

ALLEN COUNTY COUNCIL MEETING MINUTES
MAY 21, 2020
8:30 AM

The Allen County Council met on Thursday, May 21, 2020 at 8:30 am in the Discussion Room at Citizens Square. The purpose of the meeting was for additional appropriations, transfer of funds more than the current budget, grants, budget approval and any other business to come before Council.

Attending: Robert A. Armstrong, Joel M. Benz, Larry L. Brown, Sheila Curry-Campbell, Kenneth C. Fries, Tom A. Harris, Kyle A. Kerley.

Also Attending: Nick Jordan, Auditor.

The meeting was called to order by President Joel Benz with the Pledge of Allegiance and a moment of silent prayer.

Joel Benz: Good morning everyone. Obviously, we are in a little different venue today at the Memorial Coliseum. We are attempting to abide by some social distancing guidelines and that does make things a little bit difficult as far as individuals that we are able to accommodate in here. We are going to do our best. We will have a brief recess to wipe down the microphones and change out chairs in between individuals that come forward and share. I appreciate Mr. Brown being so accommodating in allowing us to do this here. It gives us a little bit more space than we would have otherwise had.

Kyle Kerley: As you heard earlier, we are limiting capacity in the room to 25. We ask the people that are in the room to please exit to the back right and the people entering the room from the back left. As Joel said, we will be taking some recesses today to clean chairs and disinfect stuff. Other than that we will do our best if we have some technical glitches and have to pause the meeting temporarily.

Joel Benz: First on the agenda is the approval of the February 20, 2020 meeting minutes. Are there any additions or corrections?

Tom Harris: Move to approve the minutes from February 20, 2020.

Kenny Fries: Second.

Joel Benz: All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next is the financial report from Auditor Nick Jordan.

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Nick Jordan: Good morning, Council. I would like to add one housekeeping item for those on the conference call. If you can't hear or are having issues with the conference call, please email me or call my cellphone. We can then make sure those are worked out for when you call in. Regarding the financials, you will see them through April 30th. Contrary to what you read in the media, our financials are solid as of now. To recollect, we work in arrears so the 1/1/19 assessment date is the basis for 2020 collections for property taxes and income taxes. Similarly they process income taxes through 6/30/19 and that serves for the 2020 income tax distribution. We received an income tax supplemental distribution here a couple of weeks ago that put approximately \$1.7 million into the General Fund that we do not budget because we don't know it's coming. We can estimate it is but we still don't count on it because it fluctuates from year-to-year. When you look at the Miscellaneous Revenue, it is pretty much on track for year-to-date. Locally we have not had a significant downturn as you have seen on either coast, at this time. Even projecting into 2021, 1/1/20 will serve as the basis for 2021 property tax collections. If you are up-to-date on the real estate market, you will still see that our supply is low. Houses are flying off the market at prices that are being asked and paid and are still comparable to what they were in the prior year. I don't want to put Stacey in the hot spot but when she comes up here you can ask her because she is the specialist on that. Going into 2022, if things contract as they did for the last two months, then we will potentially see a different scenario, As you can see in the funds that are in the packet, the reserves are extremely healthy and very significant given the expenses and revenues for each fund. Those will help us get through even in economic contraction for a year or two unless we have significant expenses that weren't anticipated. I can take any questions but as of April 30th you will not see anything exciting, so to speak. I will note that property tax collections are at 88% of what we would have expected through the spring installment even though July 10th is the new due date that waives all penalties.

Tom Harris: At that July 10th, we will have a better understanding of what percentage came in and I think I read or heard that we are pretty much on track from what generally would have come in.

Nick Jordan: We have always had people that pay the full year at the spring installment and we usually exceed the 50% mark, so to speak. When I say 88%, I am comparing it to the prior years' collections, year-to-date. For the units, if they are paying attention, I have communicated to them we will process another distribution to all of the taxing units in July so that they will not have to wait on the additional revenue that we get from now until July 10th.

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Tom Harris: One other point to reiterate, you mentioned 2022 is where we would show any kind of impact that may happen if we were to have a downturn in the rest of the year. That would show in another year to two years out.

Nick Jordan: It is twofold. Miscellaneous Revenue that you see on page five is where we list the significant the breakdown, we could see that immediately. For example, if the Building Department construction development stopped, we could see a decrease of revenue next month. If our fund balances drop and the interest that we are not receiving or return on investment is not as great but our property tax and income tax could be 2022. If we would see a big drop, but I don't anticipate that even if we see a drop for 2021 that it would be significant and specifically not in property tax unless people just don't pay.

Sheila Curry-Campbell: I have one question. You spoke of the \$1.7 million. Is that part of the Corona Relief Fund?

Nick Jordan: I am glad you asked that. No, the \$1.7 million, what happens is that the State certifies a distribution in 2019 based on the collections of the 12/31/18 returns and some that lingered into 2019. When they certify us a distribution in 2019 that is what they are going to pay out in 2020. They are working in arrears of about 18 months from the current time period that we are at. The way the law works is they have a trust balance for us and when that exceeds 15% of our distribution of the County as a whole, which is about \$150 million for 2020. When they exceed 15% of that they have to give us a supplemental distribution. This year, Allen County as a whole, the supplemental distribution was over \$14 million. The \$1.7 million went into the General Fund. LIT Economic Development for the Commissioners was another million. Our Public Safety received \$340,000. All of the other units, except for schools, receive a piece of that as well. Schools don't get it just based on how the law is. Regarding the Coronavirus Relief, there is approximately \$12 million that the County can apply for and receive as reimbursement for eligible expenses. You cannot use it for revenue replacement such as for the Coliseum that potentially doesn't have events coming in, we can't apply for that revenue that was lost. Friday, Chris Cloud and I are having a meeting to go over that and start the process. I believe if I read correctly, the County is responsible for Townships to come to the County and ask for reimbursement that they potentially need and that would come out of the \$12 million pot.

Sheila Curry-Campbell: Thank you.

Tom Harris: I will move for approval of the financial report.

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Sheila Curry-Campbell: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0.

Larry Brown: As you know, I where hearing aids and all I hear is an echo so if I sit here like a bump on a log, you will have to sign language or something. Can we try turning the volume up or something? Testing one, two, three that is a lot better for me. I have tried everything that I can adjust on my end.

Joel Benz: We will keep that in mind. This morning we have \$2.4 million in requests from the General Fund and \$287,300 from other funds. At this point, I am going to open it up for public comment. I am not sure if we have any members from the public this morning. It does not appear that we do.

Bob Armstrong: I don't know if this is the proper time but I want to do this while it is fresh on my mind. I want to take and thank you and Kyle for your Frontline Fridays that you have been doing for our First Responders. It was in my head and I appreciate what you are doing and what you continue to do for our First Responders and Frontline people.

Joel Benz: Thank you. Since no one is coming forward for public comment, I will close that portion of the meeting. Mr. Hagar is our Board Appointment to the Allen County Economic Development Commission. He is going to give a brief presentation. We appreciate you being here this morning. Just give a brief overview of what that Commission does and your part in it.

Mark Hagar: Thank you for having me today. I am the President of the Allen County Economic Development Commission and we are a three-member Commission. We are appointees of the County Council, the City Council and the Commissioners. We were established in 1986 and our primary purpose is to provide low or no interest loans to businesses, not-for-profits and pollution control facilities. We meet annually as an organization meeting and elect officers and then we meet when an application is made to the Commission. Our last application was in 2018. The last couple of years we have been pretty inactive. That application predates my time on the Commission and so we have not done a lot while I have been here. The last project we did, in 2018, was Evergreen Senior Living which is at Union Chapel and Auburn Roads. That facility is on the verge of opening by all outward appearances.

Joel Benz: Does anyone have any questions for Mr. Hagar?

Tom Harris: Any anticipation of when the next meeting would be? And you said annually, when was that held?

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Mark Hagar: That meeting was in February and we have not had any indication from the Redevelopment staff that there are any pending applications.

Joel Benz: Do we know why? If it has been since 2018, do we know why we haven't had any applications?

Mark Hagar: I think it is because most of the economic development activity is handled through other Commissions.

Joel Benz: Is there a reason to maybe fold all of you together into one?

Mark Hagar: I think that is a good question for other people, perhaps. I would say that the projects that we have been involved with, and that is 87 projects, it is very valuable to the community overall. The work that we do is valuable. Whether or not it can be handled by other Commissions is maybe a question for your body and the other Commissions.

Joel Benz: Or at least incorporate you into the other bodies and make it larger.

Mark Hagar: On the surface that makes sense. I don't know enough about the other Commissions to comment on that.

Joel Benz: Okay, thank you.

Sheila Curry-Campbell: Who are the other two members?

Mark Hagar: Lindsey Hanna is the Commissioners' appointee and Kurt Gutman is the City Council appointee.

Joel Benz: Council, are there any more questions? Thank you, Mr. Hagar. Next on the agenda is the Sheriff. We will do a little switch out here and then you gentlemen can come forward.

Dave Gladieux: Dave Gladieux, Sheriff.

Kara Simonoff: Kara Simonoff, HR.

Charlie Edwards: Charlie Edwards, Chief Deputy.

Kara Simonoff: The Sheriff's Department came to the Personnel Committee back in January for a new position of Community Resource Officer for \$58,507, 40 hours a week, non-exempt. This position was approved by

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Personnel Committee three to zero. This position will be under the same contract obligations established between the Allen County Sheriff's Department and the Town of Huntertown. They are requesting a second Resource Officer for their town. I will turn it over to them.

Dave Gladieux: I believe my two liaisons are familiar with both of my requests today but in regards to any equipment or training it has all been taken care of through our normal training. As far as the vehicle is concerned, we will need funding for the vehicle. They are going to pay 75% of the Officer's salary and we will take care of the rest. It is pretty cut and dried as for all of the other contracts that I have had with Leo and Huntertown and much like the School Resource Officers as well.

Tom Harris: I have started wondering how the Resource Officers' pay was being handled with the schools being shut down. Are the schools still paying for those Resource Officers and did you have a pandemic clause in the contract?

Dave Gladieux: Unfortunately we don't but we are not going to do a true reimbursement to the schools. We are not going to bill them for the first semester of next year. That is how it will be handled.

Tom Harris: Those Officers are still working for you.

Dave Gladieux: They are still working in various divisions, as we speak.

Joel Benz: This one on the agenda is actually not involved in the schools, correct? This is going to be specifically for Huntertown as their second Officer. That community has grown significantly and that is what facilitated this request.

Tom Harris: I will move for approval of the request for a salary ordinance establishing the pay for a Community Resource Officer, SHO 1, \$58,507, 40 hours and non-exempt.

Bob Armstrong: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Let's go for the second item on the agenda, Sheriff.

Dave Gladieux: I didn't realize that I was going to be doing any official request. I provided HR with a list of employees that I feel should be included and you will find that from every Division Head if it is on their agenda as

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well. During this Coronavirus time, I kind of cut back on employees. We did an awful lot of from home type of service. Obviously I can't do that with my Road Patrol or my Jailers. They truly are the frontline in my opinion. Those employees are included in my list of those that should get this little bonus, if you will. The other employees, as important as they are and I appreciate them, working from home has its challenges in and of itself sometimes. I want them to know that I appreciate them and what they have done. Their schedules were definitely altered and they didn't have to come into work physically.

Joel Benz: So this would be part of the pandemic...

Dave Gladieux: It is and I don't have a dollar amount down here.

Kenny Fries: This is \$44,553 and I think HR is going to present something else for all County employees. This is the Federal grant you guys can get.

Dave Gladieux: I read it that way the first time and then I thought this was for all of my employees. You are right and this is a pass-through and it is funding that they directly send, federal money coming through the State.

Joel Benz: So this is one that you are applying for.

Tom Harris: I wanted to find out how it has been in the Jail. Have there been any outbreaks or exposures?

Dave Gladieux: I was looking for some wood to knock on. So far we have not had any inmates affected. We had one or two employees come down with some symptoms but they were tested right away and came back negative.

Tom Harris: It came out a few months ago that there were some inmates let go and I wasn't quite sure if that is still going on. Do you anticipate...

Dave Gladieux: I had nothing to do with that nor was I told about it until it was already done. That was done by the Court system.

Sheila Curry-Campbell: What do you mean when you say that? You don't know that people were released from the Jail?

Dave Gladieux: I knew the day they were getting released. There was no communication as far as the talk of possibility. It was just done.

Sheila Curry-Campbell: Do you know how many people were released?

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Dave Gladieux: I heard about it on the news. Twenty-five to thirty or something like that.

Kenny Fries: Do you know what the current count is at the Jail? I know it is down.

Dave Gladieux: Today I think it is 600 to 616 or something like that.

Charlie Edwards: It might have bumped up closer to 700 because they took a bunch in over the weekend.

Kenny Fries: Crime has been down during the whole Coronavirus. That has been a good sign.

Dave Gladieux: The community has cooperated very well. Everybody is hunkered down doing what they are supposed to be doing. That has helped out with my numbers at the Jail. It has freed up some space to do our own quarantining, if you will. The plan is when someone comes into Lockup, they are moved into a cell by themselves and when our numbers are down, we have the room to do that. They were there, if allowed to, for fourteen days and if everything looked good they were sent to a certain block. They would be monitored there before they were sent into general population. That plan, Captain Butler came up with, was genius. When this thing first broke out, I immediately shut down all face-to-face visitations with inmates. I told him that I wanted Trustees going around on a continuous basis wiping and cleaning all flat surfaces and things like that. I am hoping that it helped. That is the status on the Jail, Tom.

Kenny Fries: The bottom line to all of the suspects out there is we will still arrest you because we have room at the Jail. I will make a motion to approve the Coronavirus Emergency Supplemental Funding grant in the amount of \$44,553.

Sheila Curry-Campbell: Second.

Dave Gladieux: I would also like to request to speak for a couple of minutes.

Joel Benz: Let's vote on this and then you can say a few words. **We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0.**

Dave Gladieux: I would like to say a few words on the last item on your agenda today in regards to the funding request for Community Corrections and Work Release. For the past two years I have offered to support the

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Community Corrections Program with offering bed space for her program. That offer stands today. I toured the facility again the other day and ironically there is one section out there that has exactly fifty beds. It comes with two offices right outside the door. She could very easily operate a 50-bed program out of that facility while I would still be able to operate a Work Release Program. I know she is interested in doing Residential Services. We have kind of dropped the theme Work Release on a Title 35 of Residential Services which tells me it could be anything from a Work Release Program to a Re-entry Program. Frankly I don't really care what she would do with those fifty beds. If it helps out the Court system and the community, then it is great. I am willing to play along and I am at the table. I have not left the table and that offer has always been on the table. It is a little disturbing, you know, I have twenty plus employees that have been on pins and needles since October. This building was complete in October of last year. The status of the building back in October was complete and had my employees' names on their office doors. Now they have been put on hold. I would like to see this thing come to an end. A lot of things have been done and said behind the scenes and I don't think this is good for the community. With regards of what is good for the community, I think the financial end of this it was all started on a hope and a prayer that the Indiana DOC was going to give a million dollars towards this project. As I have stated before, a million dollars would have been nice and appreciated, I am sure. It doesn't cover the \$7 million that the taxpayers in Allen County have given towards that building for the purpose that it was voted for by the Commissioners and the Council, at the time. There are some things there that bother me that we are going into business with the DOC which is the same DOC that is not paying their bills currently with regards to per diem payments for Level Six inmates that was forced upon all of us collectively. They want to give \$37.50 a day for something that costs me \$53 to \$55 a day. It costs me and you and everybody and now we want to go into business with them. It is my understanding that they have not and cannot give an answer on the funding request until June. I don't know how someone can vote in favor of something like that and doesn't even know how much money is going to be put towards this. I will finish by saying one more time that I am at the table and am willing to work with Community Corrections and give them fifty beds. I am sure there would be space there for that program to grow. There are 230 beds out there. That is plenty of space, in my opinion. I appreciate your time and I look forward to working with you.

Kenny Fries: Sheriff, I just have one question before we move on. Have you and the head of Community Corrections been able to meet? I know in January we talked about you guys getting together and working this out and how it is going to benefit the inmates, public and taxpayers and both departments. Have you guys met?

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Dave Gladieux: Mrs. Churchward and I have met a few times. Recently we met about the topic that I just discussed the offer that is on the table. In her defense, she works for the Judges and so she is pushing for what the Judges want. She was very careful about how she worded it but at the end of the conversation, she said if you are asking me if I could use 50 beds then yes I could use 50 beds. That was her comment.

Kenny Fries: Is there a path, in your opinion, for both you and Community Corrections to use that building?

Dave Gladieux: Yes there is.

Kenny Fries: Thank you.

Sheila Curry-Campbell: I have a question. Sheriff will you be able to stay with us during the duration until we get to that agenda item because I am sure we will have more questions for you.

Dave Gladieux: Yes, I will stick around.

Joel Benz: I think we will have significant discussion later on and I appreciate your time this morning. We will save anything further until after the Judges give their presentation of what the vision will be for that program. Next up is the Assessor.

Stacey O'Day: Stacey O'Day, Allen County Assessor. Thank you for your time. I am here today to ask for my Chief Deputy Kayla Tilley to move from 75% of my salary to 80% of my salary. That is the standard procedure that when you start out at 75%, she has been with me for over two years and has done an outstanding job. She has a Bachelor's Degree from Indiana University. She is a Level Three Assessor Appraiser. She is also taking Continuing Leadership Performance classes and is doing an outstanding job. As we have all been through the challenges of the Coronavirus, she has stepped up to the plate. Her decision making skills and leadership have really been shining through all of this.

Kara Simonoff: This request came through Personnel Committee back in January and was voted three to zero.

Joel Benz: Council, are there any questions?

Tom Harris: I will move for approval of consideration of a salary ordinance amending the pay for the Chief Deputy to 80% of the Assessor's salary, EXEC, \$75,699, 37.5 hours per week and exempt.

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Larry Brown: Second.

Joel Benz: We have a motion and a second. I will say in Personnel Committee this follows in the line of virtually every other department. **All in favor say aye, those opposed, like sign. The motion passes 7-0.**

Stacey O'Day: Are there any other questions for me while I am in the hot seat?

Tom Harris: Probably a little bit later as this evolves a little bit. We may talk further.

Stacey O'Day: You want me to stick around?

Tom Harris: No, I meant later on about housing and so forth as the months go on.

Joel Benz: Next is the Department of Planning Services. I am just going to mention that the Facebook feed is having a little bit of difficulty understanding us and hearing us. They have done what they can on the technical side so just make sure you are speaking right into the microphone.

Kara Simonoff: This request also came through Personnel Committee back in January. This is a new position of Associate Land Use Planner for the Plan Commission at PAT 4/2, \$55,197, 40 hours per week and non-exempt. This position was approved three to zero. This position will work with the Plan Commission as permit levels and projects continue to increase without additional staff. With this request, the City of Fort Wayne will reimburse Allen County 40% of the increased cost of the new staff person if this is approved. I will pass it over to Ms. Bowman and she will be able to explain a little bit further.

Kim Bowman: Good morning, Kim Bowman, Department of Planning Services. I hope you have the packet of information that I provided for you but I would like to start with a little background about what the Department of Planning does. We provide the land use zoning permitting for six jurisdictions in Allen County of Fort Wayne, Allen County and the towns of Hometown, Grabill, Monroeville and Woodburn. We don't have direct permitting responsibilities for Leo-Cedarville and New Haven but they both are very important as far as the overall development operations for the entire community and we work closely with those jurisdictions. We also work very closely with the Building Department. As an example, for one single-family home permit that we issue on average there are four to five building permits which result in 12 to 26 building inspections. That increases with commercial

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and industrial development. Those types of permits result in an average of about six Building Department permits with a range of 11 to 65 inspections. It is important that all of the departments in a jurisdiction work together as far as development occur. As Kara mentioned the 40% operational cost is given back to Allen County through an interlocal agreement that was signed in 2008. Towards the bottom of the first page, you can see the pre-merger staff levels when the City had a separate Land Use Department and the County had a separate Land Use Department there were 23 individuals and when we merged that was reduced to 18. In 2008, we were in a very different financial development situation and it was felt then that 18 was adequate for a combined office. On the second page you can see how our revenues have increased since 1996. The blue shaded areas are the County fees that we collect, the red is the City fees and green is the reimbursement from the City for their 40% of Land Use. On the next page, I tried to show the totals from 2008 to 2019. Our permits and projects and applications continue to rise. We hit a low point or kind of a holding point in about 2014 but since then everything is trending up. Just for your information, on the next page we put together permitting levels from January through April for 2016 through 2020. We are curious to see what the impact of the Coronavirus was on our permitting levels. What we found was in 2020 we issued 30 permits less than we did in 2019. But that was higher than what we issued in 2016, 2017 and 2018. The phones continue to ring off the wall. We are having our public hearings next week and we are seeing development continue to occur in our community. On the last page is a summary of the impact of the Plan Commission staff. From 2008 to 2019, almost 8,800 lots for new single-family homes have been approved. Seventy-five hundred acres have been rezoned. We have seen 6,500 acres of commercial and industrial development approved and 8,400 apartments have been approved during that time. The impact of this individual is critical as we work with our local and out-of-town developers, engineers and investors in our community. This person will provide support to that to provide the assistance so we can continue to grow and be responsive to those that are investing in our community. With that I would be happy to answer any questions.

Joel Benz: I do have a question about the graph that has the total number in Accela versus mail-in or in person. Just talk about the last couple of months since the pandemic began. Has online usage through Accela spiked significantly? I see there is a huge change year-over-year but was that based on the last month here?

Kim Bowman: We have been working with our local residential developers and residential builders to use the online permitting. I think it was because of the virus and our office was closed that one of our last big builders is starting to apply online. As you can see, it really has spiked over the last year

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and we continue to encourage residents even now with the building being open. We encourage people to go online. Some people aren't comfortable coming in and to get the community used to applying online is important. I am hoping that will continue to increase and we are doing what we can, as a staff, to keep that increasing.

Joel Benz: When something comes in, talk to me about the process. Somebody comes and does it versus doing it online. Is there a difference in workload for you guys specifically or is it more streamlined when it is online because they have to fill all of the boxes out?

Kim Bowman: It is a different workload. When people come to the office, it is typically because they don't know what the process is and what they need. We help them fill out the application, prepare a site plan or a drawing of what they need and to collect their fee at the counter. Online, they would fill that out from the comfort of their home, attach a site plan with that and it comes to the DPS Office. At that time we have to stop the process of online permitting because the City fees and County fees are different and then we have to assess a fee back to the owner to go back into the system so they can pay their fees. After the virus that is definitely on our list. It does take a lot of time and that is something that would be helpful to streamline. It would be like if you were shopping online and you say that you are from Indiana and they say wait a minute, this is what you owe instead of just a seamless process. From there the front office staff can refuse some permits. Others are distributed to possibly the Health Department, Surveyor's Office and sometimes it is distributed to Water and Sewer, City Storm Water or Transportation. When all of those agencies sign off on the permit, it is automatically issued to the Building Department. It is really neat the way Accela has been developed that we get notices when the construction reaches a certain point. When the project finishes framing or has its final inspection from the Building Department, my staff receives an email from the Accela system so we can communicate to the applicant if there are any holds on them occupying the building. And that also helps improve the process.

Joel Benz: So the process whether it is online or in person, you are still basing this request on the overall permits that are coming in. Online doesn't streamline it that much based on the number of permits that you have coming in and this is why you need somebody additionally. Correct?

Kim Bowman: Yes, numbers are increasing and the projects are increasing. For us to be more responsive to the development community, it is really necessary to have another individual.

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Sheila Curry-Campbell: Do you see a change in your staff a year from now? If you are doing exceptional with the online, I am just curious that we are talking about bringing someone on and do you think you would have to lay someone off twelve months from now?

Kim Bowman: I don't believe so. As you can see from the trends, we are not even close to 2008 or 2009 levels. What was said previous is that there is more of a demand for housing than there is supply. That affects my office on the approval side through rezoning, plat approvals and that end as well as the permitting side. We see those projects on both sides. If Council would decide that there are future budget cuts, we would respond to that. At this point, the position is needed because development continues to increase and we are still below levels of pre-merger when there were 23 staff people and we are not at that level yet.

Sheila Curry-Campbell: Thank you. I just thought the online service might help.

Joel Benz: Councilman Armstrong, go ahead.

Bob Armstrong: I have a question on this page where you talk about 8,411 new apartment units. The dates at the top are 2008 to 2019. That is eleven years and in the amount of apartment units, I have asked this question and can't get an answer. Of the apartments that are in the downtown area that are built or going to be built, does anybody know how many of those apartments are actually occupied? Are we building apartments and people are not renting them? To me it is just interesting that we have two new projects coming online and how many of the living units in the downtown area are actually sold or occupied or are they sitting empty? I don't want to put you on the spot but I don't know if you are the one to answer that. That is a large number of apartments. If I am wrong, correct me, but I think the majority of those numbers are downtown.

Kim Bowman: I will have to go back and look at the location of those. I do not have occupancy rates. Yesterday I was on a conference call with an apartment developer out of Indianapolis who has not developed in our community yet and is looking at half a dozen sites. There continues to be a demand for apartments.

Bob Armstrong: So there is a demand.

Kim Bowman: I am assuming they are being occupied.

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Tom Harris: Council, I am the appointment to the Plan Commission by the Council and I can tell you from my experience that the growth of this County continues exponentially. It is growing not only from developers moving to more of a County versus a City because the development of all these neighborhoods and all of these houses seem to be going on outside of City limits as well as economic development of all of the different things coming at the County. In my background of being involved for seven or eight years is that Kim and that department have been very conservative in terms of requesting additional assistance. The complexity of what is coming at them continues to increase and the volume coming at them continues to increase and what I have found is the professionalism and integrity of the department is strong. What is on top of all of that is that the City of Fort Wayne pays us 40% and so this new individual that would come onboard, do you anticipate them working more for the City or more for the County or how does it break out?

Kim Bowman: We don't see jurisdictions. We react to the applications that are coming in. It could be one month more County projects and the next is more City projects. The 40% does remain firm through the interlocal agreement.

Tom Harris: Has the City of Fort Wayne passed this already or how does this work? Does this go before the City Council as well?

Kim Bowman: No., 100% of our budget comes from County Council and we work with the Auditor's Office on a quarterly basis to reimburse. As part of the City budget process, we are a line item in the Community Development budget and I have spoken with Cindy Joyner and her financial assistant to let them know we were looking for this position and they said that their budget can handle it.

Tom Harris: That is great news for the County. We basically oversee this department and that is a great place for the County and citizens of this community. I will move for request of consideration of the salary ordinance establishing the pay for the Associate Land Use Planner, PAT 4/2, \$55,197, 40 hours per week and non-exempt.

Kyle Kerley: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0.

Tom Harris: They still have one other item, the appropriation in DPS General Fund. I will move for Associate Land Use Planner at \$43,694.

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Kenny Fries: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Next is Information Technology with the Commissioner and Ed Steenman.

Nelson Peters: Nelson Peters, Allen County Commissioner.

Ed Steenman: Ed Steenman, County IT Director.

Nelson Peters: We are actually here today representing Permit Leadership Team and the Joint Permitting Oversight Board. The Joint Permitting Oversight Board was a group that you may or may not recall was established in around 2009 when we began to hear from developers, builders and contractors that we needed some improvements in the areas of permitting to speed along development in this community. At the time, City and County Council collectively appropriated \$1.5 million to provide for some enhancements to the IT system. You just heard Ms. Bowman talk about some of the enhancements that have helped her department get to where they have gotten to at this point. Unfortunately there may be some more that are necessary. A little bit of the current background. The IT Department and others went to Atos in 2019 and asked them to upgrade Accela from Version Ten to Version Eleven. It didn't happen at that time. The various departments and I have to guess there are at least half a dozen or more who utilize the system had a list of over 120 items that Atos was not addressing. Never more than with the current COVID-19 challenges has there been a great realization that we need some fixes to that system right now. The original \$1.5 million went a long, long way. We are in 2020 now and it was appropriated in 2009 and so that budget carried pretty much for eleven years. At the time, it was anticipated that it would take about a two or three-year run to exhaust those resources. The fund that we advocate taking an appropriation fund today is really an IT enhancement or Accela improvement fund that back in 2009 developers, contractors and builders said they were willing to take five dollars of every permit issued and put it into a fund. At this time, the fund has amassed over a million dollars. You can see in the spreadsheet that was provided the breakdown of those funds. The majority of those funds have come from permits that have been pulled in the City of Fort Wayne. Somebody that might come and say that the City ought to pay their fair share in terms of this particular request can see by looking at that fund that projects that have occurred in the City of Fort Wayne have actually contributed their fair share to the grouping of dollars that we are asking for. Currently, the City spends about \$200,000 a year in maintenance of the current project. That number is split roughly by the number of licenses for Accela that is utilized between City and County departments. The County

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does, in fact, right now pay a little bit more than the City does by utilizing a few more of those licenses. What future costs may add to the request today would be a request of about \$100,000. Now that is not on the agenda today. I am just trying to point out what the future may look like with respect to some of this. The maintenance going forward for today's specific request might cost an additional \$100,000 per year. If you take some of what Atos is currently being paid and fold it back into equation, you are looking at a worst case scenario for time and materials of about \$85,000. That \$85,000 per year would effectively be split between the City and the County so that the cost to the County would be, in the worst case scenario, somewhere around \$42,500. If there is an issue moving forward with how to fund it, there are a couple of ways you might consider. If this is approved, you might consider parking it in your budget and making it part of the IT appropriation annually. The other consideration might be to go back to specific departments and say you really need to consider bumping your permit fees in order to accommodate this. Some of the background work that the Permit Leadership Team did revealed the fact that there were some departments who had a willingness to contribute additionally to the fund both on the City and the County side. We do believe that future needs could be accounted for under this request as well. Mr. Steenman, have I left anything out?

Ed Steenman: You have said quite a bit and covered it all. We would be glad to answer any questions.

Kenny Fries: I would like to point out that the handout you gave us, for the public's information, we talked about the City paying their fair share, the average from 2008 to 2019 has been 65.3% of the fees collected. They have more than paid their fair share. I just wanted to make sure that the public knows that number.

Nelson Peters: Thank you.

Tom Harris: Commissioner, the one question that I would have is that you mentioned the permitting fees. What would your opinion be on that? To consider increasing certain permit fees, you mentioned that might be something that we would do.

Nelson Peters: No, no, no. We would, perhaps at your direction, do that. That is something that would fall in the bailiwick of the Commissioners and then the individual departments.

Tom Harris: From a strategic standpoint, we can work together on that to consider what is appropriate. The challenge on these things is that we spend a ton of money and then down the road we find out it is not getting the job

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done or they raised the rates or maintenance fees or something and it is just inevitable that it happens. That is the world that we are in but it is frustrating to see that. That said, it has been an acceptable system for us up to this point and we just simply need to get to a higher platform.

Ed Steenman: That is correct. It is a very good system for most cases. There are development needs that the departments have that haven't been able to be addressed. As Nelson mentioned, there is a list of about 120 items that have come to the attention of the departments over the last couple of years that have not been able to be addressed. As he also mentioned, the upgrade that has failed to be completed and those things really have to be completed. This appropriation request is to contract with Accela, the developer of the software. We have been trying to address the needs with general purpose staff within Atos and that is not meeting the needs. So we are going to the source. If this fails then Accela has a really big problem.

Tom Harris: Can I ask, have we received the contractual obligation from Atos through this process or are they not meeting what they promised to do?

Ed Steenman: They have provided staff for the development of the Accela platform but they have provided general resources. These are not specifically experienced and well trained like we expect to get from Accela. That is the difference between what we have been dealing with for the last eleven years versus what we plan to do in the next immediate future of about four months. Also for the next year is what these statements of work covers.

Tom Harris: Those work orders are many times backed up from different departments. The number of work orders that Atos is just sitting and sitting and sitting. Your objective, through this process, is to catch all of those up in a period of time.

Ed Steenman: The list has been prioritized and those high priority items are going to be addressed in about four months. The lower priority items will be addressed over a period of about a year.

Tom Harris: This handoff can sometimes be a little messy. What would be the timeline that Atos steps out and Accela begins to handle all of those work orders?

Ed Steenman: I have already provided the list of open items to Accela and they have had an opportunity to review those. Like I said, we have also prioritized those and so they are staging resources as we speak. When the P.O. is cut and the statements work is signed they are ready to start work fairly shortly. Then they are also engaging one of their partners, S-Cube, and

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we have worked with them in the past and are still kind of working with them now. They will be involved during that first four months with Accela so that it is an easy handoff to them because they know what has already been accomplished, what is in the works and so they can pick up the ball and keep it going over the next year.

Sheila Curry-Campbell: I have a question. How many outstanding work orders are we talking about? I went to a couple of the meetings and I was shocked of continuing to pay someone to do something to fix their mistake. I am just trying to understand.

Ed Steenman: These open items have been accruing over the last three years. That doesn't mean that Atos hasn't been paying attention to any of them. These are either lower priority in their eyes or are more difficult in their eyes and so they haven't been addressed. There are things that are getting fixed and getting developed or have been getting fixed or developed. It is not like they have taken hands off. It is just that these items, for one reason or another, have not been addressed.

Sheila Curry-Campbell: Do we have anyone within in the County that is working side-by-side with these IT folks? We have no idea if they are fixing it or breaking it. I mean, where are we?

Ed Steenman: Just about every department has someone that is their subject matter expert and works with Atos making changes, testing those changes and so forth. It is really just a matter of the number of resources and the training and experience of those resources have not been sufficient to address the needs of the ten plus departments that use Accela day in and day out. They run their business on it. It is just like any other line of business product that if it doesn't work well, you fall behind quickly.

Joel Benz: I am going to add a little bit to it. I am a part of the Joint Permitting Board and Commissioner Peters is also. There are a number of individuals in the audience here that are a part of that. Over the last several months we have been hearing the constant frustration level because of this stuff isn't working and it has kind of come to a boiling point with everyone moving basically to an online platform with the Coronavirus. We spent the time and looked at what is the best option moving forward. Is it to totally scrap this platform and move to a totally new platform? The cost to that was extraordinarily prohibitive. They looked at several different vendors with the potential of what might happen. Then we looked at what it would take to get this where it works right now. They can tell you stories that you click one thing to do something and it just freezes their computer and they can't do anything for 45 minutes is ongoing until it decides to let them go to the next

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step. This is a real problem when our permits online are spiking and all of these things are kind of intertwined. The reason it is so complicated is that each department has its own little section within this bigger framework and they are all interconnected. When one department does something, it can affect everyone else down the line. The vendor that we have, I feel like the interactions think on what they are getting paid in comparison to what we are being requested today is a fairly small number, they are providing adequate service. From my perspective, we are not getting that adequate service and so that is why we are looking at someone who will actually provide that to us. I think it is needed. How we are going to pay for it ongoing, I think that is a separate discussion. You can talk to the Department Heads and they are overwhelmingly frustrated by this whole thing. Ed has probably taken the brunt of that more than anybody. Go ahead, Councilman Fries.

Kenny Fries: I will try to be brief. I know Councilman Kerley, Councilman Brown and I have gone to a meeting with most of the Department Heads back in January and I wish we could have gotten this done back then. It is obvious that this needs to be done and passed quickly so you guys can get this fixed and on the road. My question is the 120 items that need to be addressed, are they all in Accela or county-wide in different areas? Is Atos just not doing the work for Accela or dropping the ball on other IT items?

Ed Steenman: Those 120 items are strictly related to Accela.

Kenny Fries: Okay, thank you.

Tom Harris: I will move for approval of the appropriation in the IT General Fund for Contractual in the amount of \$655,940.

Larry Brown: Second.

Joel Benz: We have a motion and a second. Is there any further discussion?

Kyle Kerley: To understand this, currently we are spending about \$200,000 a year in maintenance et cetera. When we move over to S-Cube, their estimating an additional \$80,000 to \$100,000 a year on top of the \$200,000?

Ed Steenman: That is correct.

Kyle Kerley: So it is going to be \$300,000 a year going forward.

Ed Steenman: Yes.

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Kyle Kerley: The existing operating agreement with the City will still be in place.

Nelson Peters: Correct.

Kyle Kerley: So we can expect \$150,000 from the City.

Nelson Peters: Yes.

Kyle Kerley: Then the County Departments will have to determine how best to pay their \$150,000.

Nelson Peters: Correct.

Kyle Kerley: Based on the numbers that you are showing for the fees, we are a little short at this point based on 2018 and 2019 numbers.

Nelson Peters: Short in what respect?

Kyle Kerley: The fees raised are bringing in 2018 at \$118,000 for the County side of it. We are going to have to rely on the departments to figure out how to generate that balance of our share.

Nelson Peters: Potentially, yes.

Ed Steenman: Just a point of clarification. The maintenance which is about a 55/45 split with the County paying 55% is a budgeted item in my budget. That is already accounted for. The 85 is the new money that we have to figure out where it comes from.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Health Department is next.

Kara Simonoff: Kara Simonoff. First I want to thank Joel and Nick and everybody for the special request for this one to get on the agenda. This one is a little bit important. Since these requests go hand in hand, do you mind if we talk through them together?

Joel Benz: Go right ahead.

Kara Simonoff: The current Health Commissioner will be retiring at the beginning of June and there cannot be a gap in between, especially right now at the height of the virus and to insure continuity in billings for services with insurance and Medicaid. The Department of Health and its Board plan to

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change this position to a Part-time role and then also hire a Part-time physician to see patients in the clinic at a later date as needed. The minimum range of increase for the Part-time Extra Deputy Hire is an increase from \$65 to \$200 an hour. This will be used to pay the Part-time physician at a later time. Mindy will explain this further. The second request is for a salary range change for the Health Commissioner from \$160,000 which is a Special Occupation and exempt to a range of \$40,000 to \$60,000 a year. Mindy will explain it further.

Mindy Waldron: Mindy Waldron, Administrator of the Department of Health. Thank you for taking this one rather quickly. Schedules have changed and we needed to move on this quicker. Kara hit the nail on the head. I would be glad to answer questions if it would be easier that way but the long and short of it is that this is probably the hardest time to hire a new Health Commissioner. It is not as attractive as it may be or once would have been. This is such an important position and Dr. McMahon has built this position to be something. In the last twenty years, and I can remember her very first day, from that point to now it is vastly different. The pay did not remain commensurate with what a doctor with a full-time salary who isn't able to practice but practices in a government setting, it is hard to attract doctors that would have the knowledge base or want to take a significant pay cut. We have not had a lot of applications. We looked a few months ago at options with our Board. There is a Hiring Committee and also involves the Commissioners' Office. It is primarily a Board Appointment. We had some options put in front for them as to what it looks like if we cannot find the appropriate or any applications for a full-time Health Officer, what might that look like if we split the position like it was prior to when Dr. McMahon took over? Will this be long term, likely not. It is what is probably needed now. We need certain things that can be completed. We can't have years or even months for that type of position or those statutory duties to be done. We have looked at a hybrid option and it does appear the route that we will likely go. The Health Commissioner would be a part-time role with a range of pay and some of the work is done from afar and some of it is done as it is now. The clinical side of things such as seeing the patients in our clinic as needed or the Civil Surgeon exams that we provide, a lot of the things we do that requires a physician or practitioner in our office would be done by a second person. It is hard to find somebody like Dr. McMahon whose passion is the whole enchilada. She has built that from us having far away clinics that really didn't see patients to a public health system that is looked at around the State as something that is very progressive and not just reactive. To have a practitioner whose passion is public and community health in addition to public speaking and decision making and seeing patients on a day-to-day basis is going to be difficult to find that at this time. We will address that in the interim as to what the future of the position will look like. For now we are looking at this hybrid.

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The two things on your agenda today are to ensure that we have the range in our Extra Deputy Hire to pay that part-time physician that may see our clinic clients and the Health Commissioner range of pay for a yearly salary to do the things that we must have done statutorily. I am glad to answer any questions. This is a hard thing to explain. Is it ideal? No. It is something that we feel is the best option that we have right now. It is what is occurring in most other Health Departments in the State and what we did prior to having Dr. McMahan and a full-time Health Commissioner. There are a few Health Departments that have a physician on staff that is their Health Commissioner and their provider. I put those numbers in your report as well and you can see the range to pay for those. For most, Health Commissioners or Health Officers are part-time. It can be done and it has been done and we will work to make it the best it can be.

Joel Benz: Let me first convey that Dr. McMahan has done a wonderful job for our community and in the midst of this I have had several meetings with her and she has always been very gracious. I know she doesn't want any fanfare on her way out but convey our thanks for her work.

Kyle Kerley: I was going to repeat what President Benz said that we really appreciate everything that the Health Department has done. You are probably going on about 85 days straight...

Mindy Waldron: 76.

Kyle Kerley: I was guessing. We appreciate that. A couple of questions that I have are obviously Dr. McMahan has a calling to public service and I think anybody that works in public service there is a give and take. If you have a calling to public service, you know you are not going to make what you do in private practice whether it is an accountant or a doctor or anybody that is even in the business world. It takes a calling to be in public service. On that point, as we are switching positions, what do you anticipate the number of hours a week that the Health Officer will be working and the average number of hours per week the physician or practitioner would be working?

Mindy Waldron: That is a really good question and I am sorry I didn't cover that at the outset. Although I can't predict it, in discussions that we have had about how this would work and with candidates that we are speaking with, the job description for the part-time Health Officer included a number of things. That would be ranging from the public speaking to a lot of emails each day, a lot of meetings, a lot of task force attendance and providing the public health perspective as well as decisions on medications and a lot of things on the medical side. That varies every week. What we know is there are some constants and so it is our estimate that the part-time Health Officer

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would work somewhere between ten and thirty hours a week. It could be over that or under that in any given week. That is probably the range but somewhere in the middle is probably the norm. Currently it is a lot of phone calls with us to make determinations for specific client issues, Communicable diseases is one thing with this particular position consults on and makes decisions on but in a broader sense like now in the middle of a global pandemic where we are three months in, the position has worked way more than that. It range based on the issues. I meant to bring a list of the things I am often asked. Every year there is something that causes weeks or months of extensive work regardless of pay. There are some weeks where it isn't quite as busy. As far as the part-time physician in the clinic, the constants are the Civil Surgeon exams which are for folks to get their green card. They have to have what it is that we provide. There aren't many of those in the region. Those take a number of staff to do them and there are a number of hours but the physician part is between 15 and 30 minutes per person and we average about 20 of those a month. We have put them off for a number of months and so we are stacked deep for the rest of the year. Those particular 20 appointments is a constant and will be a norm that might go up and down. Then we would have the interesting client issues that a physician would need to see and those are as needed and would supplement our current practitioner who is an NP. That is also hard to predict because when you go from Dr. McMahon doing whatever is needed whenever and you don't track the time it is hard to guess. I feel that they will work similar hours. The part-time physician in the clinic would likely work slightly less. That would be an hourly wage based on what they worked and not a pay range in terms of a salary. Does that help?

Kyle Kerley: Yeah, I mean I was trying to do some of the math. I am comfortable with the low end of the range and I am not necessarily comfortable with the high end of the range. When you extrapolate that out you are starting to approach Specialist pay.

Mindy Waldron: The Extra Deputy Hire pay at \$200?

Kyle Kerley: Yep.

Mindy Waldron: That is, as we discussed, a bit of a buffer for time. I don't anticipate being anywhere near that on an hourly wage. If you are comfortable with something slightly lower, I think we could be agreeable. That was to buy some time for a number of years that it would likely creep up. I see it being much less than that.

Tom Harris: What is it now?

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Mindy Waldron: There isn't an hourly wage. Dr. McMahon is everything for that entire salary.

Tom Harris: So we are creating that.

Mindy Waldron: Correct and I can tell you when we did have a part-time physician years ago, Dr. Hayhurst did TB while practicing as a Pulmonologist, his was about half of that as an hourly wage. He has been gone for a number of years and his hourly remained stagnant for a long time but I don't see it being anywhere near to the \$200.

Sheila Curry-Campbell: We just want to commend Dr. McMahon working at Matthew 25 in 2000 along with Dr. Hayhurst and his TB Clinic. These individuals are outstanding and the service they contributed to our health here in Fort Wayne, words just can't express all of the things that Dr. McMahon has done. I know she doesn't want any fanfare. I guess my concern is with this new position, will they actually see patients or are they only signing papers?

Mindy Waldron: That is a loaded question. They would see patients but they wouldn't see them weekly. It would be dependent on the need. There is a lot of consulting from afar on what we do. Communicable disease isn't cut and dried and you give them this many pills for this many months. Every individual that we have with a communicable disease has to be considered separately. You need a physician that can consult on the med starts and some of the intricate issues that we have with these people. They would see those patients and we would see those folks for months to years. They will still be heavily involved in the medical side even if it is via phone call which Dr. McMahon does now. There is way more to it, and no offense, to signing papers is a really small part of her job and is mostly mine. What she does is the going out to hundreds...

Sheila Curry-Campbell: I am referring to the new person.

Mindy Waldron: They will do much the same things. They will do the same things that she does but probably on a limited schedule. They will be reachable 24/7/365 for any of the issues that we get after hours such as anyone being let out of Jail who has TB. The people that we see in the clinic for STD's or refugees would be the part-time physician.

Sheila Curry-Campbell: I just wanted to know the difference.

Mindy Waldron: It would be very as-needed. It could be many hours a day and then sometimes a couple of patients a week.

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Sheila Curry-Campbell: Thank you, I just wanted to know the difference.

Tom Harris: I will also mention thank you to the Doctor for all that she has done. I also wanted to say, Mindy, thank you for all that you have done. I have heard from the community that you are out and doing a tremendous amount of work. Thank you and to your entire staff and please pass that on. We don't do that well enough to express our gratitude.

Mindy Waldron: Thank you,

Larry Brown: Don't forget to thank her husband.

Mindy Waldron: I would be here without what he has done these last three months.

Kyle Kerley: I would feel more comfortable moving that high range down and addressing it later. One thing I am always afraid of is if someone knows what the high end was, they are going to ask for that. I was thinking of \$150 taking into account what Dr. Hayhurst was approximately half of that and it would give some room to grow that. Anytime you are in a situation like this and we are up against the wall, I'm afraid that if somebody says they know they can get \$200 I am going to ask for \$200. Obviously we are not in on the interview process but that would be my recommendation since this didn't go through the Personnel Committee. I would have made the same recommendation at the Personnel Committee to lower it to \$150. I will make a motion to consideration of a salary ordinance amending the Health Department part-time range from \$65 per hour to \$150 per hour.

Tom Harris: Second.

Joel Benz: We have a motion and a second. Is there further discussion?

Larry Brown: Yes. Mindy, what is your reaction to that?

Mindy Waldron: I think I would be back and that is okay. I would be back in a couple of years. If you look at what the going rate is, we pay below that no matter what. We don't allow negotiation of hourly wages. It is what it is and what we decide at the time. I think HR would attest that they look at the ranges and the amounts that are paid and we make decisions very cautiously. We don't go with the given public rate or external rate. I would be back shortly, I would think in a couple of years because we would go beyond that. In the interim, I am not opposed.

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Larry Brown: We like seeing you.

Kara Simonoff: She was just giving herself a longer buffer.

Kyle Kerley: I understand.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 6-1(Curry-Campbell).

Sheila Curry-Campbell: I just wanted to make a statement. I opposed because of the lowering of the salary. Thank you.

Joel Benz: The second item here is for the Health Commissioner.

Kenny Fries: I will make a motion to approve the salary ordinance amending the Health Commissioner pay from \$164,000 to a range of \$40,000 to \$60,000, exempt and effective June 8, 2020.

Larry Brown: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0.

Mindy Waldron: Thank you very much.

Joel Benz: We have been at this for a couple of hours here. If you want to take a five or ten-minute recess, we will make it ten.

BREAK.

Joel Benz: We will reconvene our meeting. HR is now up.

Charity Murphy: Good morning, Council. Charity Murphy, Director of Allen County Human Resources. I invited Sheriff Gladieux back up since he was so eager to talk about this earlier.

Dave Gladieux: I am just going to say ditto.

Charity Murphy: Judge Trevino is here as well. There are two different salary ordinances. Would you like me to run through both of them and then obviously a separate vote on them or discuss one and then the other?

Joel Benz: Go ahead and discuss them both. We will then debate it.

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Charity Murphy: Okay. I am here seeking approval of a salary ordinance for non-exempt Supplemental Pandemic Pay and a second salary ordinance for exempt Supplemental Pandemic Pay. To start off with the non-exempt Supplemental Pandemic Pay would be available for employees who have been working and having frequent direct physical contact with individuals diagnosed with COVID-19 symptoms or seeking diagnosis and secondly for regular unavoidable close contact with the public while performing their job duties. Third, working 24/7 operations who work directly with program participants or the public for the majority of their shifts. Those are individuals that would be eligible under the policy. Those employees would be paid at a rate of \$2.50 per hour for hours actually worked. That means that they wouldn't get the additional pay if they had, for example, taken a vacation day or if there was a holiday that fell within that time. It is for hours actually worked. Those employees that would not be eligible for this pay would be anyone that would have (unclear) contact with the public or those that were able to limit their exposure through safety measures or social distancing or changes in the way that department performed their duties. As you know, many employees were sent home on Public Health Leave as non-essential personnel. Many offices closed to the public. Operations were drastically changed to limit any contact with the public. The individuals that we're asking for the supplemental pay were not able to do that. They had to continue basically business as usual, performing their job duties and close contact with the public. Basically to go through the procedure, a department must submit written request for any position that they would like the supplemental pay to be applicable to HR and outline the reasons. I gave the criteria and they need to show that the employee fits into that criteria and really should get the pay. We review the request and then give the formal approval and send the approval to the Auditor's Office. This pay would start on March 16th which was the day that the Board of Commissioners enacted the Public Health Leave Policy. As you notice, in the policy, there is not an end date. It specified that it could be ended at the discretion of the Board of Commissioners or when Council decides not to fund the pay anymore. My suggestion would be that it be stopped on May 17th. It would be retroactive from March 16th to May 17th because that is the day that all County Buildings opened to the public. In essence, some of the risks although these individuals still likely had high end risk with their job duties being exposed, many other employees would have some exposure with the public coming in. We know more about the Coronavirus and safety measures and we have been able to put safeguards in place that we weren't able to do in the beginning in March. I think it is really important as we are walking through this to stress that it is not really possible to make a comparison to right now with any other time in our community. We keep hearing unprecedented times. I know there are concerns that these individuals, by the nature of their jobs, it can be risky or hazardous or they can be exposed to other communicable diseases. I

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think this is different and the circumstances are such that many employees were able to mitigate any risks or in many situations stay home. Many of them have children that were out of school and they were able to take care of their children and the schoolwork that they were doing at home. These individuals did not have the opportunity and had to find other childcare and find someone else to teach their kids. They had to remain in close contact. There were a lot of unknowns and a lot of fear with going into this. These employees, despite knowing much about exposures and contact or really how bad the disease of the virus could get continued to work and to be loyal to Allen County. It is very important, I think, to reward them for the risk and this is the way of doing that. Do you have any questions about this part of it?

Kenny Fries: I have a lot of concerns. Charity, first of all I give you a lot of credit for all that you put into this. I know you have been working on this for a month or so. I don't think it goes far enough. I know there were a lot of County employees that got 75% or 100% of their pay while they stayed home and we still had County employees that were working every day. I don't think it makes those employees that went out and dealt with the public and virus and everything makes them whole compared to the other employees that got paid. I don't think the \$2.50 an hour goes far enough. I understand that is probably all they are going to get but to those public employees went out and risked their lives every day, I think we could do more.

Charity Murphy: I appreciate you saying that. I agree with you. I didn't mention but when I started working on this anytime I went out into a business like Walgreens and CVS I asked the person working there if they were getting any type of similar compensation. Almost always, for the larger employers, the answer was yes. I asked a lot of questions like how much are you getting, how are they giving you supplemental pay and there were different ways they were compensating their employees. I would agree with you but please just don't vote no just because you think it should be more.

Kenny Fries: I understand. Sometimes we have to take what we can get.

Sheila Curry-Campbell: I was just curious about the \$2.50 because we did talk. What is it nationally that you are seeing? Is it about \$2.50 an hour?

Charity Murphy: I don't know nationally. A couple of different responses that I got were between the \$2 to \$3 range. Some said they were going to do a \$300 bonus or \$1,000 bonus.

Judge Trevino: Councilwoman Curry-Campbell, one of the discussions that I had with Charity is that initially the County was thinking a percentage of 10% to 25% of the salary. I raised concerns and I think it was mimicked by

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others saying they were all in this together and to give a 10% or 15% to a Supervisor would be more than the other people making a lot less. I had some perceived inequities with that. My input to her was a flat dollar amount would send the message that they were all in this together. The people making ten dollars an hour were the same as people making \$25 and \$45 an hour. That is sort of where that came up. The ten percent for my workforce at ACJC that I will be making requests if this is adopted was a range of about \$1.86 on the low end to between \$3 and \$4 on the high end. This was an overall average and would have the same financial impact overall as the ten percent but to me would show across the board that everyone is receiving the same pay.

Judge Pratt: May I comment? I am between Child in Need of Services hearings and was not able to be personally present. I wanted to opine that I am fully supportive of Judge Trevino seeing how we had the lead and majority of the work. We contacted the State Office of Court Services to ask for this kind of benefit to employees working in essential services of a residential treatment facility and secured detention facilities not without precedence. In fact there is precedence for doing it in Indiana. I would note that Kroger, by example, gave a national comp of \$2 per hour for employees. The \$2 an hour range that Judge Trevino is promoting as mentioned earlier, was on the low side but is not without precedence nationally.

Joel Benz: Thank you for your words, sir. It is duly noted.

Kenny Fries: I would like to ask a question of both the honors and the Sheriff. The one thing I proposed to Charity instead of money over the next year and a half, if we gave other employees three weeks off or give the employees that had to work three weeks off vacation that they have to use in the next year and a half. Is that doable based on your manpower or not?

Judge Trevino: We run into some issues. We have a Superior Court Handbook and have very specific timeframes. That is an HR issue that I am not exactly privy to. There would be some logistics to work through and to give other people additional time. I don't know if you can speak more to that.

Charity Murphy: That was talked about when I talked to different departments. To give, as an example, why that would be so difficult many of the employees within the Health Department were working front line with COVID-19 citizens would be able to get the supplemental pay. This, as we know, is not going away. There is more that we know about it as things are starting to open up. The virus is still here and they are still responding to that. Frequently they are working many hours and I think it would put that department in a very bad position because they wouldn't be able to allow

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someone to take off for weeks of the next six months. To give two weeks of vacation would almost hurt the department more than reward the employees.

Kenny Fries: And that is why I think you would have to spread it out over the next year and a half or so to use that time up. That is just a suggestion.

Dave Gladieux: Councilman Fries, were you talking about in lieu of?

Kenny Fries: Yes, in lieu of.

Multiple voices

Joel Benz: We are attempting to get all of you on hold so that you are not interrupting our meeting here. Nick, do you have the ability to mute this?

Nick Jordan: I won't know if they want to talk.

Joel Benz: We will open it up to them in a moment. Those that are on the phone, can you please standby? We will call on you when we get a moment.

Tom Harris: You may have mentioned this but what is the total dollar?

Charity Murphy: Because of the differences in weekly work hours with some of our employees, some have 40 weeks and some have 37.5 hours per week. For the employees that work 40 hours a week, it would be \$100 additional pay per week and the timeframe I was proposing doesn't have to be the timeframe that is used but that is \$900 per employee and would be a one-time bonus. For the employees that are 3.75 hours per week, the pay would be \$93.75 per week and the one-time bonus would be \$843.75.

Tom Harris: For an aggregate, what would be the aggregate for the whole County?

Charity Murphy: Because this is being passed as an option for departments, I went through with departments that I knew for sure would qualify. Just to give an example, Judge Trevino's department, we went through every employee to see who would qualify or not qualify and they had about 86 employees that would be eligible. The rough amount that this would cost the County would be \$77,400. The reason I say it is hard to give a clear cut number is because there could be other departments that come and say their employees should be eligible for this pay also.

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Tom Harris: So if we pass something today, you could have people lined up saying we are going to make the argument that our folks should have gotten something as well.

Charity Murphy: Anyone can make the argument that I did a good job of trying to go through each department while we were in the throes of the pandemic and tried to identify who qualified. As I had mentioned, there are a few employees that may have been missed.

Tom Harris: If you had to ballpark the aggregate number, what would that number be?

Charity Murphy: You want me to give an estimate of what I think it would be?

Tom Harris: Yes.

Charity Murphy: In the numbers that I came up with, \$32,000 for Youth Services Center, for the Sheriff's Sworn Officers it is about \$56,700, for Sheriff's Jail Confinement Officers is \$126,000, for Juvenile Center \$77,400 and about \$10,000 for the Health Department.

Judge Trevino: We can't speak for the other entities but I spoke with the Sheriff before we came in here and both of our departments stand able and expect to absorb this in our allocated budgets. We would not be making a request for funds from Council if you approve this request. That takes a lot of risk off the table for you.

Tom Harris: So it is approximately \$300,000. How much is coming from State government to help us?

Charity Murphy: I don't know that answer. We will submit this for reimbursement. I cannot make any promises that we'll get it.

Tom Harris: Do you have to have us vote in favor of it to be able to submit it?

Charity Murphy: Yes. It has to be an expense that we actually had.

Tom Harris: We have to commit to it before we get reimbursement from the State.

Charity Murphy: Correct, as I understand it.

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Tom Harris: What would be the percentage of the employees getting it versus not getting it? If you could ballpark that percentage of total employees getting it versus not getting it, what would that breakdown be?

Kenny Fries: Sheriff, you are about 50%? Judge what about you?

Judge Trevino: About 40%.

Charity Murphy: It is probably less than a quarter of our entire workforce.

Tom Harris: So 20% to 25% would be getting it and 75% not getting it.

Charity Murphy: Many of the 75% were receiving the Supplemental Pay and at home.

Tom Harris: Those employees that probably possibly wanted to work and you didn't let them or their department shut down, what would you tell them? A lot of people are in County government and a lot of people are out to help the community but were told they couldn't come to work. What do you tell that 75%?

Charity Murphy: The policy is not just because they were here working. For someone to say that they would have worked...

Tom Harris: Which you know is going to happen.

Charity Murphy: Those individuals that weren't working were because they weren't essential at that time. Even if they were working, they wouldn't be in the same situation as these individuals. They still wouldn't have the close, frequent and direct contact with the public. Likely their job duties would have fallen outside of the policy.

Tom Harris: Would you say that to the Department of Planning or the Building Department doesn't have people coming in and talking to them every day?

Charity Murphy: They did not during this time.

Tom Harris: But they could have.

Dave Gladieux: No, the buildings were closed.

Kenny Fries: That 75% of the people that stayed at home still got 75% to 100% of their pay for staying at home.

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Bob Armstrong: And be safe.

Tom Harris: What about precedence? You mentioned that we were still in the middle of this thing and we could be facing something in the fall. We are setting precedence that this will happen in the future.

Charity Murphy: I don't think we are saying that this will happen in the future.

Tom Harris: By policy it is, right? We are establishing policy.

Charity Murphy: I specifically did not name it Hazard Pay because there are many different things that could be hazardous. I definitely tried to make the criteria so any pandemic meant that we would have to put this policy back in place. We can set the starting date and ending date. I don't think it necessarily sets any precedence that it has to go back into effect again. One of the things is that we have had other pandemics but this was a situation that many of these employees have never been in. We never thought to take into account when we were doing job descriptions the risks of duties. We know that this did happen and very well could happen in the future and can take those things into account when creating those job descriptions. We would be making people aware that this is the job and these are some of the risks.

Tom Harris: Could an argument be made that I am going to be facing the risk going forward so why wouldn't you consider paying me a little bit more anyway because I am going to face that in the future. Let's say we have an outbreak that gets significantly worse or at the Jail. What if that happens? Should those employees then get paid extra because now they are working in an environment that breaks out?

Dave Gladioux: I think that goes with the argument about continuing the pay or giving everyone a \$2 an hour raise because it might happen. It is a guessing game. Once a pandemic hits, this is only for a certain timeframe. I think it is a good approach with regards to the buildings being closed or open. If the building was closed, they can't come to work whether they wanted to or not. That is one way of looking at it. It was very simple for me to choose because my entire department is an essential department. The ones that were asked to stay home and because business was very slow the Courthouse was open. It was extremely slow and there was no point in having employees sitting around and taking the chance of that one person with it coming through the door affecting all of them. What I am trying to say is that every pandemic is different and is going to be handled differently.

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Judge Trevino: Councilman Harris, the tie in from this while the County buildings were closed. Whatever the trigger was that local, State and national authorities asked us to do certain things and they closed things during this time. I can't remember a time where County buildings were closed for the length of time that they have been. I think they didn't think it was safe for us to be there altogether during a period of time. This is not without risk going forward when we open these buildings and we all go back. Councilman Benz, you and I talked about that. Let's recognize that the folks that worked through this helped us create policy to make a safer work environment for those people coming back. We are the ones who raised concerns about the workplace and work environment and can put policies in place to make it safer for those when we came back with those risks still being there. A large portion of our workforce had to be at work, they had to face these risks and they had to help us incidentally create better policy for if we have things like this going forward. We didn't know what to do and we didn't plan for this. All of us mucked through it and we tried to do our best for our people. These people that went in to do their job from minute one to hour eight without options to work from home, I worked a modified schedule and am very grateful that I was able to do that. I, the Sheriff and numerous other departments that might make claims under this had folks working every minute in these circumstances and going home to families that probably were just as scared to have them home. I think this is a small gesture not unlike the meals and thank you for that. This is a gesture to show them we appreciate that effort during those times when other people got to do something a little bit different. I don't think it is a windfall and I am not asking for an infinite time period.

Joel Benz: I know we have a couple of people on hold here. Do any of you want to speak? Thanks for their input earlier.

Sheila Curry-Campbell: Would you like a motion?

Joel Benz: I do have a couple of things I would like to say. I am opposed to this based on a lot of reasons but I do feel our County employees did an outstanding job. I thank them for their work. A lot of people went out of their way. This was unprecedented and I work in it too. I am dealing with the COVID positive people on a regular basis. I don't see, myself as a paramedic, getting any sort of stipend. I think of our job as a responsible gatekeeper for funds of the County. I see doctors in some of the emergency departments taking pay cuts because their volume is down and they are trying to stay afloat. For us to just spend funds even as a thank you is a poor choice for us as a Council. Not to say that any of those individuals have certainly put themselves at risk and if we are going to spend money on something, I would like us to spend money on PPE so that those individuals that are in contact

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are protected rather than just give them a thanks for working through the pandemic. That is where I am at on this.

Tom Harris: Would there be consideration of an amendment or something based upon receiving the funds from the State?

Charity Murphy: If we haven't spent the funds then I don't know if they will even consider reimbursement.

Tom Harris: No, you would still submit. But do you have to show that they check has been cut in order to submit the request?

Nick Jordan: There are still a lot of details that have to be worked out but one of the ongoing themes that has been repeated at various levels is the reimbursement will not be for things that were budgeted for 2020. If this is going to be paid with 2020 funds, I don't know for sure if we will get reimbursement. I would be careful that it be hinged on if we get reimbursement or not. If this is 2020 money that we had already budgeted they may not say they are going to reimburse you for money that you already anticipated spending. While it is being spent for something differently than we had originally planned to use it for, it was still in the 2020 budget. We won't know until we submit the reimbursement if we will get it. One of the ongoing themes is you shouldn't be seeking reimbursement on things that were in the 2020 budget.

Joel Benz: Nick, let's say we delay the vote for a month, would that become clearer on how that would be handled on a State level?

Nick Jordan: The way the State works, it could take a month or two months. We can get the figures from Charity and ballpark it but again, I don't think you can get reimbursement for anticipated future expenses. It is reimbursement and not a grant like the Sheriff asked for this morning. That is a grant that whether he has spent it or will use it for the rest of the year, they were allotted that specifically for that. It is not that type. The Commissioners are going to attest that they have met A, B, C and D to do this and we will see reimbursement. It will probably be our own policing but one of the ongoing themes has been if it has been in the 2020 budget, you probably won't receive reimbursement.

Sheila Curry-Campbell: May I say something? I tried to go and pull some information in reference to some of this funding and one of the things I found is the guidance provides example of a broad class of employees whose payroll expense would be eligible under the fund. These classes of employees would be public safety, public health, health care, human services, similar

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employees whose services are substantially dedicated to mitigation or responding to the COVID-19 healthcare emergency. Payroll and benefit costs associated with the public employees who could have been furloughed or otherwise laid off but instead were repurposed to unbudgeted functions substantially dedicated to mitigation or responding to the COVID-19 health emergency are also covered. I can send you this link but that was one of the things I wanted to know. With that being said...

Nick Jordan: In there, you noted unbudgeted. We don't want to lie. You noted unbudgeted, the Judge and the Sheriff budgeted operations to run whether you have COVID or you don't. I hope you don't make the decision on whether you receive the reimbursement or not. You can delay this and we can wait until we receive clarification but it may be three months, four months or five months down the road before we know that. Again, it would be something that we need to seek guidance on. Operations were running but these were essential employees and they wouldn't have been furloughed.

Sheila Curry-Campbell: We have all of these dollars coming into Indiana of \$300,000 and that is basically for COVID and PPE. In my mind, we are getting ready to fund some other stuff we don't know about and I think we are doing the right thing to fill this request. Thank you.

Kyle Kerley: The actual ordinance that we are being asked to approve does not have an end date in it, correct? The Commissioners did not put an end date?

Charity Murphy: Correct. The policy states that the Allen County Council and the Board of Commissioners have the authority to set that end date and the way it is paid. They wouldn't be able to continue it or come back to it if they needed it without coming to you guys to ask for the money to be placed in the Supplemental Pandemic Pay.

Kyle Kerley: Nick, do we need to define the timeframe if we were to move forward with it?

Nick Jordan: You can if you want to but the way the salary ordinance is written, you guys don't get to approve the Commissioners' policy. The salary ordinance that you are approving is in accordance with the Pandemic Pay Policy. As soon as the Commissioners terminate that it would stop. Now, if you to put a definitive end date in here, then even if the Commissioners' policy carried on for three months, we would have to come back and revisit with Council because your salary ordinance has an end date.

Dave Gladieux: I thought she picked a beginning and an end.

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Kyle Kerley: But it is not in the actual ordinance.

Nick Jordan: It is not in the policy but I will pen in 5/17/20 if that is the motion and you approve it. Until today it was not in the policy.

Kyle Kerley: That is what I was trying to get clarification on. When I talked to Charity at length and on numerous phone calls, one of my big concerns was equity and what happens when we do open back up. Now everybody can say they are interacting with the public and I am at risk. I know safety mitigation factors have been taken at Rousseau and Citizens Square but there is still that fear associated with it that any employee can express. In moving forward with this, I had asked for some more delineation. There needed to be a start date and an end date and some standards that we worked off of about when to start this or end this. As we all know from the media, this can go on for quite a while. We are setting a new precedent and when you set a new precedent, you have to be careful not to open Pandora's Box. I think for us to move forward, we have to define it to this specific situation in history and not open Pandora's Box for the future in six months or six years or fifty years from now.

Kenny Fries: I think the Coronavirus has set the precedence for us. Never before have we shut down County buildings like this. Never before have we sent home County employees and paid them to stay home. That is the precedence that has been set. You talk about equitability I look at this as trying to make it a little more equitable for the people that had to work. They are people that went to work every day. They may not have wanted to because of the daycare or the fact that when they came home they had to make sure that everything they wore was washed in bleach. We should do something now to let those County employees who saw other County employees stay at home and get paid. We need to do something to be more equitable. Joel, I give you a lot of credit for going out and being a medic and all of that. Thank you. Without you guys out doing that we would be in a lot more trouble. It's not because some medics didn't get it and some did but this is because we had people that stayed at home and go paid and frontline workers going in every day and they probably didn't want to. They probably didn't want to deal with the Coronavirus. They probably didn't want to make sure all of their uniforms were washed in bleach every day. We should do something. We shouldn't wait for State government to do something. We shouldn't wait for City Council to do something. It should be Allen County Council decides our employees are valuable enough and we need to do something today and tell them thank you.

Kyle Kerley: I don't disagree. I am just saying that we need to define the timeframe.

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Tom Harris: Can that be done then?

Charity Murphy: Yes that was my suggestion of the March 16th through May 17th.

Judge Trevino: Dave and I would both support that timeframe.

Bob Armstrong: So, as I understand this there is a start date and an end date and it ends.

Charity Murphy: Yes.

Bob Armstrong: If it comes back in three days and the Commissioner want to shut things down again there would be a start date and an end.

Charity Murphy: They would have to come back to you all.

Bob Armstrong: Right. It is not like an open-ended Pandora's Box or anything.

Dave Gladieux: It wouldn't be an automatic thing. I think he hit on it that the Commissioners have a certain authority and they have to come to you guys before anything happens.

Bob Armstrong: So it is not an open-ended policy or anything.

Charity Murphy: The policy can remain open-ended but the funding would not be if you set the ordinance to end on the 17th. I know we haven't even touched on the exempt.

Kenny Fries: Is it the same amount of \$2.50?

Charity Murphy: No these are a few employees that are exempt and do not get overtime pay. It would basically be the equivalent of a bonus and not overtime. It would be equivalent of receiving what they would have if they were non-exempt. That is time and a half after 40 hours. The figure is \$55,423. I just want to stress that this request is for those exempt employees who were working an extraordinary number of hours. We eluded to that a number of times when Mindy Waldron was up here. I literally think she may have lived in her office for a while. The amount of work that she, Dr. McMahan and some of the exempt staff had to do was just extraordinary. It wasn't just that they were working more hours. It was that those hours were due to the public health response. I worked overtime and worked many evenings and weekends but it wasn't the same. Many times they were

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putting themselves in harm's way going out in the public. It is kind of a two-fold argument for this request.

Tom Harris: So the total is approximately \$55,000. What is the amount that is going out to the employees? You are going to base that on hours.

Charity Murphy: It is not a set amount and would be paid out as a bonus.

Tom Harris: Is there a ballpark average?

Charity Murphy: Per employee? Dr. McMahon and Mindy Waldron worked way more hours than some of the other staff who worked a lot of extra time. I can get you that figure.

Tom Harris: That's okay.

Kenny Fries: I will make a motion to pass the amended classification of non-classified salary ordinance in accordance with the Exempt Employee Supplemental Pandemic Pay Policy and also an amended salary ordinance for non-exempt employees in accordance with the Non-Exempt Employee Supplemental Pandemic Pay Policy.

Sheila Curry-Campbell: Second.

Kenny Fries: I will also add that the dates will be from March 16, 2020 to May 17, 2020.

Nick Jordan: The non-exempt is March 16th and the exempt is March 6th. Both have the termination of May 17th.

Tom Harris: Rollcall vote?

Joel Benz: I will go ahead and do that. **We have a motion and a second.** Start with Councilman Harris:

Tom Harris: I am going to vote in favor of this on the basis that I believe the State is going to reimburse Allen County. I believe that number is coming. We have to and the Governor said that he would work with Cities and Towns and Communities.

Joel Benz: Councilwoman Curry-Campbell.

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Sheila Curry-Campbell: I do support also and I have the same thought process that there is money coming in that we will be able to recoup. Thank you.

Joel Benz: Councilman Fries:

Kenny Fries: Yes.

Joel Benz: I will go ahead and vote and I vote no. I think it is a poor policy moving forward. Councilman Kerley.

Kyle Kerley: I am going to vote yes because we were able to define this to a limited period of time. Had we left it open-ended, I probably would not have supported it. I agree that the County workers should be rewarded for putting themselves in harm's way. I understand where Councilman Benz is coming from when I know that Nurses and Paramedics and so forth were not given hazard pay for their jobs. I know that Charity knows I had some reservations as well but I feel because we can define it, the timeframe and none of the departments have asked for any extra funding and can cover it within the budgets that were already approved. On those grounds is why I am able to support this.

Joel Benz: Councilman Brown.

Larry Brown: I am going to vote in support of it however, I want to make it very clear as far as I am concerned and this is a one-time event and I think the thing that concerns me is that the national media took this as an opportunity and blew it out of proportion. It will come around again and will they do the same thing? Will State and local government be pressured to repeat? I don't know. I am going to support it.

Joel Benz: Councilman Armstrong.

Bob Armstrong: Yes.

Joel Benz: **The motion passes 6-1 (Benz).** I am going to delay the Coliseum update because we have a lot of people waiting and the Coliseum people will be here until the end. Mr. Brown, if that is all right we will bypass you and move on to Community Corrections. Let's take a recess of ten minutes.

BREAK

Joel Benz: We will reconvene the meeting here. There are a number of people that are going to be presenting on this, I believe. This is the first time that

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this has been publicly presented and there are a lot of components to go over. I know that Judges and legal people always like to expound. We do want to get this meeting over at some point today. Be cognizant of that as we are moving forward and if things start to belabor, let's keep it to two minutes. Go ahead Judge Felts.

Judge Felts: I am Tom Felts, Judge of Allen Circuit Court and I am Chair of Allen County Community Corrections Advisory Board. As you are aware, Community Corrections serves the citizens of Allen County and its Advisory Board includes representatives from every facet of the criminal justice system for both adult and juvenile. Your consideration and vote on today's budget submission represents the culmination of months of effort from many of these same criminal justice partners. Much has happened over these last few months and a lot of this information has already been provided to you. Preparing for the meeting today, we could probably take one of two routes. We could probably spend three or four hours going over every component because it is quite a project and quite a proposal. Again, we have had many discussions over these past few months and much of the information has been given to you already. I would rather opt for the other direction giving you a few minutes of highlights in getting us to where we are today. Let me begin with a brief timeline of how we arrived here today. The need for residential capacity for offenders in Allen County has been around for quite some time. In fact, back in 2010 a plan for a similar submission was developed at that time. For a number of reasons it didn't happen but the need never changed. Let's fast forward especially, in the interest of time, to September of 2019. When our Board met to review the Allen County Community Corrections Annual Report, included in the report was the articulated need to continue to pursue additional housing options for the agency and Courts. The staff appeared before County Council on September 19th asking for General Fund dollars to support Community Corrections Personnel. The budget request also was tabled at that time but the staff was asked for willingness to join other members of the criminal justice community in Allen County within 30 days to discuss large scale strategic planning for the Allen County criminal justice system and we of course agreed. In that timeframe between late September and early October, Judge Gull, I and Director Churchward attended a variety of meetings. Some were with your members and some with the Allen County Board of Commissioners to discuss large scale strategic planning. Discussed at that time was the possibility of establishing resident services program for Community Corrections under Title 35. On October 15th, our Board met in special session for the purpose of discussion and a vote regarding the establishment of this Title 35 residential program in Allen County. Also there was a discussion at that time concerning a Board request to the Department of Correction for additional funding to offset these costs. At that meeting, the Board voted 14 to 2 to investigate the establishment of a

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residential services program and to put our hands in the air for funding from IDOC. On November 21st, the Commissioners presented our staff with a questionnaire regarding potential residential services establishment through Community Corrections. We completed the questionnaires and submitted back to the Commissioners on December 3rd. At our meeting in December, the petition was made to the Board and Director Churchward reported back to the Board presenting the questionnaire. In January, the Commissioners asked the Board to consider calling a special meeting in February of 2020 instead of waiting until our March meeting to further discuss the due diligence conducted regarding this program. The Board voted to meet in special session on February 20th for that purpose. At that special meeting which Judge Gull resided over, the Board of Commissioners made a presentation to the Advisory Board regarding their investigation. At the conclusion of the presentation, Commissioner Peters advised the Board that the Commissioners had elected to provide the new facility on Venture Lane to Community Corrections for the purpose of opening the residential program. The Commissioners challenged the Court to consider if the Board wished to direct Community Corrections to pursue such a program. You have received a copy of the Commissioners' letter in the report of support of this venture. At the conclusion of that discussion, the Board voted 18-1 with one absence and instructed Director Churchward to do the following. Prepare a budget. Submit to the Council by February 28th to be presented at the March 19th meeting. That was done and here we are today. In the meantime, a group of volunteers have met to begin working as a work group to assist Community Corrections into developing a timeline and a framework of policies at this level of supervision. They have met and are ready to go. Today, our request is that County Council funds this project for the balance of 2020 and beyond. If we receive any Department of Correction's funding, it would be appropriated later at a Council meeting and utilized at that time. The County General Funds would be returned back to the County General. I have several Board members to help me in the presentation. Some of them will come and talk individually and introduce themselves at that time. Others are present via Zoom and Facebook. I can identify those for you. In support is Alexys Vosmeier, DCS Director for this region; Judge David Zent from Allen Superior Court; Ashley Inge is the Allen County Juvenile Detention Alternative Initiative Director; April Winfield, Allen County Chief Juvenile Probation Officer; Judge Wendy Davis of Allen Superior Court. Here in the audience, who may not speak but are present are Jessica Crozier, Victims Assistance Director for Fort Wayne; Elijah Harris, Allen County Jail Chaplain; Eric Zimmerman, Allen County Probation Director; Judge Andrea Trevino of Allen Superior Court. Why are we here? What is important? Why are we going forward? I will turn it over to Judge Gull.

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Judge Gull: Thank you Judge Felts. My name is Fran Gull and I am a Judge in Allen Superior Court in the Criminal Division and the Vice Chair of the Allen County Community Corrections Advisory Board. Thank you for giving us the opportunity to present some really cutting edge material that we think you will be pleased with. I would like to thank you all for meeting with me back in December, 2019 to discuss the proposal to offer additional sentencing options for the Court. As we discussed back in December, the Sheriff exercised his authority to place offenders in his Work Release facility independent of any Court, Defendant or Prosecuting Attorney's request. The Courts were informed of this back in August of 2018. From that date, Allen County which has the second or third largest criminal justice system in the State struggled to address the needs of low and medium-risk offenders who aren't eligible for placement in the Department of Correction and has no residence outside of the Jail or under a bridge or by the river or by anywhere else. They have burned bridges with family and have no place to live. They also are in desperate need of services. When we last met in December, I expressed my frustration to each of you and thank you so kindly for the time that you provided. My frustration was centered around the fact that I have very few options outside of the Jail for these low and medium-risk offenders who desperately need rehabilitative services and aren't eligible for placement with the Department of Correction. What services do we have for these folks? They have nowhere to live. They have mental health problems. They have substance abuse problems. They lack skills to support themselves let alone their families. Again, they have nowhere to live to try to address the problems that the justice system is attempting to intervene in. We know that based on all of the available research that evidence based rehabilitative services work. You have received a very large packet of information from Community Corrections that demonstrates that and describe those evidence based rehabilitative services that are so desperately needed in this community. The Commissioners, over the past eighteen to twenty-four months, have worked very diligently in listening to all of the concerns that have been expressed by the criminal justice system here in Allen County. The Commissioners are charged with the responsibility of managing the properties and they have heard all of these concerns and as Judge Felts indicates, they submitted the proposal, asked for questionnaires and did their due diligence in determining what the best and highest use of the property on Venture Lane. That led their request and they have submitted their request to Community Corrections and we stand before you this morning seeking budgetary approval. It is now your turn to look at this budget and make a determination as to what is the best and highest use of that property. Nothing that I told you in December of 2019 has changed. If anything, the need has become more acute. We are the second or third largest criminal justice system in the State of Indiana. We need to expand evidence-based rehabilitative services. We need a residential program to offer expanded

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services to this population of offenders. The discussion previously about Allen County Community Corrections contracting with the Sheriff for beds is not a solution. Let me repeat that. It is not the solution. All that does is increase the number of folks eligible for electronic monitoring as they don't have adequate housing. This proposal is entirely a new level of supervision and services for offenders to try to address recidivism. Evidence-based rehabilitative practices work. You know that. You know that because Allen County Indiana leads the State in successful use of evidence-based rehabilitative services. You are privileged in this County to have the best problem-solving Courts in the State of Indiana and I would say, perhaps the Country. You have the Restoration Court in Allen Circuit; the Veterans Court in Allen Circuit Court; Re-Entry Court in Allen Superior Court; Drug Court and Veterans Court in Allen Superior Court. These evidence-based rehabilitative Judge-led services work and they work remarkably well to address recidivism. Lady and gentlemen, how can you ignore the fact that your Allen County Courts lead the State in reformative programming and that we want to expand that. How can you ignore the fact that well-respected community leaders across the spectrum of the community are very supportive of the request that is being proposed before you? Judge Felts adequately represented to you all of the support that is across this community for these types of services. This shouldn't be a difficult decision for you. This is not a turf war between the County Commissioners and the County Council. This is not a turf war between the Allen County Sheriff and Allen County Community Corrections. The easy decision is the right decision for you. It is to fund evidence-based rehabilitative services for members of your community, your constituents that are suffering. With your help we can give those services to those individuals. I appreciate all of the time that you have taken over the many, many months I have been bugging all of you. I am grateful for your future support.

Karen Richards: My name is Karen Richards and I am the Elected Prosecuting Attorney in Allen County. Before I make my remarks, I want to say that I have been in this system longer than any of my colleagues. I have been a Prosecutor in this County next March for forty years. Yes, I am that old. In that period of time I can tell you one thing that I have learned that is a given. Just as there are different kinds of people in the world, there are different kinds of defendants in this world. There are some defendants we should be giving a hand up. There are certain defendants in this community that we need as a criminal justice system to be helping. There are another set of defendants that we should be horribly and terribly afraid of. Those people, we should incarcerate. This is a discussion about people that can change and they are a people that we should be giving our hand to them and helping them up. As a Prosecutor for almost 40 years, I totally get that. Why I am in support of all of this coming under Allen County Community Corrections and

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at the particular space that we are talking about. I am going to try to make it as basic as I possibly can. The way that Work Release is set up in this State is not the best solution for the people we want to help. The only way you get into Work Release now is if you are employable, can get a job and it is totally and completely up to the Sheriff who gets into Work Release. The Judge can't order it. I can't order it. Bill Lebrato from the Public Defender's Office is going to talk and we have had long discussions about it and I think he feels almost exactly the way I do. I don't want to speak for him. He can't get his people into Work Release. The only people that can are the Sheriff's people. That is problematic. If we pull all of this including Work Release under this residential alternative placement concept. We all work together to get people in this facility and Community Corrections is run by all of us and not just the Sheriff. On the Advisory Board sits your representative, the Commissioners representative, the Judges, the Public Defender, the Prosecutor, the Sheriff, the Chief of Police, Victims Assistance and mental health folks. This is a joint effort of everybody involved to help folks out. Right now when I craft and my people craft a plea agreement, I have almost no possibility of what to offer them. There are a huge number of people in this community who cannot afford or find a place to live. They do not have the money to be on home detention because they don't have suitable living and they don't have money for a decent phone. I am telling you that these folks have issues and I am not telling you anything new. We either pay to fix these folks on the front end or you are going to pay to incarcerate them on the back end. I spent 22 years as a family practice attorney doing a lot of CHINS work and I am telling you not only are we going to be spending money on these adults but their kids are going to end up in the system as well. It is time for us to intervene in the best possible way we can. This program is the best possible way. What this gives us that we don't have now, sometimes you have to get people in a place, get them clean and show them there is a different way to live. When we incarcerate them we are not doing that. What this is going to do is give me every tool in the toolbox to put in a plea agreement to try to fix folks so we don't see them again. It is going to give them a place to live. It is going to give them a structure to live in. They may or may not be employable but they are going to have treatment, we can address their addiction issues, they are going to get counseling and education. The folks that we are getting in the criminal justice system are incredibly undereducated. That is a whole different issue but these folks don't even have the minimal concept to be employed. They don't get how you wake up in the morning and how you have to have a clock; how you have to be there at 8:00; how to fill out a job application and some of them are barely literate. We are going to see these people again and again and again. That is why I am so in favor of doing this. In addition, the other piece that we can give through this program is we can electronically monitor the folks so we can catch them when they are straying from where they ought to be. For all of these reasons, I as a Prosecutor

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believe that this is the most appropriate way for us to structure alternatives in order to help our citizens and I believe we, as a group, given all the problem solving Courts that are being run, I think a facility being run by all of us is the best way to go. I would ask for your support in giving a hand up to defendants who need one. Thank you.

William Lebrato: I am William Lebrato and am the Chief Public Defender for Allen County. I am also on the Advisory Board for Community Corrections. My job as the Chief Public Defender is to provide the best available alternatives to my clients. That is exactly what this residential treatment facility is. We are going to be able to provide people with medical treatment and treat people with mental illness. I would say that about 80% of my clients have substance abuse issues and mental illness. A lot of them self-medicate because they do not have the funding to get the proper medication that they need. Park Center will be an integral part of this so these individuals will get the treatment that they need, the tools and resources that they need to fight the addictions and kick the drug habits. It will cut down on repeat offenders. We see the same people on low level felonies or misdemeanors over and over because they do not have access to the funding to supply themselves with the medication that they need or to get into some kind of treatment facility. That is exactly what the legal community needs. We have shown that these problem-solving Courts have worked. Judge Gull's Drug Court is wildly successful as well as Restoration Court and Vet Court. That is why all of the legal community leaders are here. We are all asking for the same thing. This will work and be successful. I am asking all of you to please vote yes and give Community Corrections the ability to run that property off Cook Road.

Clyde Nix: My name is Clyde Nix and I am the President and CEO of Park Center and a member of the Allen County Community Corrections Advisory Board. I have been with Park Center since 1996 and have watched the growth of this community. Park Center and Community Corrections has developed a very close working relationship over the past several years. We are very active in the marketplace. The amazing thing about the marketplace is we are getting people into services so much faster. They are getting into the therapeutic programming and the cognitive skills groups. It has been very effective engaging the targeted population. As an agency and Judge Gull eluded, effective clinical practices are achieved by the vast milieu that is offered and that is founded in evidence based practices. The dialectical behavioral therapy, cognitive behavioral therapy and trauma informed care just to name a few. Pairing these evidence based practices with an identified individual's needs has been found to lead to greater outcomes. If the Courts elect to put someone into these alternative sentencing programs, linking the individual with the treatment to address the mental health and substance

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use issues will be most effective. The current working relationship between Park Center and Community Corrections has multiple placements currently in addictions traditional outpatient services as well as more intensive outpatient services. The continued success of this relationship is largely founded on the transparency and open communication between the agencies. They are very difficult clients that we are working with as everybody has indicated. There are successes and there are failures. Addressing those addictions and the mental health issues oftentimes is what got them into the situations that they are. Giving them an alternative to what is currently available is critically important. I think the collaborative efforts between the various agencies and various Courts could lead to a very successful program with us. I ask for your support.

Reverend Bill McGill: I know when you saw a Baptist Preacher coming to the microphone you had an overwhelming sense of grief. I promise you that I am going to be brief. I am the Reverend Bill McGill, Executive Pastor at One Church and One Offender. It is a nationally recognize alternative sentencing program. There is an undeniable place for incarceration. Those with such rage and anger that places our community in danger and I think we all agree that. I think we all have the same understanding that it is something that is reserved and I think of Judge Gull's phrase "For the worst of the worst" in our community. Best practices have now proven that there is a segment, in fact a large one that responds well to increased levels not of incarceration but inspiration. They are not so criminally inclined that they are unable to be socially redirected. They don't need prison but they simply need revision. The data suggests the need for expansion of community based programming. Lastly, as an ex-offender who has had no further involvement in criminal activities for 39 years now, I can submit to you that it was not the 16 months of incarceration that changed me. I served my time in the Reformatory in Mansfield, Ohio. You know it best as the prison where they filmed the Shawshank Redemption. There is nothing about that period of incarceration that enabled me to move to redirection and transformation in my life. It was not the incarceration. It was the fact that I had easy access to community based programs that gave me inspiration. More importantly and lastly, they gave me not only inspiration but multiple layers of programming and indoctrination. It is embracing these proven initiatives that changes criminal thinking that ultimately dresses up the desire for criminal drinking and ill-advised criminal thinking. This is an initiative that is worth pursuing. I would hope that we use it as the next level and the next instance that we can share with the larger community that we have already lead in Allen County in problem solving initiatives. This is just another step in that ongoing layer that I trust and earnestly believe of setting best practices and setting a new baseline for criminal involvement and interaction. Thank you.

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Kim Churchward: I am Kim Churchward, Director of Community Corrections in Allen County. I am going to heed the warning of President Benz. Obviously I am sitting here with an entire folder full of information but my comments today were intended to be very brief but I am going to make them more brief. Allow me to do this. I want to take just a moment to acknowledge and thank each of you. I fully recognize that the packet I submitted to you contained hundreds of pages of information and data. Not only that but each of you has given of your time in conversation with me and provided questions and critical feedback. For that I thank you. We have heard a number of individuals talk about different entities that work within the system doing their due diligence. I would be remiss if I didn't acknowledge each of you for your due diligence. Thank you for that regardless of the outcome of today's discussion. The second thing is to allow me to thank all of my Board members, all of the members of the criminal justice system and local stakeholders that are here as well either with us in person or joining the meeting virtually. My role today was to overview the budget that was submitted with a review of each of the series. I am not going to do that. Again you have a voluminous packet of information in front of you. I provided today a printed copy of the same materials that you received virtually. What I would add to this discussion is briefly the ambitious timeline that we have before us. Should you approve this budget submission and make the appropriations as submitted, we would anticipate a very aggressive timeline of posting positions as of June first and immediately beginning a hiring and training process with the hopes of accepting and welcoming new participants by August of this year. As you know, because of the delay due to the public health emergency, the numbers in the budget have been amended from the original submission. We would hope, as I say, to begin operations in August so the personnel expenses are contemplating a July through December timeframe and operational expenses for the August through December timeframe. I understand and have been told that it is a very aggressive timeline but that would be what we would be working towards should you approve the project today. With that I will yield the microphone to Judge Felts.

Judge Felts: I identified a number of our Board Members, some that have been here all morning and some that have been virtually with us all morning. I don't want to foreclose their opportunity to speak if they wish to.

Joel Benz: Is there anyone online that would like to share? Go ahead.

Judge Felts: We are done.

Joel Benz: All right, Council. I guess it is on us to discuss then.

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Kyle Kerley: Judge Gull, I appreciate you saying that this isn't a turf war. As Council, we have had to absorb a lot of information from a lot of different parties and look at things in a lot of different viewpoints. In a way, we had to try to distance ourselves from it. I look at it that the Council really didn't have an agenda going into this outside of what is best for the community fiscally and in total community health in terms of keeping people out of jail, rehabilitation and those matters. I appreciate when you said you don't want to get into a turf war because we don't see this as a turf war. I don't want to speak for everybody I see this as an opportunity. I kind of like to look at it as Prosecutor Richards said she wants to have all of the tools in the toolbox. I kind of agree with that assessment. I might be paraphrasing but I see this as another tool in the toolbox that gives the community an opportunity to get better results. My concern is I don't want that to come at the expense of a tool that we already have in the toolbox. That is specifically talking about Title 11 Programs that the Sheriff has. Obviously Title 11 and Title 35 are different but I see them both as positive tools that can produce results. As I view this I think I want to find the path forward personally where both can coexist. I don't want to remove a tool from the toolbox and jump into the unknown not knowing what the actual results are going to be with Title 35. That is nothing against you, Kim. We have a benchmark with Title 11 and the goal with Title 35 would be to exceed what our current baseline is and only time is going to tell whether we are successful with that. As we bring up COVID-19 a lot, everything has changed in the last 90 days. We are going to have a lot more mental health issues, I believe, going forward. I think we are going to have other issues on a criminal side that will start to manifest itself that we have not seen or at a rate that we haven't seen in the past. That is because COVID-19 has changed how we live and how our outlook on live is. There is a lot more pessimism in the world today than there was 90 days ago. I think some of that is fueled by the media. I think some of it is probably true fear that is just sitting in on the unknown. It is fundamentally going to change things. That is kind of where I am at in terms of how I view going forward that I am totally supportive of Title 35 and moving forward but I say that it will not be at the expense of Title 11.

Judge Gull: I don't think that has ever been the intent of this presentation. The Sheriff is absolutely entitled to run his department and his Work Release facility. We are asking for the opportunity to expand our toolbox to include Residential Services. There is no reason that two entities cannot coexist. The Sheriff and his Work Release facility and whatever iteration that becomes and wherever that becomes if this proposal is approved.

Kyle Kerley: Right but you brought up whatever that facility becomes and wherever it becomes is a real question to Council that we have to take into consideration in this process. When the Commissioners came to Council in

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February of 2018 to ask this body for the \$5 million to renovate that building, at the time, the plan given to this body was for that building to be used for Title 11. It puts us into a position that we made a financial commitment on one plan and plans have changed. I understand that happens. As we move forward, we know that the facility that the Sheriff currently occupies is not viable long-term. We have to take that into consideration when making these decisions and hopefully finding a way and finding facilities that both programs can coexist side-by-side until we can get to a point whether it be 12 months, 18 months or 36 months where this body can come back and the community can come back as a whole and assess is there a better path forward. That is where I am at on this.

Joel Benz: Councilman Harris was next.

Tom Harris: Thank you for bringing up a little of the history but I will share a little history for the public to understand too. The reason that we started to discuss that facility out there was because of Legislative 1006. The challenge was that the State changed their process and said that local government is going to deal with a little bit more and we are going to deal with a little less. The challenge for us was to say okay and put some money into a building that was going to happen and help us deal with the overcrowding. The other side of that equation was to put \$2 million into another floor of the Jail and simply put more people in the Jail. The thought was to put that building together on Cook Road to allow us the opportunity to have another alternative or other way to keep the overcrowding from the Jail. Through that process, I continued to challenge Council and this entire process to come up with some strategies for long-term. We need some strategies to solve and resolve this problem. It is not going to stop and there are going to be more and more people. We are a growing community and we are going to have more people going through the system. We asked if we could get these entities together to think strategically in terms of coming up with some solutions. We have had a challenge on that. I come down to trying to understand logic versus emotion. Throughout my career, it is really has to come down to logic in terms of what is best for the taxpayers, what is best for the community. Things that come to mind for me at this point, some questions, one is what happens to those employees that are in Work Release right now? Is that something that you would be open if those employees wanted to work at the new facility, would they have that option?

Kim Churchward: Absolutely. The process that I understand is we need to post our positions but certainly we are interested in individuals who may come to us with experience and knowledge that would be applicable to the new residential facility. Certainly our job descriptions will be somewhat unique because of the requirements that we have and the rehabilitative

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focus. In terms of the underlying experience and the supervision setting, absolutely if they are interested and I in no way want to put the Sheriff or his program in any kind of jeopardy.

Tom Harris: That is good to know from the standpoint of employment that those folks have an opportunity to come to this new facility. Another thing that comes to mind for me from the standpoint of cost to the community is lawsuits and how many times we are sued and what happens. From your experience in the Community Corrections organization, over the last two or three years, how many lawsuits have you dealt with from folks that are either in that program or going through that program? Can you give me an understanding in either cost or the number of people?

Kim Churchward: Obviously I don't have a residential component currently. In our existing structure, I can think of one lawsuit that has been filed since late 2018.

Tom Harris: Okay, so just one. From the standpoint of reimbursement, where do you get the funds to run Community Corrections?

Kim Churchward: We are 60% funded by State DOC funds. Thirty-something percent is our own Project Income and we are very aggressive with a myriad of grant funds from a variety of other State and Local sources and that is the balance. We were very fortunate in 2019 to receive County General Funding to support our personnel as well. That is now a part of our funding structure.

Tom Harris: How much of the County General makes us as a percent of your total budget?

Kim Churchward: A little over \$300,000 is our current County General budget and we have just over a \$4 million budget.

Tom Harris: So most of those funds that are coming into run your programs are from State and other areas.

Kim Churchward: Absolutely.

Tom Harris: As this expands, we would anticipate that this would expand additional funding as well.

Kim Churchward: We are certainly in a position to seek those funds and process those funds. We have a very positive relationship with the Department of Correction. Clearly they make a substantial investment in our

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current operations and I certainly can't promise anything but I can tell you that we are well positioned for that to occur.

Tom Harris: From that standpoint, your estimated budget that you are coming forward with is \$1.7.

Kim Churchward: Just over \$1.7 million and it was amended.

Tom Harris: The cost of Work Release runs approximately what, Nick?

Nick Jordan: Currently \$1.36 million is budgeted.

Tom Harris: So these two are running about the same. What do we get reimbursed from the State for the Work Release program?

Joel Benz: The \$1.7 million request is to get her through the end of the year. So that is half the year.

Tom Harris: That is fair. So what I said as far as equal may not be equal. From Work Release reimbursement standpoint, what are we getting from the State or any other programs?

Nick Jordan: I am going to estimate off the top of my head without having any of the numbers is a couple hundred thousand. I think they charge \$22 or \$23 a day.

Tom Harris: Okay. I could go on for two or three hours on analysis, studies, evaluations, assessments and everything that I have done trying to figure out what is best for the community. The folks that go through this program, is it more logical or an emotional issue? From a logical standpoint, this is tilted pretty strongly from a logical standpoint how to move forward. The definition of insanity is doing the same thing over and over and expecting different results. I think we have the opportunity to do something different and expand this program to help this community and get a different outcome. If we don't, we end up with the next request of \$2 million to expand the jail. I just don't know if that is going to help our community. At this point, I will say that this may not be the last word but I am done at this point.

Joel Benz: Councilman Fries, you are next.

Kenny Fries: Where to start? First of all I will say that I think everybody in this room that the number one concern is public safety, always. In government that is what we are supposed to do and that is to preserve life. I commend all of you for being here and spending the time and effort to do this.

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I think we probably have different ways of looking at it. I, along with Councilman Kerley, believe the Title 11 Program still has a place and probably there is also a place for Title 35. I also believe that place may be up on Venture Lane. I still don't know why that facility can't be used by both. Nobody has been able to explain that to me yet and I still, to this moment, don't know why. Let me go to a couple of things. I don't like the Reentry component of the Title 35 Program. When we sign a contract with DOC, we don't know exactly what we are going to get. We can tell them we don't want anybody outside of our County but we don't know that it will not happen. The State has been very good at funding programs and then defunding programs. That is why Venture Lane is available. The State used to have a State Work Release here. They don't because they quit funding that. I don't think any of us should count on State money for this Title 35 Program which may be the best thing since they decided to start slicing bread. I don't know. I think we should have both Title 11 and Title 35 working in the same facility. Kim can have her programs and Work Release can still do what they do. I see Director Biltz who is in charge of Work Release now standing in the back. At some point, I would like to have the Sheriff and Director Biltz up here to answer questions about the current Work Release Program. Why are their numbers down and what you guys offer as programs? We talk about evidence based practices. Do we have anybody here who can give me recidivism rates on evidence based practices?

Judge Gull: My Drug Court Program recidivism rate, which is based on evidence based practices, is approximately seven percent. The national average is over 50%.

Kenny Fries: You're right. That program works very well.

Judge Gull: I can't speak for Restoration Court and the other problem solving courts but I would pretty much guarantee they use the identical types of evidence based practices that the Drug Court uses and the Veterans Court uses and I would venture to say the recidivism rate is probably similar.

Judge Felts: Exactly right.

Kenny Fries: I have not liked this process. In October I was kind of surprised that this was coming up. We didn't know anything about it. I think it should be much more public. Honestly, if I was going to vote for this today, I would probably vote no because I think there is still more public input that needs to be made on it. I still want to find out why this can't be done. Kim, I don't know if you and the Sheriff have met about Venture Lane and you have said no it won't work. I want to know why. I think the public would want to know why. This is a lot of money that we are going to spend. A lot of taxpayer

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money that we are going to spend. Currently, I am the Co-Coordinator for Crime Stoppers and I see a lot of warrants come through. We get a lot of tips on warrants and a lot of them are for violations of the Hope Program and different programs. Some of these people that are out there probably eventually shouldn't be. The jail is not for everybody. We need the three H's that I use, Hope, Health and Humanity. When I started working in the jail back in 1981, they were all bad guys. I very quickly learned no they weren't. There were a lot of people that made a lot of mistakes. If you didn't give them any hope, they were coming back. If we didn't give them any health, they were coming back. We have to treat them as humans. I do believe there is a place for Title 35. I just think it is up north. I will yield for now.

Joel Benz: Councilman Brown.

Larry Brown: Thank you. I am in support of the request and I may look at it differently than others. It is not Council's area of expertise or responsibility or job to worry about buildings and grounds or Human Resources. Our job is to fund or not fund. I am in support. Thank you.

Joel Benz: Do you have something Councilman Armstrong?

Bob Armstrong: I have a few questions because I am pretty sideways about all of this. I sit back and I read and look at everything. It started back that we bought the building at \$2 million for Work Release. I remember the newspaper article when the Sheriff and Kim sat at the table. Dave offered her beds and she was not interested in beds. We have moved from that date to now where it is not about beds but is about the whole building. When I voted in 2018 for the building, it was for Work Release. I understand things change but the bottom line is we all know from having meetings that Kim needs a new building. Any way you look at it. The building at Harrison and Superior is packed to the gills. We have a building there. We have a Work Release building that this Council voted on and purchased. Now we have a Title 35 Program. In my viewpoint, you already know you are on the hook for a new building for Kim and her administration office. You have a Title 35 Program available and a Title 11 Program. We have a building for Title 11 and I totally agree that the building out there, if anything, should be a shared building because that is what we told the taxpayers in 2018 that's what we bought the building for. It was designed for that. I haven't looked at the building or been in it since it has been remodeled but surely that building is designed that we can coexist, two programs in one building. With that being said, the other question and got the report last night on Channel 15 that talked about Dave's program of Title 11 is \$1.5 million a year and Title 35 is going to be \$4.1 million a year. That leaves us \$2.6 million short. I am trying to figure out the shortfall of that money and I still haven't heard or

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gotten an answer, is the DOC committed to a million dollars to this program? And, as Kenny has said, the State loves to fund things and then dump it in your lap. My question is, is that a million dollars for 2020 and it goes away? Or is it \$5 million, a million over the next five years and when is the carpet going to be pulled away? We all know, from what Tom said, they tell us it is great, you fund it. When the State does that and the carpet is pulled out the bill is on our lap now and we roll it to the taxpayer. I don't mean to ramble. I did like the comment that Judge Felts made that in 2010 there was a residential service program that was going to open, I think, was the Kelley House.

Judge Felts: That was something different.

Bob Armstrong: But anyway, it says here it was in 2010 and in 2020 DOC offered us one million in 2010 but it was returned back to the State. The program was not opened and the needs and services have still never changed. I understand kicking the can down the road a little bit but ten years later, if we knew in 2010 we needed services and we are in 2020 now, we want to reinvent. I know it is a new program and everything but the thing I don't understand is in the presentation we had the meeting at Kim's place I think it was Beth Lock for the Commissioners, turned over an overall plan on what Title 11 serves this community and what programs this Title 35 program would serve the community. It makes me think there are eleven services and on here it says the Sheriff will provide four services but this new Title 35 has eleven services. I don't quite understand, tell me if I am wrong here, but some of these eleven services are they all brand new? Or have the services been around and we wanted to offer them to the people? Why didn't we start implementing some of these in stages? Are all of these eleven, there are four that don't duplicate, are these all new programs created and vetted? I just don't understand. I would venture to say a lot of these have been around for a while. Is that a fair question?

Kim Churchward: I believe the chart you are referring to is the Board of Commissioners in that Board meeting had a slide and that data was gleaned from the questionnaires. Judge Felts spoke about a questionnaire that the Commissioners gave my agency and the Sheriff's. We both filled those questionnaires out about current service platforms and programs that we have available. I believe they took the information from those questionnaires and produced the chart you are referring to. Certainly those service platforms are available in our current population and could transfer to the residential population.

Kenny Fries: But you say you are currently providing those services under the current conditions.

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Kim Churchward: With our current electronic monitoring population. I don't have that chart in front of me.

Judge Gull: Nick Jordan just handed this to me. This is the information that the Commissioners compiled based on the questionnaires by the Sheriff of Allen County and Community Corrections. They are listed as Sheriff's Work Release Title 11 and what he offers and then what Allen County Community Corrections Residential Services could offer. These are services currently being offered to the offenders that are coming through Community Corrections.

Kenny Fries: Okay, thank you.

Tom Harris: Councilman Armstrong, I wanted to point a couple of things out. One is that you mentioned in 2010, one of the reasons they had given us a million, DOC or another agency, is they wanted us to create beds and our programs in Allen County and we didn't have it or there was some discussion at that point saying that we were not going to do beds. We returned that money back to them. It is important for Council to understand that their strategy, at the State level, is to keep growing these kinds of programs. They want to see this at the State level. We can continue to stick our heads in the sand and pretend that we are not going to do these things and they are not going to give us money but that money goes around to the rest of the State. I agree with the concept that both Titles could exist and maybe we would consider allowing those as they are allowed to anyway for a year and Council reassesses the value of both or either or whatever at that point. That might be a possibility. I hate the fact of saying no at this point and allowing the State to keep that money that they were going to give us. We are denying the people of this community those funds coming back to this community by sticking our heads in the sand and not going in this direction. I would ask and fully support making sure that we open the door for the State to give us additional funding. We should do that. The taxpayers in this community deserve those funds to come back.

Bob Armstrong: But wouldn't you also believe that if they are going to give us the money, don't you want to put a guarantee on it?

Tom Harris: They are saying the same thing to us in essence by saying you tell us that we have a program, tell us that you have beds and tell us you have a facility and we will write a check. The question is how much that check is and I know the Sheriff has brought that up. We are already receiving funds from the State by saying we want this program to grow. We are doing this all over the State. We can pretend in Allen County that it is not going to happen but we are going to give up money coming back to our taxpayers. I

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disagree with that strategy. And, last point on this one, we have the ability to strategize how we deal with 1006. It gives the courts more opportunities to deal with where we place folks. We keep the jail population manageable. We don't have to put a \$2 million top on the building. Most importantly, we help those people get turned around in life. By the way, the Sheriff has said previously that there are people in the jail that shouldn't be there. He knows it and the previous Sheriff said the same thing. From a strategy standpoint, it makes sense to have alternative sentencing options in the court system.

Joel Benz: It certainly sounds to me like that there is some support here for this program. I know there is a feeling that these are the least cared for people in our community and it is a more than a little frustrating to me that a high lofty ideal would be getting lost down in the weeds because there is an internal bicker between the different entities in the County about how a building is going to be utilized. That is what this discussion has basically turned into. Councilwoman Curry-Campbell.

Sheila Curry-Campbell: We appreciate you coming here. I think we have had dialogue with everyone that is sitting at the table individually or in a group setting. You have shared your story and we have all met with the Sheriff. I think all of us on County Council agree that we want to make sure that there was some type of meeting of the minds between Kim and our Sheriff on how we could come in this space with the programs for providing services. I wanted to make a statement because I do support what you are trying to do. The United States is the world leader in incarceration. There are 2.2 million people in the nation's prisons and jails. A 500% increase over the last 40 years. Changes in laws and policies but not change in crimes and rates explains for most of the increase. The results are overcrowding in prisons and jails in physical burdens on States despite increasing evidence that large scale incarceration is not an effective means of achieving public safety. Mass incarceration has not touched all communities equally. The racial impact of mass incarceration, sentencing policies, implicit racial bias, social economic inequities contribute to racial disparity at every level of the criminal justice system. Today, people of color make up 37% of the U.S. population but 67% of the prison population. Overall, African Americans are more likely than white Americans to be arrested. Once arrested, they are more likely to be convicted and once convicted are more likely to face stiff sentences. Black men are six times more likely to be incarcerated than white men and Hispanic men are more than twice as likely to be incarcerated as non-Hispanic white men. I think what you are trying to do is balance the playing field with your programs and I do appreciate you and do support you. Thank you.

Kenny Fries: Director Churchward, did Community Corrections have a housing unit before you came in as the Director?

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Kim Churchward: There was the Kelley House Program that was in place for a number of years. It was a residential treatment program.

Kenny Fries: What happened to it?

Kim Churchward: It was closed.

Kenny Fries: Do we know why?

Kim Churchward: Budget issues.

Kenny Fries: I remember going out to the Holiday Inn and different places for housing. This had been going on for years and years. I have said from the beginning that it is a good idea but the biggest issue is how much it is going to cost to move you in to share the facility with the Sheriff? Is it going to be less than what we are being asked to approve here?

Kim Churchward: I'm sorry, sir?

Kenny Fries: If you and the Sheriff were to share Venture Lane, is it going to be less expensive? While your programs can still function and do what it needs to do, like Councilman Harris said we do both programs and see how this works.

Kim Churchward: Our budget proposal is genuinely based on participant need and participant volume and staff volume. While I don't have a budget prepared with that considered, of course it would be less because the participant number would be less and the staff number would be less. I can't tell you exactly what that would be.

Joel Benz: Councilman Kerley, Councilwoman Curry-Campbell and I met with the Sheriff, with Mrs. Churchward and Judge Felts where we attempted to figure that out. Subsequently, I believe the Sheriff and Mrs. Churchward met again to try to work out some of the logistics. In that meeting, I don't know what you want to say about that meeting but we were told that the existence of those programs within that facility was not legally possible. Since then I believe we have gotten some differing opinions. Would any of you like to speak to why you could not coexist from a legal perspective?

Kim Churchward: I think there is a conversation about putting a wall down the center but that is not what I really mean. Physically dividing that structure in half and having separate entrances and running the two programs from the same physical structure is one conversation that was touched on in that early morning meeting. My understanding is that is not

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the Commissioners' intent for that structure. The other conversations that I have been a part of is can the Court sentence someone to a jail and then that individual be under my supervision as a Community Correction agency. No, I am not a Sheriff or Jailer. Can the Court sentence someone under Title 35 to the supervision of a Community Correction program and can the Sheriff then supervise that client? No. The statute doesn't allow for that. The original notion that Dave and I embarked on together several years ago about contract beds was not a notion of supervising one another's clients. It was simply me seeking to contract beds that those individuals would remain under my supervision simply to expand the electronic monitoring program. This was apples and oranges to a Title 35 residential services program. I am not sure I am answering your question or simply telling you of the conversations that I have been privy to and the knowledge that I have. I believe the Sheriff and I agreed that he can't supervise my individuals and I can't supervise his because of the legal barriers. If the Judges have anything to add, I am not a lawyer and I may be the only one in the room that is not.

Joel Benz: I do think this highlights a need for us, as Council, to have some sort of legal representation that would give us outside of your opinion here...

Judge Gull: If I could just interject, the Court has no authority to sentence an individual to a Work Release facility. I can sentence to the Jail. I can sentence to the Department of Correction. I can sentence to the Department of Correction with that placement in Community Correction. Those are my options. The Sheriff has no authority under the statute of Title 11 or Title 35 to supervise offenders in a Title 35 program. Much like the Title 35 program has no authority to supervise anybody under the Sheriff's jurisdiction. Any legal advice you get to the contrary respectfully is incorrect. The statutes are what the statutes are.

Joel Benz: I was told that with a memorandum of understanding that it would be possible.

Judge Gull: You cannot circumvent the statute with a memorandum of understanding. The only thing you can do is change the statute.

Tom Harris: Can I ask a question? If Community Correction expands their program, it will provide the Judges more opportunity to sentence those people into those programs.

Judge Gull: Correct.

Tom Harris: In essence, it is going to reduce the potential folks that are in the jail to serve in a Work Release program because there will be less people

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that could fall into the criteria that the Sheriff could look at for Work Release. The Sheriff might have a chance to talk about that in a little bit but those numbers, in theory, can either stabilize or begin to come down a little bit in terms of the number of Work Release. One of the questions that I would have is if Council considers allowing both of these forward, are the Commissioners in a position to allow the Sheriff either to work that out of the Jail and I think the Sheriff has indicated that can't happen, but might there be another building that would be able to facilitate less individuals than the one he is in now. It would probably be an improvement over what he has now. Maybe another building that the Commissioners could probably help the Sheriff out in a one-year period to establish some kind of a trend to see where we are.

Joel Benz: I don't have the answer.

Tom Harris: My point to that is to not have them in the same building. We have gone through enough emotions in the last six to nine months and I don't know that it makes sense to put both of these entities under the same roof in the same building.

Judge Gull: You are expending a tremendous amount of capital to split a building apart into two separate entities. You have already spent a lot of money fixing this building up. You are going to be spending additional dollars and while those additional dollars are being spent, we have no sentencing alternatives. We have no place to put these folks.

Kenny Fries: But, your Honor, we don't know what that cost is. We don't know if it is less than what is being asked for today or not. Just because the Commissioners' intent was not to use that building for that, I don't think that is a good argument. I mean they can intend to but they can also change it.

Joel Benz: Councilwoman Curry-Campbell.

Sheila Curry-Campbell: I just have one question. One of the concerns I had initially was how we were going to pay for this. There is a request here from the General Fund. We talked about this as a group, County Council, of how do we make this happen? We kind of threw it right back to Kim and the Sheriff. It is now on us and time for us to make a decision. I am hoping that we, as County Council, of one accord because that was very important to me to make sure we are doing the right thing for the citizens of Fort Wayne and Allen County. I just wanted to come back to that, Mr. President and your Co-Chair, I want to make sure we are on the same page because I had that discussion before we came up here. I want to make sure we are doing the right thing for the citizens of Fort Wayne. Is there anything you or your Co-

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Chair can share? Are we going in the right direction? I thought we had a meeting of the minds as the Council.

Joel Benz: I think this is the public where we discuss it and that is where we arrive at our conclusions. That is why we are discussing it. Councilman Brown.

Larry Brown: One thing that I have heard several times, in one form or another, is I don't know or I am not sure. Well, guess what? I don't know either. It is not our job to know. Our job is to fund it or not and let the professionals that do know work it out. Department of Corrections is all onboard for Title 35, example after example after example across the State. They want a Title 35 program in Allen County. We have the best Judges and the best Court system in the State of Indiana. Department of Corrections knows that. We can make a difference in people's lives. What's happening now is not changing anybody's behavior. We have to change behavior or at least try. Otherwise, on the tail end, we are going to have repeat offenders, lifetime criminals and maybe we can change some of those behaviors. I think it is time to put up and if you want to put an 18-month or 36-month or whatever trial period timeframe on it that is fine. Let's move forward.

Kenny Fries: I just have to take one exception to what you said. Councilman Brown, I think the Work Release Center has done an excellent job changing people's lives for the last 25 to 30 years. Those employees and people up there have done a great job and I know it has had an effect on people that have been through the program.

Joel Benz: Councilman Armstrong.

Bob Armstrong: I have two questions. Judge Gull, could you take and send me a copy of the statute that you are talking about that we can't comingle or whatever?

Judge Gull: I believe that information was provided to you previously under Title 11 and Title 35 but I am happy to send it to you again.

Bob Armstrong: Also, you kind of caught me when you said that Judges don't sentence people to Work Release. My question is, and I have asked this question and couldn't get much help out of it, explain to me how that works. Work Release numbers are going down. If you are sitting at the bench and you sentence somebody to Jail, I know this is my theory of putting this together, you send a work order or report or whatever to the Jail. They go to Jail, okay. Do you or whoever the Judge is make a recommendation to that

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processing paperwork to the Jail, no Work Release or no Community Corrections, you know what I am saying?

Judge Gull: Yes.

Bob Armstrong: I understand that you don't sentence them to Work Release. I understand that. I guess what I am trying to figure out that you guys are having day after day, well not right this minute.

Judge Gull: We are absolutely having Court day after day. Through the pandemic we are still working.

Bob Armstrong: But the issue that I am having, I know you guys are sentencing people and so why are Work Release's numbers falling?

Judge Gull: My sentencing orders are scanned into the system accessible to the Sheriff's Department classification folks. They get those sentencing orders. I do write on several of my orders that I do not approve this particular offender for Work Release. I may also write on those orders that this particular offender is not suitable for Community Correction or Community Based Supervision. Yes, I do that.

Bob Armstrong: Okay. I was just trying to figure out how because you made the statement that you don't assign them.

Judge Gull: I cannot assign them under Title 11, Councilman. Title 11 only gives the Courts the authority to disapprove a placement if I feel it is inappropriate. I have utilized the authority under the statute to disapprove specific recommendations for placement in the Work Release facility.

Kenny Fries: I would ask that the Sheriff and Director Biltz to come up and answer the question of why the numbers are down over the last eight months or whatever it is?

Dave Gladieux: With regard to what Councilman Armstrong asked and the Judge is correct. She doesn't have the authority to sentence somebody to Work Release. She does have the authority to not recommend an alternative sentencing. This kind of goes along with Councilman Harris' point with my numbers that Work Release has gone down and at the Jail. I find it very strange that I went from 900 inmates in July of 2019 down to low 700's or high 600's.

Joel Benz: Sheriff, the question is about Work Release specifically.

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Dave Gladioux: But these are together but I will move onto Work Release. She says that she has done this in the past. When we started noticing it happening, we audited our books and all of the Court Orders. I found it kind of strange that the first one started October 29th and until the first of the year there were like seven of them. From January first to March, there were 60 written No Work Release. I was just handed yesterday or two days ago, excuse me, we are up to around 80 to 85. I couldn't find any prior to October 29th. I am not going to accuse anybody of anything but if there hasn't been anything before October 29th, I will let you guys think about that. If that answers your question as to why my numbers are down, I have been asked several times from the Commissioners to some Councilmen. I attribute it to a preparation to move into our new building. Then, as time went on, this whole debate has been going on since mid-October and finding some sentence changes has a lot to do with it.

Joel Benz: Does that answer your question? Councilman Harris.

Tom Harris: Sheriff, you have obviously had a number of meetings. How can you balance the thought of all of the community organizations that exist here today, the Courts, Commissioners and the votes that went down with one or two votes against all of them, how do you argue that your position is right over theirs? How do you do that with all of the different entities weighing in and they are all going one way and you are going another? Why do you feel that we should go that direction? What is the justification?

Dave Gladioux: The justification is the process. You remember our meeting from day one.

Tom Harris: And the call prior to...

Dave Gladioux: I saw your transcribed version of the conversation.

Tom Harris: You picked the meeting date. I remember that.

Dave Gladioux: The whole process itself has been skewed from day one. If you remember correctly during that meeting, you wanted something to happen right now within two weeks if I remember. You wanted it to go to Council at the next Council meeting. To make a decision like that I found irresponsible financially to the taxpayers of Allen County. I find it irresponsible to the taxpayers of Allen County to take \$7 million of their money and turn it over to a State program. I find that absurd to be quite frank.

Sheila Curry-Campbell: Mr. Chair, may I say something?

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Joel Benz: Go ahead.

Sheila Curry-Campbell: why do you feel as if they are doing this? Is it personal? It seems like you are saying that things have changed and the numbers are lower are you saying because of the Judges? I am just trying to understand. Why are you saying...

Dave Gladieux: I am saying it because it is fact. I have it in writing. Probably 98% of the Court Orders have one Judge's name on it. It happens to be the Co-Chair of Community Correction. Come on, I mean, you know. But as far as I am not picking one program over another program that this one is better than that. I just want to be left alone and leave my 40 something years program that has obviously worked in the past.

Sheila Curry-Campbell: I just told you about 40 years. Forty years of the criminal justice system has been wrong. There is a problem and I think we can cohabitate these two programs. We have talked, Sheriff.

Dave Gladieux: And I have moved to the table and I am good with offering space.

Sheila Curry-Campbell: But I don't want you to think that because you have been doing it for forty years that it is right. I just read you that forty years is wrong. We have a problem.

Dave Gladieux: What you just read isn't just my program. You have a national level article, did you not? It is not just my program.

Sheila Curry-Campbell: We are part of these United States. We just happen to be in Fort Wayne, Indiana and Allen County. I don't want you to leave out of here thinking for one minute that forty years has been right. There is a problem. People that look like me are incarcerated. These folks are trying to do something to turn this around because the way we have been doing things for forty years ain't working. It's not working, Sheriff. It is not working. Thank you, sir.

Dave Gladieux: Now wait a minute. If it is not working, I would like to address what is not working. The fact with the way this was approached with me and to you is that this was going to be a Title 11 Work Release Program. Somewhere between October and now it has been changed to a Title 35 Residential Services Program. That opens the door to a lot of things. I think Councilman Fries brought it up. If we are going to do a Residential Services Program, it opens the door to a Reentry Program. I don't agree with that. Not for that facility.

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Joel Benz: Councilman Harris.

Tom Harris: Sheriff, the assumption of passing and moving this forward for Community Correction today is that the other side of the equation is defunded. We don't defund your other program. Where do you go? Do you move to the Jail for Work Release and you mentioned that was not logistically possible. Have you spoken to the Commissioners about the opportunity to have that housing somewhere else?

Dave Gladieux: No.

Tom Harris: You have not done that.

Dave Gladieux: The Commissioners have not talked to me about anything along those lines.

Tom Harris: I am asking if you asked them.

Dave Gladieux: I have asked the question about what they are going to do with my employees and nobody can answer that question.

Tom Harris: We are trying to help you with that today.

Dave Gladieux: And I appreciate that.

Tom Harris: Couldn't you find another location and run your program out of that location?

Dave Gladieux: I suppose I could.

Kenny Fries: But wouldn't the same question be able to be asked of Community Correction? We already have a Work Release Center built for Work Release. You are asking him to find another facility when this one was designed, built and rebuilt for the Work Release Center and now you are saying that you can find another one.

Tom Harris: Councilman Fries, the difference would be the State is saying build bed for Community Correction and we will give you additional funding. At the same time, the numbers for Work Release are declining.

Kenny Fries: I think we have had an explanation as to why.

Tom Harris: Those two things are going in different directions.

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Dave Gladieux: If I may, Councilman Harris, if you are doing the math on around 50 beds is around \$684,000. That is all you would need from the State of Indiana. They are willing to give you some money. There is your startup Title 35, right? You are going to have to build her a building downtown as Councilman Armstrong said. Why not, at that time, you have now experienced the whole housing the prisoners thing that it might be the opportune time to build a building with some residential beds.

Tom Harris: And possibly that could be discussed a year from now after assessing these two programs.

Dave Gladieux: That is where I was going with it. She is coming into this building with 50 beds to start up her program. As it grows, we can give her more beds and then when you guys have to build her a new building that is the opportune time to add more beds. To turn over a building that was designed for the Work Release Program that I have and turn it over to a residential services program doesn't make any sense.

Joel Benz: Unfortunately that is not our decision. It is the Commissioners and they are not the ones in front of you. Councilman Armstrong.

Bob Armstrong: That is what I was going to say to Mr. Harris. The reason why we are in the problem we are in today is because we bought a building for Work Release and the building is not owned by the Sheriff. It is owned by the Commissioners. What I am saying is if you're saying for him to go to the Commissioners, it's pretty obvious the tide changed from the day I voted for this building for Work Release, now the Commissioners are saying look at us, we own the building. Sorry Dave. This is going in a new direction. Do you honestly sit there and think that he could go to the Commissioners and ask for a new building or to buy a building to house Work Release? Do you think they are going to put that egg on their face when they just slapped the taxpayers in the face because of the vote that this Council took was for a Work Release building? Don't go down that avenue with me.

Tom Harris: I won't go down that avenue with you but I will say I voted for a strategy to reduce Jail population. That is really what the strategy was.

Bob Armstrong: Go back and read the minutes. The minutes were that we voted for that building for one purpose, Work Release. Not strategy on your part.

Tom Harris: Totally disagree with that. My comments back there were strategy and we need to figure out the big picture. This isn't going to go away.

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Bob Armstrong: I should have brought those minutes.

Joel Benz: Does anybody else have any questions for the Sheriff? Thank you, gentlemen for coming forward and answering questions. Does anybody else have any questions for the members of the Commission? Councilman Kerley.

Kyle Kerley: Kim, I have a couple of questions. The \$1.7 million that you budgeted is based on a population of 230ish?

Kim Churchward: The \$1.7 million is based on operating the facility from August through December. Having personnel onboard July through December with an assumption of 18 new intakes per month once the facility is opened. Hoping to reach 90 individuals because each of those budget items is specific to the number of individuals for food cost and how many would be ordered to electronic monitoring and things like that. If you look at and we did project and I believe that was the WANE-TV mention that Councilman Armstrong talked about. We were challenged to project what it would cost for 231 beds, at full capacity, twelve months a year with full personnel. That is where you get to the other number.

Kyle Kerley: So the \$1.7 million reflects approximately 90 people by December and so it is a buildup. We similarly approved the Sheriff's budget last year to move into the building in a similar manner where we were doing a buildup based on current population. Again, not to beat a dead horse, I am going back to there is a consensus to run both programs forward. There are two programs that need beds. I am going to ask the Commissioners to find a way to really make this work because on October first Title 11 becomes homeless based on the current guidance we have been given by the Commissioners. Based on your ramp up, October first you are going to have 36 to 54 people. That means a bulk of that building, over 80%, is still going to be empty. We have a resource that we need to find a way to utilize for the betterment of the community and as Councilman Brown pointed out, we don't do buildings. The Commissioners own the buildings but as a Council, we can strongly ask the Commissioners to find a way to make this work. Ultimately they are the ones that have to make that decision. I was just asking on the budget questions to see if it was a full budget or a ramp up.

Tom Harris: Mr. President, I would like to move forward with making a motion for the appropriation in Community Corrections General Fund in the amount of \$1,781,340.

Sheila Curry-Campbell: I second.

Joel Benz: Councilman Brown.

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Larry Brown: Would you consider amending your motion to include all items one through eight?

Tom Harris: Yes.

Larry Brown: Okay, thank you.

Bob Armstrong: Can we have a rollcall vote?

Joel Benz: Yes. Councilman Harris.

Tom Harris: For the citizens of this community and for all of the organizations involved, I feel a strong yes.

Joel Benz: Councilwoman Curry-Campbell.

Sheila Curry-Campbell: I am voting yes and hopefully with the understanding that we will come back in 18 months and evaluate both programs. Thank you.

Joel Benz: Councilman Fries.

Kenny Fries: No.

Joel Benz: Councilman Kerley.

Kyle Kerley: I am going to reluctantly vote yes. Not because I don't think that the program is not worthy. I believe that Title 35 is worthy and I want to see it move forward. I had wished that the Commissioners would have been here to also answer questions as they have kind of put us into the predicament that we are in. That said, to the Commissioners, I think the taxpayers were given a bait and switch. Things change but it is a situation that they put this Council in and have really pinned us into a corner. My vote is yes because we move forward with Title 35. I fully support Title 11 and if the Sheriff comes with an ask for a facility to move forward with Title 11, I will support that as well.

Joel Benz: Councilman Brown.

Larry Brown: Yes.

Joel Benz: Councilman Armstrong.

Bob Armstrong: No.

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Joel Benz: I will vote yes based on I believe this program has the potential to make a difference in people's lives and I am certainly supportive of that. I do think the Commissioners have some work to do to figure out how to best handle this. Hopefully they will be able to come before us, at some point, with a report on how to best handle that. Councilman Armstrong.

Bob Armstrong: I think we need to put some kind of timeline to hold our transparent Commissioners' feet to the fire on this. If you don't, this will become another dog and pony show down the road. I want the minutes to show that and I hope you (Joel) and Kyle will make sure this issue doesn't die because there is a reason for what has happened here today that needs to be stopped. I want the minutes to show that.

Nick Jordan: If I could add one thing on the timeline. You guys have statutorily to approve the budgets each year. For Sheila and Bob and anyone concerned on a timeframe, each year you revisit every dollar spent. It doesn't have to be 18 months because it is on a yearly cycle. You could choose to defund Title 11, this or the Auditor's Office or whatever you so choose.

Larry Brown: Or Title 35.

Kyle Kerley: If you read through the notes back in February, while I don't think the Auditor intended this back in February he did remind us as this Council had asked when the \$5 million was going to be repaid and if the terms were changed, the Council had some avenues to explore with CEDIT funds. I would remind this Council that is an opportunity going forward that should a solution not be found to allow both programs to coexist that is something that we can explore as we get into September and October budget cycles.

Joel Benz: You have been given some funds now and I hope you will make wise use of them in making a difference in our community.

Kim Churchward: We will certainly do our best. Thank you.

Tom Harris: Now the Coliseum, right?

Nick Jordan: Do you want to do the Right to Life Resolution so Cathie doesn't have to keep waiting?

Joel Benz: Sure. You guys good with that? Let's go ahead and do that. Council, what we are going to discuss here is, have a seat and introduce yourself. Resolution 2020-05-21-01 in support of human life and I believe Councilman Kerley has been behind this. I will turn it over to you.

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Kyle Kerley: First I want to thank all of the members of this Board for allowing us to bring this forward. Nick, procedurally do I need to read it all?

Nick Jordan: No, you can just read the resolution number.

Kyle Kerley: I think for the sake of time I am not going to read the entire resolution into the record. I would ask before I motion for it if Cathie Humbarger of Right to Life Northeast Indiana would like to make a statement.

Cathie Humbarger: Thank you so much for considering this Pro-Life Resolution. It has been approved by several other local governing bodies in Northeast Indiana and it is merely a statement affirming life and that the people in Northeast Indiana support women who are pregnant and encourage support for them after their babies are born. There is very little controversy about this because I think we can all agree that we want to support women who are pregnant and also the babies that they are about to give birth to.

Kyle Kerley: On that I would motion to pass Resolution 2020-05-21-01 which is a resolution in support of human life.

Tom Harris: Second.

Joel Benz: **We have a motion and a second.** I will say it is an honor to vote for this and I appreciate the opportunity. Councilwoman Curry-Campbell.

Sheila Curry-Campbell: I just want to include a statement. Pro-Choice or Pro-Life labels don't reflect the complexity of how most people think and feel about abortion. Instead of putting people in category or another, we should respect the real life decision that people and their families face every day. Decisions about whether to choose adoption, end a pregnancy or continue a pregnancy should be made by a pregnant person with the counsel of their family and their faith and their healthcare provider. Politicians should not be involved in anyone's personal medical decisions about their reproductive health or pregnancy. I do support and I spoke with our Co-Chair and I told him I would support him 100% with this statement. Thank you.

Joel Benz: Council, is there anything further? **All in favor say aye, those opposed, like sign. The motion passes 7-0.** Council, let's back up just a little bit here to Superior Court.

Nick Jordan: Superior Court has a transfer from Consulting Services to Supplies for \$50,000. There is no new additional money.

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Joel Benz: I believe they had fewer requirements, because of the Coronavirus, for translators and so they were taking it out of translators and putting it towards some equipment and supplies.

Kyle Kerley: Motion to transfer in Superior Court General Fund from 100-6201-412.31-06 Consulting Services to 100-6201-412.21-01 Supplies in the amount of \$50,000.

Larry Brown: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Additionally we had a request from Mrs. O'Day?

Nick Jordan: Yes, after she left she had forgotten to mention that she originally had her request for the March meeting for the salary ordinance. That is the only one we had today with a person occupying the position and she asked if you guys could vote making the salary ordinance that was approved to be retroactive to March 19, 2020 when her request was prior to the pandemic and meetings being cancelled.

Kenny Fries: I will make a motion to make it retroactive to March 19, 2020.

Bob Armstrong: Second.

Joel Benz: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0.

Randy Brown: Good afternoon folks. Welcome to the Memorial Coliseum. I am Randy Brown, Executive Vice President and General Manager of the Coliseum.

C J Steigmeyer: C J Steigmeyer, Vice President of Finance and Chief Operating Officer of the Coliseum.

Randy Brown: The Coliseum has had a long and successful history. We opened in September of 1952 and by and large the operation of the Coliseum has not approached this body for funding. I have been here for approximately 32 years and certainly during the 32 years we have been successful. Coming into this year, looking at events like KISS, looking at the play of the Komets, two NCAA Tournaments, we were on track to have an amazing record setting year and concert activity that was on track to set records as well. The major concerts that were on sale were past breakeven. We were looking exceptional with the likes of Lynyrd Skynyrd and Jo Jo (?). I am going to give you the

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abbreviated version since it has been a long day for you already. On March 15th, everything changed. That was our last day of holding events. That weekend we had the Alpaca Convention where we were not able to open to the public but we did have the judging of the event. Today is our first day holding events since we closed. Thank you for your business. You probably heard yesterday that the Governor ordered stage three to commence starting tomorrow. Today we have been managing your room and making sure that we didn't exceed the 25 people. Tomorrow the plan starts where social gatherings can have up to 100 people. It still creates a hardship for us. Jumping to attendance and where we think we are going to finish the year, we anticipate that we will finish the year down 33% or 345,620 people. If social distancing is maintained, six feet between guests, the numbers will likely increase to 45% or 467,000 people. It is a real concern for us and where we are heading. The next slide that you will see will give you an idea of what social distancing means for us in our fixed spaces where we have an aisle with seats that aren't usable. We have a group of the blue seats that you see are usable. The gist of it is it drops our arena capacity, for hockey as an example, from 10,500 to less than 2,000 people. In talking to the Komets, Michael Franke and talking to our concert promoters, it just is not functional from a financial perspective or a practical perspective. When the Komets have approximately 4,000 season tickets, how do you decide that this half of the season ticket holders get to come in for this game and how do you make it work? It is a real problem for us. Other impacts come into play. We talked about the arena events and you can appreciate that. Most concert traffic is pushing back now. We only have one concert left on our books for this year and I have alternate dates set for them. All of the others have pushed back to 2021 or 2022. What we are experiencing now is a chance that it is going to continue into 2021 and unknown beyond that. The Expo business, trade shows and consumer shows, I think you have all been to the Home and Garden Show before. How do you have an event like the Home and Garden Show if you have to practice social distancing? We can do some things because you have a 10-foot aisle. Have one-way aisles. It creates a problem if you've got with guests speaking to vendors on each side. There are just a lot of unknowns and that is what I want to impress upon you today. We are doing our best to manage this situation but as an industry, we don't know what that means. I know the drawing that you see here is a little difficult but those X's are the usable seats out of all of the seats that are there. This was a commencement setup. In July, we have seven commencements confirmed. Carroll which is normally one commencement will now be two days. Then we have all of the Northeast Allen County School commencements. It is a matter of limiting the audience. The unknown for us too is there are a number of studies and Seton Hall just put one out having to do with sporting events. Seventy-two percent of the public said they would not feel comfortable coming to a sporting event until there is a vaccine. One of the major scientific polling

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companies put a survey out for all events not just sports. A little bit better news, 38% said they would not feel comfortable coming out. That is an improvement but if we lose a third of our crowd for just about any event that event is not profitable for the promoter of the event or for us.

Tom Harris: Those are CDC guidelines and not the State, right?

Randy Brown: They are somewhat hand-in-hand. There is a connection there. The Governor's orders which are the Indiana Back on Track Plan, parts of that are following CDC guidelines. The other thing that comes into play is what is known as Best Practices for the industry. Best practices give us legal protections if we are doing what a reasonable Manager would do in taking all of those protections. It gives us a limited safe harbor. As an industry we are working with our trade association and hoping we will be successful with getting legislation through that will provide some COVID-19 protection.

Tom Harris: So you are following both the CDC and the Governor?

Randy Brown: Yes.

Tom Harris: If the Governor begins to modify that you are still following CDC and so you have to wait until CDC changes their rules?

Randy Brown: That is accurate. Most major events are going to follow CDC if they are working in other States beyond just Indiana. As they are routing events, they are looking and see that Fort Wayne is open but the other five States aren't open or in a safe manner, we are not going to go out. That is what we are seeing for concert activity. There is just a general discomfort with artists about coming out in 2020 and so they are pushing back. I am talking about events like Lauren Daigle which had 7,000 plus tickets sold. There were a number that weren't announced but were major shows and were optimistic that most of those, Lauren Daigle just rescheduled for March 11th but some of the others we have dates on hold. The same thing is true with our sports teams. The Komets and Mad Ants are looking to see what is happening with the NHL. If the NHL finishes their playoffs for this current season, it will push everything back in terms of the start of the next season. Rather than starting hockey in October, it may delay the start until late November. And that is with the unknown of could there be a second outbreak. Also touching too on the catering and meeting business. Sitting the chairs apart as you see here could be the norm throughout the summer. As we do events like Tapestry where we have 2,000 guests coming, our banquet capacity at the tables changes from ten people to six. We are fortunate that we have a million square feet under roof. We have a lot of space here but those events that have banquet configurations and trade shows as a part of it

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really starts to become a space crunch for us. How do we make it all fit? A lot of our events like Vera Bradley which is our largest consumer show cancelled for this year and we have rescheduled into next year. Some of those events want to tweak and change their dates a little bit. More often than not we are rescheduling an event one time but rescheduling events two and three times. It has been taxing trying to get the paper trail to keep up with the wishes of our clients. C J, do you want to talk a little about the financials?

C J Steigmeyer: When all of this hit, we were having a great year. Since then, obviously, things have gone quite south. In looking at our P & L for the year, which is now a big L, it makes it a little more difficult. We take a look at the month of April. Assessed every expense item that we had in that month and said is this going to be a recurring expense? Is it a one time or something that will recur but change because of social distancing or the cost we have to incur to clean the facility? We also assessed our revenues which were very, very minimal. We then looked at the attendance and events we had currently scheduled. After looking at all of that we are assessing that we are going to lose somewhere between \$2.9 million and \$3.5 million based on whether social distancing takes place and exists throughout the rest of the year or continues on beyond the end of the year. Looking at all of those numbers and all of those things, there are a lot of what ifs. It makes it very difficult to determine exactly what number that is. When we looked at the month of April, we said somewhere between 290 and 350 would be recurring every month when you look at payroll and utilities and the maintenance contracts that we have to maintain in order to keep the equipment running efficiently. Some people said to cancel the contracts but you cancel the contracts and you now have large events and you can't get the piece of equipment up and running again. You have to bring somebody in and it makes it much more difficult. It is cheaper to maintain it and making sure it is operating effectively. Looking at the effects of social distancing, people ask why we don't get some of the money that the government is giving away. We are not eligible for those dollars due to being a governmental entity. Randy and I are both involved with our industry association and they are actively pursuing legislation that would allow governmentally created facilities similar to ours to receive some funding to operate. We are not alone in this endeavor. Facilities across the country are going through the same thing. They have figured out that governmental facilities have been left out of the funding due to some of the money that is going to government is being used for the first line of defense such as Police and Fire, those essential personnel. We are in an enterprise fund and a lot of times we are eliminated from any of that funding as well. Randy and I are working on some Federal legislation passed that would allow us to be included in a funding mechanism. The facility provides quite an economic impact to the community. I believe last year was over \$111 million of economic impact that we provide. Being able to open up

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according to the Governor's reopening plan, there is a need for our facility because there are not a lot of facilities in town that can hold smaller events and completely be socially distanced. There is going to be some need for help for us to survive.

Randy Brown: Just to touch on the end of April, we had cash reserves of right about \$1 million. We are in a position to get through part of the summer and our intent is to approach you in June with a request for assistance. The number may be in the range of \$3 million. Something that C J didn't touch on was that we have done a significant staff reduction. We furloughed about 400 people which are a combination of full-time and part-time. Primarily Event Coordinator, Catering Sales people, Catering people and we have four companies that call the Coliseum their place of employment. County employees, Aramark which is our food service division, Leader Staffing is our housekeeping and our security department. If we have to dig deeper, we are actually thinking about a salary reduction for all of our full-time people. I have a concern with taking salary reduction for part-time people because a lot of them are retirement age and it could come at a pretty significant cost to the County just with that expertise that you develop for 30 plus years. To do what we have to do, everything is on the table. We are managing it like it is our own money. Our capital fund is through the Professional Sports and Convention Development area and we are doing some things that will help us. We are doing deep cleaning of seating units. We are changing light fixtures to LED's. We have awarded a bid for in the Expo for space with new LED lighting areas. We are close to awarding an LED lighting package for the parking lot lights. What this is going to do is when we reopen we will be that much more efficient. We want to assure our public that the Coliseum is ready for the day when we can welcome them back. It appears that our first function is going to be a true banquet event, a wedding reception on June 20th. We have purchased spray devices so that we are able to decontaminate large segments of the arena. If it is a concert, we have 12,000 seats to clean. How we fog those areas and restrooms and meeting rooms so that in a very efficient manner we are able to assure our guests that the Coliseum is a safe place to come to. That is where we are at. I never dreamed that I would be sitting before you letting you know that we have a serious problem and would be asking you for \$3 million. As I have told my staff it is not their fault but just a matter of circumstance. We have been dealt the hand that we have and it is up to us in as efficient a manner as possible to deal with the problem so that when we are back fully in business that we are ready to serve the citizens of Allen County.

Kenny Fries: I would like to say thank you for today but for the professionalism that you and your staff have had over the years and everything that you do here, I think the public should take comfort in that

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professionalism because you are always looking out for their best interest. When they come here they should feel safe. They always have and I think they always will. I commend you for the job you have done. I am in favor of giving you whatever you need to keep this place open. I am not in favor of seeing any salary reductions. I think if you take salary reductions we should take it too.

Randy Brown: Speaking for our employees, I think they appreciate that sentiment. In many ways they are working harder than they have ever worked before.

Tom Harris: I wanted to say the same thing. Thank you for all that you do. I know you are sitting on some national Boards that are working in the industry to determine what the standards might be in this situation. I don't speak for all of these folks up here, just for myself, but helping the CDC or the industry to understand that there has got to be other options than just slicing it by two-thirds or whatever. Maybe it becomes one section is extremely cleaned and those that want to sit in a section like that because of fear can and then you can fill the rest of the place. It is a simplistic mind over here and I recognize it is much more complex than that. The industry has to move forward.

Sheila Curry-Campbell: Yes, I just have one question. We are talking about everyone coming back online and I know some of the things that people were discussing is the air quality. Can you talk about that and to help people feel safe?

Randy Brown: What it really gets into is fogging as much as anything. When you are wiping a chair down, when you are fogging it permeates everything. Again that gets back to the best practices. We are doing other things too. Our employees all do temperature checks. We have the PPE equipment that we provide. As much as it is important to provide a safe environment for our guests, it is also important for our staff.

Sheila Curry-Campbell: I know when we here for your last quarterly, you were looking for employees. With COVID everyone has been furloughed. Are your employees able to take advantage of some of the funds that are being collected to support your employees?

C J Steigmeyer: Any employee who has lost their job due to COVID-19 is eligible for unemployment. There is the \$600 to the individual that is no longer working in addition to their unemployment. Being that we are a part-time employer for a majority of these folks they are entitled up to \$390 if

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their earnings qualify for that. Anyone who files for unemployment is eligible for the \$600 additional per week.

Randy Brown: I understand for most of our people it has made them whole. We do a weekly newsletter to our employees and include a lot of mental health related items. I think there will be employees that will have a concern about coming to work with the conditions that still may be out there. We have to convince them that we care about them and they are part of our team. As we get to looking for people especially at the start of the fall season, we welcome everyone to consider us as a great place to work.

Tom Harris: Approval to waive the reading on any matter approved today for which it may be deemed necessary for the County Council meeting of May 21, 2020.

Kenny Fries: Second.

Joel Benz: All in favor please signify by saying aye. The motion passes 7-0.

Tom Harris: Move to adjourn.

Kenny Fries: Second.

Joel Benz: All in favor please signify by saying aye. Opposed like sign. The motion carries 7-0.