing that, that October 22nd contract still exists. I'm not certain that it does. I just want to make sure that if we are going to do this, we've got everybody on board from the beginning.

President Mosby: I would tend to say the Council has recognized it because this is where they are getting their questions. I mean, they are going through this contract with a fine tooth comb. I mean, they are—

Commissioner Mourdock: That's true. They are doing that.

President Mosby: —yeah, I mean, they are coming up with questions on, you know, I mean, one of these questions addresses the amount of benefits that United pays their people. I mean, they are going through it, I mean, so I'm going to guess that they are recognizing the contract.

Commissioner Mourdock: Which is a not I'd made when they were here that night, when United was here in October, one of the things we talked about was to make sure that we took out of the contract their cost of living adjustments for their professional fees, and I don't see that here and I don't know that that was otherwise modified.

Commissioner Fanello: That was because, I know Phil passed that along to me months ago. So, that was, remember that amendment?

President Mosby: That has been passed.

Philip Hayes: That addendum.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Well—

President Mosby: And I told—

Commissioner Mourdock: —I understand what you're trying to do. I understand you want to send a positive sign and I respect that to the Council. I think that's positive. I think we are making more progress than previously we had been with the Council, and I fully believe that. So, do what you want to do.

Commissioner Fanello: I'm going to make a motion to pass the amendments according to what the Council wanted changed, and make the motion based that this does address all of the Council's concerns, not all of them, except for the one's that have to do with the scope of services, so.

Commissioner Mourdock: That makes my point.

Commissioner Fanello: Depending on the Council passing their budget. I know that when, at the end of the Council meeting last week they brought that up, and I think they are supposed to take up that discussion on January 2nd, I think is their meeting. So, all of their other concerns outside of the actual scope of services has been addressed here. So, I'm going to make a motion to pass this amendment.

Commissioner Mourdock: Again, I applaud both of you for trying to work with the Council, but I still have that concern, so I will pass because I think it's still leaving us a little bit more bantering here, which I wish to avoid.

President Mosby: Well, after another six months of work, I'm going to second that. So—

Madelyn Grayson: Excuse me, can we—

President Mosby: Sure, motion—

Madelyn Grayson: —sign the, I don't have an original document. Can we just sign this faxed document tonight? Or today?

President Mosby: Sure. I don't see why not. Motion and a second. So ordered. It passes. I don't see why we can't sign that and then just have copies made, sent over to all the Council members.

Commissioner Fanello: Uh-huh.

President Mosby: So, and send it to Counselor Ahlers. I know he is very, I think he wrote the majority of this, but anyhow we will get it over to him. They wanted it done by the 2nd, and I told him we would pass it today.

Any Other Group or Individual Wishing to Address the Board

President Mosby: Any other group or individual wishing to address the board? Mr. Shireman.

Mark Shireman: I had a list that I responded to, and I cleaned it up a little bit into one piece of paper. I hope you all got that. It was A through E with the questions.

Commissioner Fanello: (Inaudible. Mike not on.)

Mark Shireman: Yes.

Commissioner Mourdock: Is that the legal sized one?

Mark Shireman: Let me get you a better looking copy.

Commissioner Mourdock: Is that the same thing as this?

President Mosby: Yeah.

Commissioner Mourdock: I have that, but then I got this on my desk.

President Mosby: Yeah, this—

Madelyn Grayson: Mark, do you have an extra one for the record also?

Mark Shireman: Yes.

Madelyn Grayson: Thank you.

Mark Shireman: I sure hope so.

Commissioner Mourdock: Now I'm more confused. This is this.

President Mosby: I'm confused too.

Commissioner Mourdock: Okay, this goes with this.

Mark Shireman: All I wanted to say was, this is a proposed set of amendments for our contract. If there is any questions, let me know. Do you have a clean copy there, David? I've got one left.

Commissioner Mourdock: David, this is an original. I'll give this one to you and then I'll swap you that one.

President Mosby: Swap me this one?

Commissioner Mourdock: This is a fax. That is the original. I think—

Mark Shireman: The back page should have the five questions, A through E.

President Mosby: Yeah.

Commissioner Mourdock: That one does, this one doesn't.

Mark Shireman: The top two answer those.

President Mosby: That one doesn't? You don't have the back page.

Commissioner Fanello: These address the points A through E?

Mark Shireman: Yes. Do you have the back page on that, Richard?

Commissioner Mourdock: Well, I had it here when I walked in the room, and it's disappeared.

President Mosby: There it is.

Mark Shireman: If there is any questions, I would be happy to answer those. I hope you've had a chance to look through that.

Commissioner Fanello: And, Phil, you've looked through this one?

Philip Hayes: I've looked through that, yes. I've talked to Mr. Shireman. I spoke to Mr. Shireman last week, and he had furnished language on that.

Commissioner Mourdock: I presume we don't need to act on this at the moment? What we are doing with Council on the 2nd. Or do we?

Commissioner Fanello: I don't think...because really they asked for clarif....they didn't ask for anything, any language to actually be changed yet. I mean, their concerns on B and C were monetary concerns, which would be addressed at the same time that they did their budget on the whole project. So, I think what we need to do is just pass this along to Ahlers and all the Council members and let him read the clarification on about three of these points here.

Commissioner Mourdock: Okay. I'll move then that we pass a copy of Mr. Shireman's letter on to the Council.

Commissioner Fanello: Second.

Mark Shireman: Okay, thank you.

President Mosby: Thank you. Motion and a second, so ordered. Any other group or individual wishing to address the board? Seeing none. Department Head reports.

County Engineer

President Mosby: Is John here today?

Commissioner Fanello: I think he is on vacation this week.

Philip Hayes: He submitted his written report.

President Mosby: No John Stoll.

County Highway

President Mosby: County Highway. We have Rick Dickinson from the County Highway today. I believe we have their hand out. Is there any questions for Rick?

Commissioner Mourdock: I gave Rick a couple questions earlier, but also just a note, I know it's everyone's lovely duty this time of year, but we seem to have a lot of deer laying along the road up in Darmstadt. I got two calls on one off Mt. Pleasant just west of 41. Then there is one on Darmstadt Road just south of Mt. Pleasant.

Rick Dickinson: On the way up here I heard them calling about two deer. I don't know whether that is one, but I'll check.

Commissioner Mourdock: Okay. One of them was wrapped in a tarp. It's a messy scene. Messy scene.

Philip Hayes: (Inaudible. Mike not on.)

Rick Dickinson: Doesn't the Town of Darmstadt take care of their own deer? Or do we go up and get them?

Commissioner Mourdock: These are actually just outside the Town limits.

Rick Dickinson: Oh, so they aren't in Darmstadt.

Commissioner Mourdock: Yeah.

President Mosby: Is there any other questions? I seen this in our packets, this dig safe week from BMB Pipelines. This needs to be forwarded to Rick and Ralph and them. It's talking about digging petroleum lines. Call before you dig, so I would say forward this to the garage and John Stoll. That would be the appropriate place. Any other questions? Seeing none. Merry Christmas.

Rick Dickinson: You too.

Commissioner Mourdock: Before we go, is Ralph working at all this week, Rick?

Rick Dickinson: Yes.

Commissioner Mourdock: Have him give me a call so I can talk to him about that one on Sensmeier Road.

Rick Dickinson: (Inaudible. Away from mike.)

Commissioner Mourdock: Okay. Thank you.

Phil Hayes: County Attorney

President Mosby: County Attorney.

Philip Hayes: We have the proposed copy for the 2002 Resolution on meeting dates. We've looked at it and reviewed it, and it was passed to me and requested that if there were any changes that were to be done, and then they wanted the copy to the Commissioners by December 26th, today, so that this can be ready for signatures. I have no changes to the Resolution that I'm aware of.

Commissioner Fanello: I passed some changes along to Tammy. I think what we are going to do is the meeting time at 5:30. I think we discussed that in our last meeting.

Philip Hayes: Okay.

Commissioner Fanello: So, move everything back a half hour.

President Mosby: (Inaudible. Mike not on.)

Commissioner Mourdock: No, that's fine. That's what we've done until this year was 5:30. Works for me.

President Mosby: (Inaudible. Mike not on.)

Commissioner Mourdock: Duly noted.

Philip Hayes: The second change then—

Commissioner Fanello: Yeah, and I guess under, also in there is a Rezoning and Drainage time, so those would—

Philip Hayes: Drop back a half hour?

Commissioner Fanello: Yes, uh-huh. Do we need to make a motion to that effect?

Commissioner Mourdock: Yeah, we definitely need to pass that as a Resolution.

President Mosby: Well, do we need to amend this first.

Commissioner Mourdock: Yes.

Madelyn Grayson: I'll have that prepared for your first meeting in 2002.

Commissioner Mourdock: Okay, with those amendments? Then we can act on it then.

Commissioner Fanello: So, I'll make a motion. Do we need to make a motion then? Okay.

Commissioner Mourdock: We'll sign it next year.

President Mosby: We need to make a motion to advertise, and then a motion to, I guess, a motion to change it to 5:30 and 6:30.

Commissioner Fanello: Oh, that's right, because—

President Mosby: Make a motion to advertise.

Commissioner Fanello: —our first meeting will be at 5:30.

Commissioner Mourdock: Okay, I'll do it here and we'll be done with it. I'll move then that we advertise posting the meeting dates for 2002, with the only revision from this text in front of us being that the Commissioners meetings will meet at 5:30 p.m., and Rezoning will be, actually, I think we need to leave Rezoning at 7:00, because I think they've been advertised separately. Do you know yet, Brad? They normally do their own advertising. So, I would suggest we leave that one as is for the moment.

President Mosby: Okay the Rezoning.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: The only thing is, the very first meeting in January has already been advertised for 6:00.

President Mosby: Okay.

Commissioner Mourdock: Okay.

Madelyn Grayson: After that we can do the 5:30.

Commissioner Mourdock: Okay. So, we'll be here early next week and late the week after.

Madelyn Grayson: It's the 7th.

President Mosby: The 7th. (Inaudible) meet next week. Any other comments by the County Attorney?

Philip Hayes: No, not to address this Resolution.

President Mosby: Okay.

Philip Hayes: We have no other report.

President Mosby: Okay.

Tammy McKinney: Superintendent of Buildings
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I just have a couple of things. I wanted to give the Commissioners an update on a meeting that I had a couple of weeks ago with the Grant Writer for the Old Courthouse. I gave her a copy of the Task Force Study, and she is reviewing everything, basically, to see what we're qualified for as far as grants. Then she is going to get back with me before, and she doesn't want a contract until she knows there is something actually to go after. For her, to make it worth her while and our while. So, I'm just waiting back to hear from her. The second thing I have is, I find out something new everyday that comes with my job, and I never thought about this, but the telephone in the Courthouse elevator doesn't ring to anywhere. It has to ring to a person 24 hours a day. Unless it's going to ring to me 24 hours a day, I suggest that we hire an answering service. Which Dover Elevators, that's who service the elevators, they provide that. It costs \$15 a month. Then they answer it 24 hours a day.

Commissioner Fanello: Is that what this is?

Tammy McKinney: Yeah, right. I gave a copy to Phil just for him to review and make sure—

Commissioner Fanello: Uh-huh.

Tammy McKinney: –everything was fine. Since we already do business with Dover, I would like to stay with them.

Commissioner Mourdock: Do they do all of the elevators in this building too? Because this is (Inaudible. Talking over each other.)

Tammy McKinney: That's Building Authority, but–

Commissioner Mourdock: Yeah, okay.

Tammy McKinney: –is in charge of these elevators.

Commissioner Mourdock: I think Zeller does them here.

Tammy McKinney: I just know they take care of mine over at the Old Courthouse.

President Mosby: Call the jail?

Commissioner Mourdock: Call the jail? Save \$15 a month?

Brad Ellsworth: Call the jail. We're there 24 hours a day.

Tammy McKinney: Do they know how to...if someone is stuck in the elevator, can they talk them through it?

Brad Ellsworth: It would be tough for them. I only hire the best.

Commissioner Mourdock: They can call the elevator company at that point. We can make sure they've got that number posted next to the phone out there.

Brad Ellsworth: If you want to do that, we'll do that, and put a memo out to our people with a set of instructions.

Commissioner Fanello: (Inaudible. Mike not on.)

President Mosby: That's not–

Commissioner Mourdock: Works for me. I'll move then that we direct all calls from the elevator in the Old Courthouse to the number designated by the Sheriff.

Commissioner Fanello: Second.

Tammy McKinney: Just as long as it's not mine, that's fine.

Brad Ellsworth: That's going to be in the memo to forward them to you.

Tammy McKinney: I tried to explain to Dennis Wilson, that chances are someone being in there, you know, past basic working hours is going to be very limited, so.

President Mosby: Can't we designate 911? I mean, just got a problem, no.

Tammy McKinney: Okay, Brad, I'll get with you.

President Mosby: We had a motion and a second to direct calls to the number provided by the Sheriff. So ordered.

Commissioner Mourdock: Before we leave the Old Courthouse, Tammy, did you have anything else specifically in your report? You had mentioned to me just before the start of the meeting that we've had a couple of--

Tammy McKinney: My Christmas morning started with a burglar, a break in at the Old Courthouse.

Commissioner Mourdock: I'm wondering if we ought not schedule, if we don't already have one scheduled, an Executive Session just to talk about what we can do security wise. Because there has been a couple of instances over there lately, and maybe we need to --

Tammy McKinney: There were two in December. Same office, same window--

Commissioner Mourdock: Do we have an--

Tammy McKinney: --probably the same person.

Commissioner Mourdock: --Executive Session scheduled?

President Mosby: Well, I did talk to the maintenance man over there yesterday--

Tammy McKinney: Uh-huh.

President Mosby: --Larry, he is going to look into doing a couple of things. So, he's supposed to get back with me today.

Tammy McKinney: Then I'm checking, I'm checking on some things that we can do security wise and stay within the historic preservation part of it.

Commissioner Mourdock: Next time we have an Executive Session, just make us aware of whatever that is and we can talk about it there.

President Mosby: Okay.

Commissioner Mourdock: We don't need to schedule one exclusively for this.

Tammy McKinney: Okay. That's fine.

Commissioner Fanello: Since we're talking about the Old Courthouse, this might be a good time. We talked last time about drafting a letter to the Council asking them for their funding commitments for the Old Courthouse. So, I've come up with a draft of a letter, and basically what it does is just outline about three highlights from the Task Force presentation, and just says how we've been having space allocations meetings this year, and we're trying to address space concerns and we were just asking them for a commitment for the Old Courthouse so that we might move some government offices over there.

Commissioner Mourdock: The letter looks good. I'll move approval of the letter.

Commissioner Fanello: Thank you. Second.

President Mosby: I have a motion and a second to approve the letter for the Old Courthouse to be sent over to the County Council for their review and suggestions. So ordered. Did you have any other comments?

Gary Hohman: Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Yes, Gary Hohman, Burdette Park. I have a couple of items for you today. We have adopted a tentative lease agreement that had been given to Mr. Lawrence for his review regarding the potential lease of the concession items, the concession stands at Burdette Park. He has had that for a couple of days, and also has it, will be presenting it back to us to further evaluate. I will also have for you at your, possibly, next meeting a five year listing of the receipts that has transpired in our concession facilities at Burdette. You also have our work report. If there is any questions regarding the work report, I will answer any questions you have regarding it.

Commissioner Fanello: Have you also given a copy of the lease to Counselor Hayes?

Gary Hohman: I'm not for sure whether Mr. Lawrence—

Commissioner Fanello: You probably need to go ahead and give him a copy and let him review it.

Gary Hohman: I have a copy here.

Philip Hayes: Okay.

Gary Hohman: The last item that I have, I would like to on behalf of the staff and management at Burdette, would like to wish each and everyone here a safe, joyous and prosperous New Year.

President Mosby: Thank you. Same to you all. Any questions for Gary?

SWCD and Ozone Officer Reports

Commissioner Mourdock: The Ozone Officer and Soil and Water reports are in the file. So, I would move approval of those reports.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent Items.

Commissioner Fanello: There probably is one change to the Consent Items based on the Travel Requests sent up by the County Assessor. Since we already made our Board Appointments, there will be one change on that, so.

President Mosby: I noticed that too.

Commissioner Fanello: So.

President Mosby: We appointed him—

Commissioner Mourdock: So you are going to put this gentleman—

Commissioner Fanello: Arthur Aarstad, instead of Kraig Nance.

President Mosby: Right.

Commissioner Fanello: Yeah.

President Mosby: It should read; Kris Seger, James Knauff, Arthur Aarstad, and Paul Farmer.

Commissioner Mourdock: Okay.

Commissioner Fanello: With that in mind, I will move approval of the Consent Items.

Commissioner Mourdock: Second.

President Mosby: I have a motion and a second to approve Consent Items. So ordered. With changes as amended.¹

Scheduled Meetings

President Mosby: Meetings scheduled. Scheduled meetings? I guess our first meeting will be January 7th, yeah.

Commissioner Mourdock: I don't know that we've formally acted, but it is the Board's intention to have me continue on Area Plan. So, I will go ahead to that meeting on whatever the first Wednesday is, the 2nd.

Commissioner Fanello: Do we want to go ahead and make that Board Appointment?

President Mosby: I thought we made that appointment.

Commissioner Fanello: Did we already make that?

Commissioner Mourdock: Okay. I didn't recall whether we did. Okay.

President Mosby: I'm not running against you. So, we'll have, any other meetings? Did we need to schedule an Executive Session for any reason?

Commissioner Mourdock: I don't know that we need one specifically for the subject of a moment ago, but just next time we do have one, let's add that to the agenda.

President Mosby: Okay. Any other scheduled meetings?

¹Consent Items listed on Page 30.

Old Business

President Mosby: Old Business? New Business?

Commissioner Fanello: Do you want to talk about?

President Mosby: That's fine.

Commissioner Fanello: Was this put out by you, Richard?

Commissioner Mourdock: No, the Sheriff brought that.

Philip Hayes: (Inaudible. Mike not on.)

Commissioner Fanello: (Inaudible. Mike not on.) That's something that Tammy and Madelyn need to—

Philip Hayes: Get together on.

Commissioner Fanello: —yeah, get together and check on the Rezoning meeting. Okay, there was some conversation Friday, I got a call from news reporter, Susan Taylor, about the operations being included in the presentation last week. I just want to clear up something. First of all, the comment that was quoted in the newspaper was taken out of context, and not accurate in it's entirety.

Commissioner Mourdock: Was that the one where you called us idiots?

Commissioner Fanello: Yes, it was.

Commissioner Mourdock: Thank you for clarifying.

Commissioner Fanello: You know, whenever you see a quote in the newspaper that has a slash in the middle of it, you know a news reporter has taken something out of context, so. I would appreciate it if the news paper in the future would maybe not do those kinds of things. Second of all, and I apologize if it came out the wrong way, but that's not the way it was said or intended to be meant.

Paul Hatfield: Do you want to repeat that so that she gets it right this time?

Commissioner Fanello: Yeah, what I'm going to start doing, this is what I'm going to start doing. I'm going to start carrying a tape recorder with me. That will clear up all concerns. I went and bought a little small one. So, and I'll warn everybody before I tape record the conversation. Going off of the PMSI study, and I went back to review it because of the comments made, and really I was totally, really the comments made went over my head because I was confused about what the concern was. It looks like PMSI through their study had always included the Sheriff's offices downstairs, so I'm not really sure where the concern is coming from. If it's coming from the Sheriff's Command Post, I know we had discussion about that at the beginning of this year about possibly incorporating that operation into the facility and cutting down on operational costs. So, I guess, Richard, if you would like to clarify that, but I know I went through the PMSI study again and have some reference pages for us to look at that they did take into consideration all of the Sheriff's operations downstairs. Which really, clerical wise, aren't that large. Maybe

the Sheriff might want to clarify it. Because really this is, this is the Sheriff's concern here, this really isn't our concern. Our concern is to provide a jail, but then we also have to look at what efficient operations will be and save the county as much money as possible. So, I think the Sheriff can probably answer those questions much more thoroughly than I can. If we can clarify really what the issue is here, because I'm not sure I really understand what the issue is.

Commissioner Mourdock: Let me take a shot at it then since you mentioned my name first. The point that I think could have been made, should have been made at the meeting by Crowe Chizek, that was not made, was for the, what was it 448 beds or 484, whatever the minimal scenario was. When they described that as the "bare bones" jail, it was certainly my understanding, at that point, that what they were talking about was just that, a "bare bones" 448 bed jail, period, without a lot of ancillary offices or anything else going with it. Certainly, I have looked through, and did look through well before that meeting, the whatever they call that 264 draft—

Brad Ellsworth: Program—

Commissioner Mourdock: —yeah, program report, and I had seen in there the different administrative offices that were laid out, but when they used the phrase "bare bones", or whatever the equivalent was, I thought that truly was "bare bones". Apparently, it was not. If I had thought to ask the question at the time, I would have. Because, I think, as both of you were, I assume both of you were somewhat suffering sticker shock at the moment at seeing the numbers that were coming through—

Commissioner Fanello: I think that was your comment, wasn't it? Sticker shock?

Commissioner Mourdock: —that's why when they kept talking about "bare bones", I thought it really was "bare bones".

Commissioner Fanello: Well, and I think, I mean, we would have to realize that, you know, especially if the jail wasn't in the back 40, that if it's going to be off-site, obviously, all of the Sheriff's operations need to be in that facility. I mean—

Commissioner Mourdock: I don't know that I would necessarily draw those two things together. I will add just my personal observation, and I've not spoken to any Councilman about this, but in seeing the numbers that were laid out the other day, to me the question of location has just been answered. I think with the numbers that you have there, pre-land cost, it dictates that the jail beyond this property, in some manner or fashion. I think with the operating costs that were put out, for any of those scenarios, pre-transportation costs, in other words, pre the additional cost of transporting people from wherever that jail is to here, I think that makes putting the jail anywhere other than here a non-starter. That's my opinion.

Commissioner Fanello: I don't disagree with you on that at all. I guess, just working, I guess, I'm assuming that everybody was working off the same page, which was we've talked about all the same things about the operations, and I think, you know, we're working through the PMSI study. You know, this was a study that was done and paid for, so and it has some merit in that respect. So, I guess, I'm assuming that everybody is on the same page. Then whenever we talk about putting a jail anywhere, we are automatically assuming that operations are going to be with that jail.

Commissioner Mourdock: Well, you know the old saying—

Commissioner Fanello: I mean, obviously,--

Commissioner Mourdock: —you know what you do when you assume.

Commissioner Fanello: —I mean, I am just looking at the \$100,000 document that was sitting in my office when I walked in on January 2nd, so.

Commissioner Mourdock: But a lot of time has gone by since January.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: Again, I can't speak for any of the Councilman, I don't know what they were assuming.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: But, again, my read, and even I think in my own mind when I heard the big numbers, when the all inclusive projects, when I heard those numbers sitting there, certainly, I was not thinking the Sheriff's offices would not be in that specifically, but if someone would have asked me, I would have looked at those numbers and said, yeah, I guess it is. When I heard the presentation the "bare bones" jail, just 448 beds, rock bottom, as simple as you can make it, this is what it is. That implied to me that it was just 448 beds. Obviously, that was not the case—

Commissioner Fanello: I mean, I don't—

Commissioner Mourdock: —as presented by Crowe Chizek.

Commissioner Fanello: —I guess, I don't—

Brad Ellsworth: Would the courtroom have shocked you too? I don't know, because I've been in those meetings.

Commissioner Mourdock: That's a great question. No, the courtroom wouldn't have shocked me, I guess, as much, although, I don't know, in good conscience, Brad, yeah, when they said 448 beds "bare bones" and kept emphasizing that, maybe I wouldn't have thought of that either. If it came to one to the other, I think all of us would assume, and I think, Catherine, you were quoted as saying when the cuts need to be made, you know, it may be the Sheriff's offices that are the first thing. Certainly, one of the last things I would want to see cut would be the additional court space we've spoken of—

Brad Ellsworth: Right.

Commissioner Mourdock: —and to see just one court room, to me, doesn't begin to deal with the problems we have in that area.

Brad Ellsworth: Right.

Commissioner Mourdock: So, all this comes under that big word we were throwing around a few moments ago, which is the scope. Hopefully, we can better define the scope as a result of that presentation, which was positive, by and large, and I think

gave everybody a better sense of where the dollars are and what we need to spend. The bottom line is that the 1979 court case doesn't really talk about court room space, it doesn't talk about Sheriff space, it talks about jail space. That is why I thought their 448 bed number based on.

Commissioner Fanello: I understand where you are coming on on that point, but I think at this point in time when we have the opportunity, when we know we have to build a jail, it's our responsibility to take this opportunity to cut costs wherever we can cut costs and merge operations wherever we can merge operations. I mean, that only makes good business sense. Sheriff, you might want to go ahead and expand on just, you know, the comments.

Brad Ellsworth: I mean, I don't have a lot of people downstairs. I've probably got at total of myself, a couple of administrative people, the civil processors are in there, probably nine people that work outside the jail part. Of course, we've got inadequate office space up in the jail for what we do up there. You know, I think I've got the three lieutenants that share, you know, an office that is not much bigger than about four of these podiums together. You know, those are actually cells that they have converted, I have no offices really in the jail other than...you all have been up there, so it's not any...see what the inadequacies are. As we were going through this programming, like I said, what we were trying to look at in the programming, in adding that is, if we have this three prong project, you know, let's at least program early what would the difference be, and then, you know, I'm going to jump around here a little bit and say, you know, in the first program, the office that they have for the Sheriff has a bathroom in it. Well, that's, you know, I read that and I thought, I don't really, it's in there, I told Susan, I hate to keep referring to her, because, but I said, at least give me a chance to pull that out myself and say I don't want a bathroom in the Sheriff's office. I think that's what we had...it's early, it's a draft. We're going over that, but if we don't look ahead and say would it be feasible if we go off-site, or if we put it back here to pull in if we're paying \$10,800 a month in rent out there on Highway 41 to the Airport, would it then be feasible and could we down the road cut, you know, or at least save money by adding 8,000 square feet, you know, to this, and save money that way in the future operational costs?

Commissioner Fanello: While you are on the Sheriff Command Post, you have 111 deputies, is that, how many deputies?

Brad Ellsworth: 105 total deputies. That's sworn personnel.

Commissioner Fanello: 105 deputies, now because I think the newspaper was a little misleading. 105 deputies aren't going to have desks within the Sheriff's department, I mean, it's just like the Police Department, those officers don't have desks.

Brad Ellsworth: It reported 250 employees, and that's real close to what I have, but all of those don't have office space.

Commissioner Fanello: Yeah.

Brad Ellsworth: Some guys work out of a briefcase and carry them out to squad cars, and they drive their car in and not all those cars park there at any one...and it's also a three shift operation. I think, I'm not sure if the article referred to parking for that many employees, but they are not all there at one time. So, you are really talking about, usually, around a third at one time that are on the parking lot at any given time. So, it's not as expansive as you might think. Like I said, a lot of people work

out of a briefcase. They come in for a roll call, and then they are not back in there for eight or ten hours to, you know, put their stuff away in a locker and leave. I mean, it's something, I thought it was something to look at, you know, in the programming stage and then be able to pull it out if we, if the space, you know, if it doesn't fit on here then that's an area to pull out, and we keep paying rent. If we go off-site then it might make sense, plus the added, you know, things like adding security. Would it be better to have, if there is an attempted escape or something, your deputy is working right there. Plus for supervision, I mean, I can tell you during the day when I'm trying to travel around to Community Corrections and then drive out to the Command Post and then downtown where most of my calls come in, you know, it would be a lot easier to walk down the hall and do those inspections from my upper staff and myself. So, I know that's not worth the rent, but I'm just trying to look ahead.

Commissioner Fanello: Well, and I—

Brad Ellsworth: The lease is due here in the next, I think, in the next two years too. So, it was just a timing thing.

Commissioner Mourdock: The flip side of that too, and a lot of times when you deal with government, as much as I like to think of the word business-like, meaning government should always function like a business, there are parts of this that are hard to put a dollar figure to. One of which was exemplified in a conversation I had the other day with somebody that said, well, if they move the, if they close the Sheriff's Command Post and put everybody downtown near the Civic Center, what does that do to response time out in the northern part of the county? One of the arguments made when the Sheriff's Command Post was established out at the airport was it was going to cut down response time into the northern part of the county. So, you know, I don't know how we measure those things. I know how we do it with AMR because it's part of their contract—

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: —but it's an issue that's hard to put a dollar figure on.

Brad Ellsworth: You know what, I don't have a Command Post on the west side—

Commissioner Fanello: Or the east side.

Brad Ellsworth: —and we do staggered, early cars and staggered officers coming in so that we can get that coverage. We also have it broken into zones, so there is a car that comes out and covers while the rest are coming in to report for roll call, there is other officers out there. So, that's not...it hasn't been a huge issue for me because we've gotten around that...our building being out there. Like I said, most of our runs are mostly generated on the west side. The far west side. (Inaudible. Talking over each other.) Because the Mosby's live out there.

President Mosby: Is that out there where you live on Broadway? Is that where it's generated at?

Brad Ellsworth: Just give them the address. Well, we don't have much east side left.

Commissioner Mourdock: Yeah.

Brad Ellsworth: So—

Commissioner Mourdock: I understand, but the fact that it has been an issue of late maybe says we're set up now that it doesn't need to be an issue.

Brad Ellsworth: The building is wonderful, and I don't want people to think that that building isn't serving our needs out there. It's just, like I said, it's a leased building. I think that when your lease is coming new, you look at that, and see do we want to continue, or is there a better way to do it. I just, you know, I thought that was the more responsible thing was look and say, is this something we can include?

Commissioner Mourdock: The other way this thing, I think, became somewhat of a factor as a result of the meeting the other day was, if there's enough floor space dedicated to the Sheriff's purposes and even the "bare bones" approach as they brought it to us, it begs the question if it were simply a "bare bones" jail without all of that additional space, what would the hard dollar cost be? And what would the operating cost be differently? Because, I think it was Councilman Raben who pointed out that the \$39, what was it \$38 or \$39 a bed figure that was easy to calculate in that, that number certainly is going to change if, in fact, the jail unit would not be there. Or, I'm sorry, if the Sheriff's units were not there. Logic says to me, that number would go up, because your space has got to be cheaper to operate than what the jail space is.

Brad Ellsworth: I think there would be, you know, I mean that jail secure space has to be more per square foot than—

Commissioner Mourdock: Exactly.

Brad Ellsworth: —I don't know, maybe Mark Shireman, he might have left, would be more than just the drywall. As much my employees want to get out, they don't break through the walls to get out.

Commissioner Mourdock: That's my point too. If in fact those costs are higher, and already we are above \$35 on a couple of those scenarios, then we need to take another look and see what that would do taking them out. So, again, I think this is a good discussion to have, and, again, the meeting the other day was, I think, beneficial that it caused some of these to take place. So, I don't know if you've approached United at this point or Crowe Chizek to try to see how we could break those numbers out, but I think it's something worth doing.

Commissioner Fanello: I guess this is still going over my head. When you say a "bare bones" jail, what do you see being included in that? Even if the jail was sitting out back there, you would still have to have people in the jail, operating the jail.

Brad Ellsworth: And some offices (Inaudible. Talking over each other.)

Commissioner Fanello: Yeah, so I don't know, does it make sense to break that up? Or, you know, and still be—

Commissioner Mourdock: That's a good question. I don't know the answer, but, again, I'm telling you what my impression was, and, I think, from the impression of several Councilman, or at least the one I read quoted in the newspaper, he thought, as I thought, that it was strictly those few offices you need for the actual running of

the jail, plus 448 beds. Whatever that number is, is what we thought we were getting, and, obviously, it's something different than that.

Brad Ellsworth: And if we led somebody to believe that, that's what I think I was quoted in the paper, I keep going back to that, is that we were trying to see...I know in the County Council meeting previous to the joint meeting, that I was talking about the decision we have to make about housing Federal and DOC inmates, and I said, you know, we need to decide are we going to bring the Sheriff Department's operations off the highway. I can get those minutes, but I fully remember saying that those are some of the decisions we can make very easily, or maybe not easily, but are we going to bring operations off the highway and into this complex also? So, they heard it, I know there was a lot of information to absorb here, but it wasn't—

Commissioner Mourdock: But did Crowe Chizek include those numbers, Brad? I mean, did Crowe Chizek include the numbers in their operating costs, assuming that the Command Post was being shut down and all those people were being brought in?

Brad Ellsworth: Probably so. Before they broke it down we didn't discuss with them the scenarios, so I'm not sure, you know, when they were going to break it down, we didn't have them say, they didn't meet with us and tell us what the three or four scenarios would be.

Commissioner Mourdock: Okay. Was my assumption I stated here a minute ago correct? When they put the operating costs together for all of those scenarios, were they including any transportation costs additions?

Brad Ellsworth: No, I don't think so.

Commissioner Mourdock: So, that's like the land. It clearly wasn't in there.

Brad Ellsworth: Right. That's what we tried to do is by adding that court space, you know, a court room and a place for the magistrates, and some court clerk space, if necessary, was that if we do go off-site, then that would make it necessary to cut down on that transportation as much as possible by doing initial hearings and as much video visitation in that building as the judges will allow. Or video arraignments, so that to cut down the number of people that...and I think it would be significant if the judiciary buy into that, into a magistrate or a judge going there and doing initial hearings and then using video arraignments for as much as possible, I think, it would cut our transportation down a lot. I can't put a hard dollar figure to that, but it's certainly something that we're starting to do numbers on.

Commissioner Mourdock: The other thing, I think, that become obvious as a result of the Crowe Chizek numbers is should we be taking another look now at what Community Corrections is all about? Because, as we've stated in the original scope of 300 beds, you know, the kind of numbers that they laid out to us the other day, I would be amazed if, if I could favor Community Corrections staying in anywhere close to 300 numbers, the 300 number, or even if at all. I think Judge Heldt made the comment about leave it alone. If it couldn't be 300 beds, and I don't know if that's necessarily the answer of just leaving it alone, but that's a huge cost component.

Brad Ellsworth: I know at one time we had, you know, we had talked about reducing it or limiting the scope to 150, and I think that is when the, some of the judges came in and spoke about that, and it is a, you know, it's perplexing.

Commissioner Mourdock: We can only do what we can afford. The state is more and more across the state going to Day Reporting, as you've told us before, and I think that is the way we need to be thinking with that. Personally, I would like to see us go to something like 125 beds, with more Day Reporting, which I know Judge Heldt doesn't like, but I think there are other judges, in fact, I know there are other judges who would support something like that.

Brad Ellsworth: I think at some point that definitive answer between the Commission and the Council is what somebody is just going to have to make the motion and say here's what we are doing, and that's it. (Inaudible) from there forward and whatever we get—

Commissioner Fanello: I thought we did that.

Brad Ellsworth: That was before the dollars came in.

Commissioner Mourdock: Yeah, right. Dollars change everything, don't they? Maybe the most important lesson of the Crowe Chizek meeting is, in fact, that the numbers they presented, I think, now that people have had time to digest them, they are causing more questions, and maybe we ought to do another joint meeting or two just to work through all these. Because we are going to keep the process moving, as I was saying before, we've got to quit going back and forth with some of these issues and just deal with them all at one time, all in one place.

President Mosby: Sounds interesting.

Commissioner Fanello: I just wanted to, just because there was discussion about the number of jail beds at the joint meeting. I think somebody made the statement that they didn't feel like we needed that many, and, I guess, I keep referring back to the PMSI study, because it's bought and paid for, and it was done and everyone worked on it. They had two different scenarios there using the three bed per 1,000 and the four bed per 1,000, if we had any university or a major university. I mean, their beds range from 506 to 674, and then in the year 2020, they are estimating 690 beds needed. So, I don't see where we are that far off in what we're asking for. Then looking at Community Corrections, they had recommended a 225 bed Work Release Center, plus expansion capabilities of an additional 50 beds. So, I guess, I'm getting confused why we keep talking about the number of beds and there is so much confusion on that, when this was a study where everybody put their input into it, and these were the numbers that came out of the study, and why are we saying that some of these numbers are too high?

Brad Ellsworth: I can tell you where the 500 came from. And, Richard, I know you two weren't there, but I don't know if Richard attended some of these meetings, but as the stakeholders went through that, and we were, you know, had the little models and going and putting them over each other and talking about cost savings, on the recommendation of Mr. Shetler, he thought, and everything that we talked about was make it expandable. Make it so that we can expand it. Do the core services so you can expand. It was his, really, his idea, I believe, at this time, and, Richard, if you were there help me, but he said this is something that, the 500 number, even though it was low, was something that politically you all could survive. And I don't mean

survive, but that the public would accept a number of 500 going from the numbers we have now, knowing that you are probably going to have to expand in the future. I remember him saying that, but you can probably, I don't want to say get away with 500, that's probably not, but that would be politically acceptable to the public to go 500, knowing that you are going to have to add pods in the future.

Commissioner Fanello: Well, I just want to make the point that all the numbers that have been proposed at this table, I know by myself and by Commissioner Mosby, pretty much follow, you know, the numbers in the study and what was recommended. So, I don't want people to forget that. I mean, United is looking at this study, and we're looking at this study, and, I mean, we are staying within the realm of what all the information that went into it.

Commissioner Mourdock: And I do remember very well, Brad, the discussion you just referenced there. I do remember that word political being thrown around too and not feeling comfortable whenever that word is being thrown around. I didn't like it then either, but I think 500, 600 beds I don't personally have any problem with that. I think that's where we need to be. I think the question was derived, and I'm presuming here, and I'll label it that, but when Jim Raben asked that question, I think it was somewhat in response to the sticker shock in seeing the numbers, and realizing that we have to stick to some budgetary numbers.

Commissioner Fanello: Uh-huh.

Commissioner Mourdock: He was wondering if that, in light of the budgetary numbers, wasn't too high.

Commissioner Fanello: Well, I just wanted to bring that up because I had gone back and kind of flipped through the study again to make sure I hadn't lost my mind.

Commissioner Mourdock: I'll throw out one more here, and I know the Sheriff won't like this one, and probably you two won't either, but I said at one of the meetings after United was selected down the hallway here, I made the comment that I felt we needed somewhere, I think, the number I said then was 650-750 beds, and it showed up later in the minutes as saying I wanted a 650 to 750 bed new jail. Those are two different things. I did send a memo back asking those minutes to be corrected, because we have 268 beds, and if the budget dictates it, as such, that we had to add say another 400 beds with a new jail, plus the 268, we have the number of beds I was talking about. Now I know operationally that presents some different challenges, but I still think we have a resource in the old jail that could be used for women, juveniles or whatever, that otherwise is going to be space very expensive to convert and we are going to be paying for it anyway.

Brad Ellsworth: And I'm not in disagreement. We'll run whatever the county can afford and the Council and Commission ask us to run. Just as long as everybody is aware of, you know, like you said the operational costs and the hazards of the linear style and the, you know, I'm good with that. Give me the people to run it and I'll drive one more place to supervise or ask for the supervisors in place to do that. I agree. I'm just trying to get the most bang for our buck here when I make recommendations about bringing it under one roof or on one campus.

President Mosby: And that's probably some answers that we can get from Crowe Chizek and United if we want to start breaking out different scenarios and see what the cost will be.

Commissioner Mourdock: Well, we ended the meeting the other day by throwing the ball back on Council's court to ask them to verify where they are at number-wise. If they come back and say they are at \$35 million or some number greater than \$35 million, but still less than what the other options were, I think that is when we have to sit down and look at each one of these components and pull out the knife.

President Mosby: Well, I agree. Money is going to be the big thing. There is no doubt. I think, like you said the other day, scope-wise depending on how many beds we build whether we can even ask the state and Feds to throw any money up. If there is no beds for them, you can't ask them for money. I think that is going to be one of the biggest things.

Brad Ellsworth: The Feds won't talk to you until you come with a floor plan to show them you've got the beds. If we went up with a 329 bed, they wouldn't give us any money because they know we would kick them out a week down the road anyway. I'm not sure, you know, we are talking about building for the future, I think...and Henderson has a recently built jail. There is somebody here from Henderson, are they already expanding and adding a pod? Weren't they doing an expansion already? You know, build those core, if you've got the land, and pick a spot that has room for...and if you build the core services, and you can add those, the bed space is the cheapest space to add once it's over with. No question about it. I've gone to enough, you know, if you go to a million jails, they are going to tell you, make your core services and your offices and your support service, the beds are easy to add after that. So, that's just one thing to remember. So, if we do 448, be ready for expansion.

Commissioner Mourdock: The two things I'm trying to focus on through this whole thing are, actually probably more than two, but one is 600 beds, because I think that's what we need. The other is trying to deal with the real courts problem, which is, I think, in part going to be addressed with some more court room space. You know, those two things. How can we get more court room space to move this thing through? We both, Brad and I, have sat through enough meetings to hear the comment, the nightmare scenario isn't building a 600 bed jail, it's building a 600 bed jail and a year later having it full. Unless we deal with the courts problem of back up and back log, and that's difficult for the Commissioners to do, and I don't care if it's three Democrats, three Republicans or a mixtures thereof, it's difficult to deal with the courts to make sure we're seeing good progress on this.

President Mosby: Any other questions?

Brad Ellsworth: Thank you. Let me add one thing, just about these spaces and beds...we talk about 500, 650, is remember Shetler did it and also the new program is that there are numbers that make more sense. So if it ends up at, you know, 525 instead of 500, and they go, oops, you know, how come they stuck 25 more beds in there? The pods are, you know, the size and square footage that it makes more sense and more financially feasible to add 25 beds or subtract. You know, it might be 495 instead of 500. Or it might be 525 if that space adds better. So, we all need to keep that in mind so nobody's saying, ooh, they said they were building this and then only built this, or they built something bigger. So, just one of those tidbits. Thank you.

Commissioner Mourdock: Just so you know, Catherine, I wasn't offended to read I was an idiot. I've been called much worse.

Commissioner Fanello: You're not an idiot, Richard. I don't think anybody around here is idiots. Everybody is asking very good questions, so.

President Mosby: While we're under Old Business, I got a letter here from George Rehnquist and Jonathan Weinzapfel on the Comprehensive Economic Development Strategy Committee. I attended that out at USI the other day, and they are getting ready to put together the Board, and the Board is going to consist of the following; each County Council appoints three members and one Councilmember and one other elected official. So, the County Commission needs to appoint three members, one being a Commissioner, one being an elected official, or an employee of a government entity or a private citizen. So we need to make three appointments. They would like to have these by January 15th, because they intend to schedule their first meeting February 1st. So, one of us is going to end up serving on this committee, and then we need to appoint a private citizen and another elected official or employee of a government entity, so.

Commissioner Mourdock: Do they have a published meeting date? Usually when people get appointed to the Board, that is the first question is when and how often do they meet?

President Mosby: What did they say the other day? Quarterly, I think they are going to meet. The Board will meet. So, I think it would be safe to tell them that it's going to be quarterly, but the first meeting is scheduled for February 1st.

Commissioner Mourdock: Okay. Depending on the schedule, I might be interested in doing that if this Board is wanting me to serve.

Commissioner Mourdock: Okay. Let's, like I said, that's something we need to come up with and the County Council needs to do theirs too. Any other Old Business?

New Business

President Mosby: New Business? One thing I wanted to bring up real quickly that I had left out of my previous letter to the Governor when we were...there's a good reason why I did that. When we were asking the Governor not to raise the head tax on the boat...I won on that one like I did at the County Council, I went down the tubes. I am still in favor of dock side gaming, and that's one thing that I had intended to add to my letter, but I didn't, and, hopefully, I would like to present a letter today, and I would ask both Commissioners to join me, or one Commissioner, whatever, in asking the House and Senate to put this at the top of their agenda to be very, to let our boats be flexible in dock side gaming. To be short and sweet about it.

Commissioner Mourdock: Okay, well, we all represent constituencies of some sort, and as you sense, I'm not going to favor this one. This one is a much easier one to call than that tax vote though. That one I had to really ponder for awhile. Just philosophically the problem I have with going with dock side gambling is every community in Indiana, the moment we go to dock side gambling, in my opinion, has a legitimate right to say, how come I don't get a casino now? There ought to be one in Vincennes, there ought to be one in French Lick, there ought to be one in Seymour. Because if you've taken away the dynamic of having the river and the whole idea of the riverboat, I think you've just really thrown the door open here to something that, number one, is unfair and unequal. Number two, to something that

when it does happen, and that will happen, every community is going to have it's own casino. I still don't think it's in Indiana's best interest.

President Mosby: I understand. The only reason I'm doing this is because you're very aware Illinois, you know, adopted dock side gaming—

Commissioner Mourdock: Sure.

President Mosby: —in '99 and it shown that we've had about a 12% decrease in the boat down here. Looking at our budget and the City's budget and everybody else's budget, I mean, there is a lot of money—

Commissioner Mourdock: And a lot of experts will tell you the reason why Illinois was already seeing the decrease in the gambling was because the market is already saturated. I mean, they went to dock side themselves because their market was dropping. So, now we are using it as that reason as well. So, philosophically, we are just going to disagree on this one.

President Mosby: I understand.

Commissioner Fanello: I will support the letter.

President Mosby: I bet it's not the last time though.

Commissioner Mourdock: Probably not.

President Mosby: I have a motion and a second. So ordered. With showing that Commissioner Mourdock voted no. I started to say abstained.

Commissioner Mourdock: That's fine.

President Mosby: Voted no. Any other New Business?

Commissioner Mourdock: Motion to adjourn.

President Mosby: I have a motion to adjourn.

Commissioner Fanello: Second.

President Mosby: Second.

Commissioner Fanello: When do you want to start Drainage?

President Mosby: We will start Drainage Board in ten minutes.

The meeting was adjourned at 1:15 p.m.

CONSENT ITEMS:

Employment Changes:

Legal Aid

Treasurer

Sheriff Department

Superior Court

Pigeon Assessor

Prosecutor

Area Plan

Travel Requests:

County Assessor

Auditor:

Submit STD Grant for Health Department.

County Clerk:

Submit monthly report.

Sheriff:

Submit surplus of Sheriff vehicle.

Submit weekly jail information and reports.

Those in Attendance:

David W. Mosby	Catherine Fanello
Philip Hayes	Bill Fluty
Madelyn Grayson	Marco Delucio
Mark Shireman	Rick Dickinson
Others Unidentified	Members of Media

Richard E. Mourdock
Tammy McKinney
Brad Ellsworth
Gary Hohman

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Richard E. Mourdock, Member

Recorded and Transcribed by Madelyn Grayson.