

RE: Office Policies
Exempt/Non-Exempt employees
Insurance Consultant
Petition to vacate alley-Moy
Sycamore Trail vacancy
Collet Economic Development Area
Police car
CSEPP cooperative agreement
Public Defenders Board

Minutes-Vermillion County Commissioners July 3, 2007

The Vermillion County Commissioners met in the Commissioners Courtroom, Courthouse, Newport, Indiana.

President, Tim Wilson called the meeting to order and led in the Pledge to the Flag.

Roll call was taken: Present were President Tim Wilson, Harry Crossley and Kim Hawkins. Also present were Attorney Jon Spurr, and Auditor Sherrie Koma.

A motion to approve the minutes of the June 5, 2007 meeting was made by Crossley, seconded by Hawkins.

Unfinished Business

Office Policies. Wilson stated that they asked for each office to respond with a memo as to what they allow for lunch and who was the decision maker. The judge allows an hour, from 12 to 1 and as decision maker is not entitled to comp time. Ron Stateler in probation is the decision maker and is not entitled to comp time. The Auditor's office takes a one-hour lunch. Hawkins asked Koma if she had a first deputy and Koma said yes, most offices do. Wilson said the state board of accounts wants it in their policy, who the decision makers are and what is allowed for lunch. Hawkins asked what happens if we leave it to the office holders to decide what they want to do. Koma said that they state board of accounts said that if you set it for an hour and if the office holder wants to give them a half an hour then that's their decision but if there are any problems later on, they want a policy to fall back on. Hawkins said he thinks it should be up the office holder, it's their office. Koma said, if you work from 8 to 4, there is an hour you are not being paid for and that is your lunch hour. Hawkins said there are county employees that don't get an hour and he just thinks it should be up to the office holder. Wilson said they are to make policy and the office holder can make her own decision but if there is ever a problem they will fall back on the policy as a guidelines. Padish said she thinks it should be left at an hour and not use any of it for comp time so that way if they need to leave 15 minutes early, they can take 45 minutes lunch.

Koma said that is what a majority of us do. Padish said she doesn't think they should be able to earn comp time. Wilson said we could set an hour as policy for lunch but leave it up to the office holder if there is extra work to be done, she could allow them to work it. Crossley said but if you don't take the full hour you shouldn't get comp time for the ½ hour, you don't use it, you lose it. Wilson said that is up to the office holder. Padish said there is a lot of times that her girls don't get the full hour, they set at their desk and eat because they are busy, but they never count it as comp time. Wilson said the courthouse is open from 8 to 4 and they will recognize 1 hour for lunch. Crossley said, and you don't get comp time for it. Wilson said, it only applies to the courthouse, not the highway garage or the jail because they have their own policy, so it's not uniform. Hawkins said he is in favor of letting the office holders decide. Spurr said his understanding is that what they want is when they come in and look at everybody's records and try to tally it up and see where the money was spent and they look and see that this office has a ½ hour for lunch and people are getting comp time and this office over here gets an hour for lunch and nobody is getting comp time, what is the rule so we can tell whether or not the accounts balance out as far as who is getting what benefit. He said he didn't think there was concern with how long people are eating lunch as to whether they are following policy or not. Hawkins said let's allow up to an hour as policy and no comp time. Wilson said that is fine. Hawkins made a motion to allow up to an hour and no comp time and if the Office holder deems it not possible to have lunch that day because of the circumstances then that is their call, seconded by Wilson. All were in favor. Hawkins said that the Sheriff's Department and Highway would make their own policy.

Hawkins said we now how to deal with the exempt and non-exempt employee. Wilson said the office holders wrote down who their first deputy was and said they should just file that in the record. Spurr said he thought that is what they wanted, it written down somewhere, if there is a question, they can look at it. They asked Padish who her first deputy was and she said Ann is her first deputy but they all have input when it comes to making certain decisions. Hawkins asked what happens if someone works over, what do you do? Padish said they get an hour for lunch, and she doesn't allow comp time for it, if they say they need to leave a ½ hour early, then they only take a ½ hour lunch and then they leave at 3:30. Hawkins asked what happens if they work over and she said they just usually work it, she said the employee might need help some time and it will balance itself out. Koma said if her girls had an appointment, let's say on Thursday, and they have to leave at 2, then I will let them work Monday and Tuesday lunch so that can leave at 2 and just work through their lunch and that gives them 2 hours to take off. Koma said if we are busy. Hawkins said, they need to identify exempt and non-exempt. Hawkins said an office holder does not get overtime, paid money. Padish said that in her office, at election time, when they have to work extra hours, that comes out of election fund stuff but she does not pay herself overtime. Padish said office holders are salary and are not to be paid overtime. Hawkins asked about first deputies. Spurr said if the first deputy is a decision maker then they are not to get comp time, the same as a highway

superintendent. Koma said it was her understanding that no one gets over overtime but if its over 40 hours a week, I can give them comp time, that is what it says in the handbook, but up to 40 hours you get paid at your regular pay. Crossley said they have to decide who gets it and who doesn't. Koma said that if you are salary, aren't you exempt and Spurr said it depends on what your job is. He said what they are looking for is not somebody who skips lunch and goes to an appointment. What they are wanting is people that are giving unearned comp time to employees or an office holder that is taking overtime. That is what the state board of accounts is interested in finding and they want it written down incase there is ever a question. Wilson said he understands that the office holder and first deputy are decision holders and Spurr said that is the issue, it depends on that. Hawkins asked if the first deputy's pay was more and everyone agreed and he said that they shouldn't get comp time. Hawkins said at the jail, the sheriff and the matron shouldn't get it. Someone asked if this was for everyone or just the courthouse and Hawkins said he was told by the state that they needed to be the same across the board. Hawkins said, so the first deputy's will not receive either money or comp time. Spurr said what he has seen in similar cases is that some jobs are the kind of jobs where you are at work until the job is done. There are other people are just workers. Someone is the decision maker and they are setting policy for that office and they are getting paid a bigger salary, its understood. Sometimes those people have to skip lunch or work late to get the job done and that is the virtue of their higher standing in the office. Hawkins made the motion, seconded by Crossley, all were in favor.

New Business

Insurance Consultant. They had one proposal turned in from Davis & Associates and it says that the consulting fee would be \$10.00 per insured employee per month for the first year. No charge for spouse or children on that plan. Wilson said they need to take it before the council to see if they have the money to do this. It was agreed to hold a joint meeting on the 9th. Hawkins asked how many employees were on the insurance and Davis said he thought there were about 98 employees. Davis said you have to keep in mind that the commission would be at zero percent. Hawkins said there are different specks that can be given out. Wilson made a motion to table it until they meet with the council and then we can vote on it in August, seconded by Crossley.

Petition to vacate an alley, Donald Moy. Wilson asked Moy if he filed all the proper paperwork and notified all the adjacent neighbors. Moy said he did. Wilson asked if he advertised it. Moy said yes, in the Clintonian and the Cayuga paper. Wilson said the alley was between Shirkie Street and Carpenter Street in Blanford. Wilson asked if anyone was present that was against this vacation. Mike Jones said he was opposed to closing the alley because that there is access to his field behind his house. Wilson said that if someone complains or opposes then they don't close it. That has been there policy. Wilson said he did have the right to appeal their decision upstairs. Moy said that you couldn't get through the

alley; there are trees and a utility pole in the way. Hawkins asked Moy what it would benefit him by closing it, why do you want it closed? Moy said that it has never been used and the adjacent owners are claiming the whole thing as theirs, so why not close it and then he can have his half. Spurr said that if someone files a petition, you may grant the petition, you don't have to, it's up to you. If you deny the petition obviously he can appeal the denial, if you grant a petition, then there is a specific statute that details if someone doesn't like the fact that you granted it, it lists the grounds under which they can object to your granting the petition. The statute is clear; it's the commissioner's choice whether or not you close it. There was some discussion regarding the survey by Charlie Becker. Hawkins suggested tabling it until they get the county surveyor out there. Moy said he spoke with county survey and he said he wasn't certified, that is why he sent him to the Auditor's office to close the alley. Crossley said he should be able to do it. Mike Jones said its not that they want the alley left open, because it is not used, but he needs access to pool and that would be the easiest way to get to it. He said its not that he wants its open, with gravel and everything down it. Hawkins said if its closed, he would get half of it. Crossley said they never closed them before if there were people against it. Hawkins asked if there was anyway they could work it out. Wilson made a motion to deny the petition and advised them to try and work something out and possible bring it back, seconded by Crossley. Moy asked if they were going to send the county surveyor out there and Crossley said yes.

Wilson said they have a vacancy on the Sycamore Trails, at large. Rob Yoder was on it, but he has moved. Wilson advised Koma that she needed to advertise it.

Joe Beardsley said that at the last meeting they were given information to establish the "Collet Economic Development Area." The commissioners gave the final approval. Beardsley said that the redevelopment commission help a public hearing on the matter and approved it with no objections. Beardsley said the Redevelopment Commission and the Commissioners were required to approve the resolution twice. Beardsley also said that RAE had received their air permit, which is a major step leading up to the construction of the plant.

Pat Ritchey said she was asked by the council to go ahead and advertise and accept bids to hire a consultant, she talked to Spurr and wanted to let the Commissioners know what was going on.

Wilson asked if they had heard anything on their budget at all, and she said no.

Wilson said that Spence said he has a police car making some noise and he has a chance to pick one up at a pretty good price. Wilson asked what was in the budget last year and Koma said \$30,000.00. Wilson said they could get this car for less than \$20,000.00. It's a 2006 Crown Victoria. Wilson asked if they had \$19,000.00 and Koma said yes.

Raymond Columbo said each year they have to a cooperative agreement signed between the Commissioners, its just a formal letter that gives the state the authority to send over the money for the CSEPP program. There was some discussion over a new vehicle and Hawkins wondered why we were funding a new vehicle when the program is going to be phased out in the near future. Spurr asked what happens to the vehicles when it's all over and Columbo said the state will take it back and Wilson said they cant, its titled to us. Wilson made a motion to sign the agreement, seconded by Crossley. Hawkins was opposed.

Wilson said the Judge let them know that Art Lindsay has resigned from the public defenders board and he has appointed Dwayne Osborne in his place.

Wilson made a motion to adjourn, seconded by Crossley

Adjourn

Read in full and approved by the Vermillion County Commissioners on the 1st day of August 2007.

Tim Wilson

Harry Crossley

Kim Hawkins

Attest: _____
Sherrie A. Koma, Auditor