

CLARK COUNTY COUNCIL
CLARK COUNTY, INDIANA
Regular Meeting of July 11, 2011

The regular scheduled meeting of the Clark County Council was called to order at 6:00 p.m. by Council President Kevin Vissing.

Those in attendance stood for the pledge of allegiance to the American Flag.

Roll call showed members present and absent as follows:

Present	Absent
Barbara Hollis (1 st District)	
Brian Lenfert (2 nd District)	
Danny Yost (3 rd District)	
Steve Doherty (4 th District)	
Chuck Moore (At Large)	
Kevin Vissing (At Large)	
Perry Smith (At Large)	

Also present were Council Attorney Scott Lewis, County Auditor Monty Snelling and Chief Deputy Auditor Alana Sparkman.

President Vissing requested proof of Notice of Taxpayers of the additional appropriations listed on the agenda. Scott Lewis, Attorney for the Council, stated for the record that publication of Notice of Taxpayers ran in the Evening News ten (10) days prior to this meeting as required by I.C.6-1.11-18-5 and advised the council to proceed.

Councilperson Hollis made a motion to approve the minutes as presented with a second from Councilman Smith. Carried 7-0.

Amendments to the Agenda were as follows: Judge Vicki Carmichael of Superior Ct#1 had transfer of funds within the same funds and two salary ordinances. Auditor Snelling had a transfer of funds within the same fund. Councilman Lenfert wanted to discuss the pension and wanted to discuss the Sheriff's budget with Sheriff Rodden and Jill Oca, CPA. Council Attorney Scott Lewis wanted to add the resolution approving the mediation agreement of the judicial mandate cases. Councilman Lenfert also wanted to add Ordinance No. 22-2011 requiring a person to pay a property tax liability in one installment if the tax liability for a particular year is less than twenty-five dollars. A motion was made by Councilman Lenfert with a second from Councilman Moore to approve the agenda as amended. Carried 7-0.

Councilperson Hollis made a motion to acknowledge the receipt of funds report provided by the Auditor's office. Councilman Smith seconded the motion. Carried 7-0.

Committee reports: None

Public comments: Charles Endicott of 6619 Henderson Road in Marysville, IN questioned the Council on the financial issues of the County. Councilman Moore, Councilperson Hollis, and Council President, Vissing addressed his questions.

First on the agenda were Paige Sansone and Brittany Doller with Umbaugh for a presentation of the Clark County Comprehensive Financial Plan. With the presentation, they handed out booklets including a projection into 2013 and they also suggested options to bridge funding gaps.

Next was Sheriff Rodden and Jill Oca, CPA regarding the costs to operate the jail. Jill Oca stated that the projected shortfall for the remainder of 2011 is \$1.5 million. Councilman Lenfert addressed Fund#337 –County Adult Facility Usage Fund as being a fund the Council was unaware of the exact expenditures for the jail in their initial analysis to have expended by the end of the year and realizes the shortage of \$1.5 million for personal services. Sheriff Rodden stated he had enough for 4 more payrolls-2 months.

Next, Councilman Lenfert addressed wanting to initiate the process to have the employees to start paying the 3% portion of their PERF pension. After discussion with the Council Attorney Scott Lewis and the Council, Councilman Lenfert made a motion to repeal the ordinance that was established where the county picked up the entire pension contribution and resume where all county employees under all pension programs are to pay their portion of 3% and the county to pay the remaining balance and contingent on current ordinance to be effective pay period of August 8, 2011. Councilperson Hollis seconded the motion. Carried 7-0.

Next, was Council Attorney Scott Lewis regarding Resolution No. 2011-1. The resolution approving mediation dated July 6, 2011. Attorney Scott Lewis recommended the Council to sign the resolution. Councilman Lenfert made a motion to approve Resolution No. 2011-1 with a second by Councilperson Hollis. Carried 7-0.

Next, County Attorney Greg Fifer with the Clark County Commissioner's had Resolution No. 4-2011. The Resolution No. 4-2011 was the fourth amendment to the Clark County Capital Improvement plan in order to authorize the expenditure of funds from the Clark County Economic Development Income Tax ("Cedit") funds. Councilperson Hollis made a motion to table in Reassessment the \$58,000.00 for personal services, the \$241,880.00 for contract services, and the \$347,195.00 in Building Authority and approve \$400,000.00 in the Commissioner's for personal services and table the balance of \$939,925.00. Councilman Lenfert seconded the motion. Carried 7-0.

Also, County Attorney Greg Fifer had Resolution No. 2011-2. Councilperson Hollis made a motion declaring to approve Resolution No. 2011-2 declaring the maximum levy reduction effected in 2007 to be the product of mathematical or data errors with the following changes from the original in the 3rd paragraph, changing the \$7.2 million to \$3.2 million and rewording on second page #1-“This Council adopts the findings and analysis of the Financial Plan dated July 11, 2011, prepared by Umbaugh as accurately representing the current financial condition of the County, and as a guide for future planning.” Councilman Moore seconded the motion. Carried 7-0.

Next, Judge Vicki Carmichael with Superior Ct. 1 withdrew her request for an additional appropriation from Riverboat for services and charges using her new budget amount from the mediation agreement. Also, Judge Carmichael on behalf of all four courts requested an additional appropriation in the Jury Fee Fund of \$20,000 for services and charges. Councilman Moore made a motion to approve the additional appropriation with a second from Councilman Smith. Carried 7-0. Also, Judge Carmichael had a salary ordinance to change name of the CASA Program Co-Director to Shay Grahn and adding a Co-Program Director of Dennis Royse for \$30,000.00. Councilman Moore made a motion to approve the salary ordinance with a second from Councilman Smith. Carried 7-0. Judge Carmichael also had amendments to the agenda which were transfer of funds of \$2,200 from Computer Software to Personal Services in Fund 362, \$2,200 from Equipment to Personal Services in Fund 362, \$2,200 from Computer Software to Personal Services in Fund 235 and two more salary ordinances changing Probation Officer from Fund 362 to Fund 222 for \$15,633.00 and changing another Probation officer from Fund 222 to Fund 223 for \$8,497.00. Councilman Lenfert made a motion to approve all of the amendments for Judge Carmichael of transfer of funds and salary ordinances with a second from Councilman Smith. Carried 7-0.

Next, no one was present for the Clark County Soil & Water Conservation District and a motion was made by Councilman Smith to table additional appropriation requests from Cedit, Riverboat, Rainy Day, and County General with a second from Councilman Lenfert. Carried 7-0.

Next, Councilman Lenfert represented Executive Director of Planning & Zoning, Ramona Bagshaw for an additional appropriation in Planning and Zoning Fees Fund in Personal Services and Salary Ordinances for Phillip Vogt for \$14,158.00, Ramona Bagshaw for \$1,837.75, and Anthony Simones for \$1,637.50. Councilman Moore approved the request for additional appropriations and all salary ordinances with a second from Councilman Lenfert. Carried 7-0.

Next, was a Transfer of Funds for Superior Ct. 2 Probation with a transfer of funds of \$3,291.43 from Transfer of Funds to Personal Services. Councilman Moore approved the transfer with a second from Councilman Smith. Carried 7-0.

Next, was Transfer of Funds for County Highway of \$128.00 from Supplies to Machine Rental and the other Transfer of Funds of \$25.05 from Services and Charges to Medical Supplies. Councilman Lenfert made a motion to approve the Transfer of Funds with a second from Councilman Moore. Carried 7-0.

Next, were two salary ordinances that were approved from Cum-Cap at previous meeting for Assessor's office for Carrie Knight for \$13,839.08 and Darlene Goodman for \$1,160.92. Councilman Lenfert made a motion to approve both salary ordinances with a second from Councilman Smith. Carried 7-0.

Next, were requests for additional appropriations for Prosecutor's Infraction Fee Fund for \$28,000.00 and \$13,595.00 in Personal Services and a salary ordinance for the Prosecutor's Infraction Fee Fund for William Grimes of \$13,595.00. A motion was made by Councilman Moore to approve the additional appropriations and salary ordinance with a second from Councilman Smith. Carried 7-0.

Auditor Snelling was next on the agenda with two Transfer of Funds. The first was \$1,694.00 from Supplies to Equipment and the second was \$24,480.00 from Personal Services to Contract Services. Also, salary ordinances changing from Category 3 to Category 2 for Christie Alexander for \$28,000.00, Vickie Burns for \$28,600.00, and Linda Basham for \$28,800.00. Also, salary ordinances changing Alana Sparkman to \$33,250.00 and Heather Metcalf to \$32,000. A motion was made to approve both Transfer of Funds from Councilman Moore with a second from Councilman Smith. Carried 7-0. A motion was made by Councilman Moore to approve all of the salary ordinances with a second by Councilman Yost. Carried 5-1-1. (Councilperson Hollis abstained and Councilman Smith was against)

Next, were the tabled items from previous meetings, Councilman Lenfert represented the Prosecutor Federal Forfeiture Fund for additional appropriations in Personal Services, Supplies, and Equipment, a salary ordinance of a Category 3. Also, there was a request of a transfer of funds from Supplies to Equipment for \$139.98. A motion was made by Councilman Lenfert to approve and seconded my Councilman Moore. Carried 7-0.

Next, Judge Vicki Carmichael had previously in the meeting withdrawn the additional appropriation for supplies of \$260.65 from Rainy Day and \$10,500 from Riverboat for Other Services.

Next, Auditor Snelling, officially withdrew his request for the additional appropriation out of Riverboat and Rainy Day for Contract Services for \$4,341.00.

Next, Councilman Lenfert tabled the Treasurer, David Reinhardt's additional appropriations for printing, at his request, for \$9,500.00 from County General, Riverboat, and Rainy Day with a second from Councilman Yost. Carried 7-0.

Next, Clark County Attorney Greg Fifer was not in attendance representing the Board of Commissioners for County Extension, Weights & Measures, Cemetery, Commissioners, and Soil & Water with an additional appropriation request out of County General, Riverboat, or Rainy Day to reinstate all of the Commissioners approved budget and approved budgets of each fund that is not headed by an elected official. A motion was made by Councilman Lenfert to deny County Extension, Weights & Measures, Cemetery, and Soil & Water and to table the Commissioners from County General, Riverboat, and Rainy Day. Councilman Doherty seconded the motion. Carried 7-0.

Next, Cooperative Extension Service had requested to be tabled for additional appropriation from Cedit. Councilman Lenfert made a motion to table the additional appropriation and was seconded by Councilman Smith. Carried 7-0.

Next, Lyda Abell with Juvenile Detention, was not in attendance for the additional appropriations from Riverboat and LOIT-County General. Councilman Smith made a motion to table and Councilman Moore seconded the motion. Carried 7-0.

Next, Councilman Lenfert addressed Ordinance No. 2011-22 Requiring a Person to Pay a Property Tax Liability in One (1) Installment if the Tax Liability for a Particular Year is Less than Twenty-Five dollars (\$25). Councilman Lenfert made a motion to pass the Ordinance 22-2011 with a second from Councilman Moore. Carried 7-0.

Next, regarding Budget Hearing Dates: Councilman Yost made a motion to have the Budget Hearing Dates on August 15th and August 16th from 2:00-8:00 p.m., the Public Hearing for the 2012 County Budget and the Council's non-binding review recommendations at the September 12th Council meeting at 6:00 p.m. and the Adoption of the 2012 County Budget and the Council's adoption of all special units 2012 budgets at the October 10th Council meeting at 6:00 p.m. with a second by Councilman Doherty. Carried 7-0.

No old business discussed.

No new business discussed.

Reports & Comments: Councilperson Hollis wanted to mention that the Clark Memorial Hospital meeting was very informational and if anyone needs a copy to let her know.

Auditor comments: Auditor Snelling mentioned he sent out a letter that the Auditor's office would send out 75% to the municipalities regarding the Interlocal agreement with LOIT-Public Safety until there is an agreement to pay the rest.

Councilman Smith made a motion to adjourn the meeting with a second from Councilman Moore. Carried 7-0.

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
ADDITIONAL APPROPRIATIONS
FOR THOSE FUNDS REQUIRING APPROVAL OF THE
DEPARTMENT OF LOCAL GOVERNMENT FINANCE
ORDINANCE N0.23 -2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exist.

	Requested	Allowed	Vote
<u>County General</u>			
Clark County Soil & Water Cons. Dist.			
100-11107-048 Personal Services	16,860.00	Tabled	7-0
Treasurer			
100-30041-003 Printing	9,500.00	Tabled	7-0
County Extension	34,734.00	Denied	7-0
Weights & Measures	7,500.00	Denied	7-0
Cemetery	436.00	Denied	7-0
Commissioners	3,505,985.00	Tabled	7-0
Soil & Water	42,078.00	Denied	7-0

AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
 ADDITIONAL APPROPRIATIONS
 FOR THOSE FUNDS WHICH DO NOT REQUIRE APPROVAL OF THE
 DEPARTMENT OF LOCAL GOVERNMENT FINANCE
 ORDINANCE NO.24 -2011

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana that for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exist.

	Requested	Allowed	Vote
<u>Cedit</u>			
Reassessment			
412-11107-009 Personal Services	58,000.00	Tabled	7-0
412-30051-009 Contract Services	241,880.00	Tabled	7-0
Building Authority			
412-30051-138 Contract Services	347,195.00	Tabled	7-0
Commissioners			
412-11107-030 Personal Services	1,339,925.00	400,000.00/ Tabled \$939,925.00	7-0
Clark County Soil & Water Cons. Dist.			
412-11107-048 Personal Services	16,860.00	Tabled	7-0
Cooperative Extension Service			
412-30013-023 Travel	3,585.00	Tabled	7-0
412-30014-023 Telephone	6,000.00	Tabled	7-0
412-30046-023 Utilities	5,637.00	Tabled	7-0
412-30054-023 Equipment Repair	3,033.00	Tabled	7-0

Riverboat

Superior Ct. #1

321-30098-037 Services & Charges 10,000.00 WITHDRAWN 7-0

Clark County Soil & Water Cons. Dist.

321-11107-048 Personal Services 16,860.00 Tabled 7-0

Superior Ct. #1

321-30098-037 10,500.00 WITHDRAWN 7-0

Auditor

321-30051-002 Contract Services 4,341.00 WITHDRAWN 7-0

Treasurer

321-30041-003 Printing 9,500.00 Tabled 7-0

County Extension

34,734.00 Denied 7-0

Weights & Measures

7,500.00 Denied 7-0

Cemetery

436.00 Denied 7-0

Commissioners

3,505,985.00 Tabled 7-0

Soil & Water

42,078.00 Denied 7-0

Juvenile Detention

321-11107-041 Personal Services 90,000.00 Tabled 7-0

LOIT-County General

Juvenile Detention

418-11107-041 Personal Services 90,000.00 Tabled 7-0

Rainy Day

Clark County Soil & Water Cons. Dist.

269-11107-048 Personal Services 16,860.00 Tabled 7-0

Superior Ct. #1

269-20060-043 260.65 WITHDRAWN 7-0

Auditor

269-30051-002 Contract Services 4,341.00 WITHDRAWN 7-0

Treasurer

269-30041-003 Printing 9,500.00 Tabled 7-0

County Extension

34,734.00 Denied 7-0

Weights & Measures

7,500.00 Denied 7-0

Cemetery

436.00 Denied 7-0

Commissioners

3,505,985.00 Tabled 7-0

Soil & Water

42,078.00 Denied 7-0

Jury Fee Fund

All Courts

330-30098-302 Services & Charges 20,000.00 20,000.00 7-0

Planning & Zoning Fees Fund

Clark County Planning & Zoning

323-11107-024 Personal Services 17,633.25 17,633.25 7-0

Prosecutor's Infraction Fee Fund

307-11107-256 Personal Services 28,000.00 28,000.00 7-0

307-11107-256 Personal Services 13,595.00 13,595.00 7-0

Prosecutor Federal Forfeiture Fund

331-11107-008 Personal Services 56,032.00 56,032.00 7-0

331-20060-008 Supplies 23,968.00 23,968.00 7-0

331-40014-008 Equipment 20,000.00 20,000.00 7-0

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
TRANSFER OF APPROPRIATIONS
ORDINANCE NO.25 -2011**

	Requested	Allowed	Vote
Superior Ct. #2 Probation User Fee			
From: 363-60106-089 Transfer of Funds			
To: 363-11107-089 Personal Services	3,291.43	3,291.43	7-0
County Highway			
From: 201-20060-063 Supplies			
To: 201-30023-063 Machine Rental	128.00	128.00	7-0
From: 201-30098-061 Services & Charges			
To: 201-20035-061 Medical Supplies	25.05	25.05	7-0
Superior Ct. #1 Probation User Fee			
From: 362-40010-081 Computer Software			
To: 362-11107-081 Personal Services	2,220.00	2,200.00	7-0
From: 362-40014-081 Equipment			
To: 362-11107-081 Personal	2,200.00	2,200.00	7-0
From: 235-40010-098 Computer Software			
To: 235-11107-098 Personal Services	2,200.00	2,200.00	7-0

County Highway

From: 201-20060-063 Supplies

To: 201-30023-063 Machine Rental 128.00 128.00 7-0

From: 201-30098-061 Services & Charges

To: 201-20035-061 Medical Supplies 25.05 25.05 7-0

Auditor

From: 100-20060-002 Supplies

To: 100-40014-002 Equipment 1,694.00 1,694.00 7-0

From: 100-11107-002 Personal Services

To: 100-30051-002 Contract Services 24,480.00 24,480.00 7-0

Prosecutor Federal Forfeiture Fund

From: 100-20060-008 Supplies

To: 100-40014-008 Equipment 139.98 139.98 7-0

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
SALARY AND WAGES TO BE PAID TO OFFICERS AND EMPLOYEES
FOR CALENDER YEAR 2011
AMENDMENT NO. 7**

	Requested	Allowed	Vote
Superior Ct #1 Probation User Fund			
Probation Officer-Rupert Strawbridge	15,633.00	15,633.00	7-0
Effective 07/04/11			
SJPSF Superior Ct#1			
Probation Officer-Henry Ford			
Effective 07/04/11	8,497.00	8,497.00	7-0
CASA			
Dennis Royse-Program Co-Director	30,000.00	30,000.00	7-0
Shay Grahn-Program Co-Director	30,000.00	30,000.00	7-0
Planning & Zoning Fees Fund			
Phillip Vogt	14,158.00	14,158.00	7-0
Ramona Bagshaw	1,837.75	1,837.75	7-0
Anthony Simones	1,637.50	1,637.50	7-0
Assessor-Cum Cap			
Carrie Knight	13,839.08	13,839.08	7-0
Effective 05/23/11			
Darlene Goodman	1,160.92	1,160.92	7-0
Effective 05/23/11			

Assessor-County General

Darlene Goodman replaces George Hoffa 18,574.72 18,574.72 N/A

Prosecutor's Infraction Fee Fund

William C Grimes-Category 5 13,595.00 13,595.00 7-0
Effective 06/20/11

Prosecutor Federal Forfeiture Fund

Category 3 (Vacant) 26,000.00 26,000.00 7-0

Auditor-County General

Christie Alexander-Category 3 to Category 2 28,000.00 28,000.00 5-1-1

Vickie Burns-Category 3 to Category 2 28,600.00 28,600.00 5-1-1

Linda Basham-Category 3 to Category 2 28,800.00 28,800.00 5-1-1

Alana Sparkman-Chief Deputy Auditor 33,250.00 33,250.00 5-1-1

Heather Metcalf-1st Deputy Auditor 32,000.00 32,000.00 5-1-1

Effective 08/13/11

Superior Ct #3 Probation

Janet Hurst-Secretary to replace Judy Bussey 34,285.00 34,285.00 N/A

Effective 07/04/11

Clark County Juvenile Detention Center

Brent Bennett-Child Care Worker 27,012.00 27,012.00 N/A

to replace Chasity Levisque-Effective 07/04/11

Clark County Community Corrections

Lindi D. Hughbanks 28,500.00 28,500.00 N/A

to replace Angela McKinstry-Effective 05/23/11

Members of the Clark County Council

AYES

NAYS

Ray Smith
[Signature]
Barbara Helles
Kevin Vasing
[Signature]
[Signature]
[Signature]

Attest: R. Monty Snelling

R. Monty Snelling - Clark County Auditor

Approved this 8 day of August, 2011

BY THE COUNTY COUNCIL
FOR CLARK COUNTY, INDIANA

ORDINANCE NO. 2011- 22

**An Ordinance Requiring a Person to Pay a Property Tax Liability in One (1) Installment if
the Tax Liability for a Particular Year is Less than Twenty-Five Dollars (\$25)**

WHEREAS, the County Council ("Council") is the fiscal body of Clark County, Indiana ("County"); and

WHEREAS, Indiana Code 6-1.1-22-9 © provides that: "A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8.1 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year."

WHEREAS, the Council has determined that it is in the best interests of the County in consideration of billing costs and efficiencies that property tax liabilities less than twenty-five dollars (\$25) for a particular year should be paid in one (1) installment due on May 10 of that year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARK COUNTY, INDIANA THAT:

Section 1. That pursuant to I.C. 6-1.1-22-9 ©, a person is hereby required to pay the person's property tax liability in one (1) installment, due on May 10 of that year, if the tax liability for a particular year is less than twenty-five dollars (\$25).

Section 2. That this Ordinance shall be effective upon adoption and shall apply for property tax liabilities due and payable in calendar year 2012.

Adopted by the County Council of Clark County, Indiana, this 11th day of July, 2011.

COUNTY COUNCIL OF CLARK
COUNTY, INDIANA

Kevin Vissing

[Signature]

Barbara Hollis

Darryl L. Smith

[Signature]

Steve Roberts

[Signature]

Attest:

R. Monte Lucey
Clark County Auditor

BY THE COUNTY COUNCIL
FOR CLARK COUNTY, INDIANA

RESOLUTION NO. 2011- /

**A RESOLUTION APPROVING
MEDIATION AGREEMENT DATED JULY 6, 2011**

WHEREAS, the County Council is a party to mandate actions filed by the Clark Superior Courts No. 1, No. 2, No. 3 and the Clark Circuit Court, under Case No. 10D01-1105-CB-4180, 10D02-1105-CB-4181, 10D03-1105-CB-4182 and 10C01-1104-PL-040; and

WHEREAS, the parties to such action were ordered to attend mediation; and

WHEREAS, duly authorized representatives of the Council attended mediation on July 6, 2011; and

WHEREAS, a Mediation Settlement Agreement was reached subject to approval by the Council at a public meeting in accordance with Indiana law; and

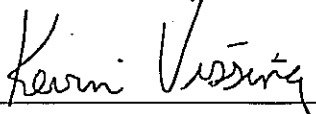
WHEREAS, a copy of such Mediation Settlement Agreement is attached herewith and made a part hereof as marked Exhibit A; and

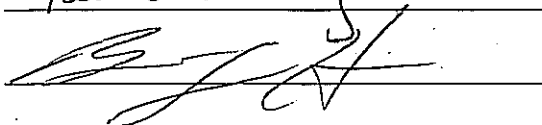
WHEREAS, the Council desires to settle the said mandate actions pursuant to the terms and conditions set forth in the attached Mediation Agreement; and

WHEREAS, it is in the best interests of the citizens of Clark County to avoid further litigation in this matter thereby saving the taxpayers unnecessary attorney fees and litigation expenses;

NOW, THEREFORE, BE IT RESOLVED by the County Council that the terms and conditions of the Mediation Agreement, attached hereto as Exhibit A, are hereby approved and the President shall be, and is hereby, authorized to execute an Agreed Order/Judgment in this matter.

Executed and approved by the Members of the County Council whose signatures appear below on this 11th day of July, 2011.





Barbara Bellis

Perry J. Smith

C. M.

Steve Warkentin

Don F. Y.

ATTEST:

R. Monte Kelly
Clark County Auditor

IN THE SUPERIOR COURTS OF CLARK COUNTY
STATE OF INDIANA

IN RE THE MATTER OF ORDERS
FOR MANDATE OF FUNDS BY THE
THREE SUPERIOR COURTS OF CLARK
COUNTY, INDIANA

IN THE MATTER OF COUNTY COUNCIL CAUSE NOS. 10D01-1105-CB-4180
CUTS FROM THE 2011 BUDGETS 10D02-1105-CB-4181
OF THE CLARK SUPERIOR COURTS 10D03-1105-CB-4182

IN RE THE MATTER OF AN ORDER
FOR MANDATE OF FUNDS CASE NO. 10C01-1104-PL-040

MEDIATION AGREEMENT

This agreement is by and between the Clark County Council ("Council"), and Clark Superior Courts #1, #2, #3 and the Clark Circuit Court (the "Courts").

The parties by themselves and by their counsel now agree to the following agreement to settle all issues with respect to the pending mandate actions captioned above in said courts.

It is therefore agreed:


1. That the Council shall approve for the 2011 Budgets of the courts and its Probation Departments the amounts approved by the Council during its budget sessions for year 2011, and the sum of \$200,000.00, said approval to occur within five (5) days.
2. Each of the individual Courts shall submit adjustments to their individual 2011 budgets to the County Auditor within thirty (30) days from the date of the County Council's public approval of this agreement without the need for further hearing or action by the Council with respect to this matter.
3. The Courts shall pay its own attorney fees incurred from these mandate actions from the Courts' budgets approved herein.
4. Any 2011 salary changes for court employees must be submitted by the judges of all four Courts and upon doing so the Council shall approve said salary changes.

5. For any additional appropriations to be considered by the Council for amounts over and above the 2011 budgets of the Courts, said additional appropriations must be submitted and approved by all four (4) judges of the Courts

6. The Council shall approve this agreement in an open public meeting within five (5) days after execution, and shall immediately proceed to implement it with the appropriate financing, to also include financing of the existing agreed order resulting from Superior Court No. 2's 2010 mandate action.

Dated this 6th day of July, 2011.

CLARK COUNTY COUNCIL:



Kevin Vissing, President

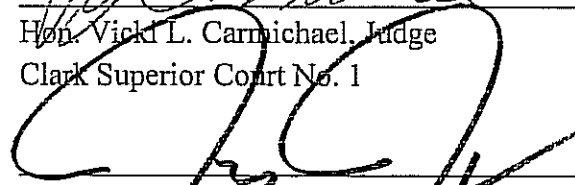
CLARK COUNTY COURTS:



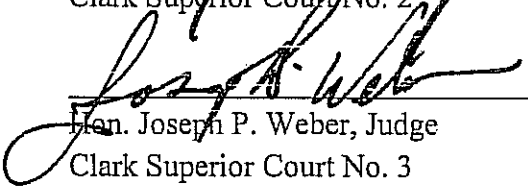
Hon. Daniel E. Moore, Judge
Clark Circuit Court



Hon. Vicki L. Carmichael, Judge
Clark Superior Court No. 1

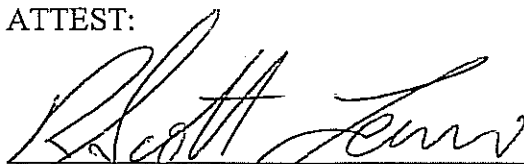


Hon. Jerome F. Jacobi, Judge
Clark Superior Court No. 2

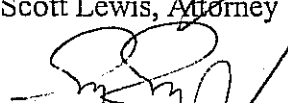


Hon. Joseph P. Weber, Judge
Clark Superior Court No. 3

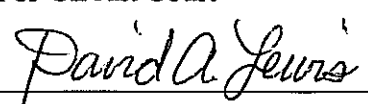
ATTEST:



R. Scott Lewis, Attorney for County Council



Michael M. Maschmeyer, Attorney
For Circuit Court



David A. Lewis, Attorney for Superior Courts

STATE OF INDIANA

BEFORE THE CLARK COUNTY COUNCIL

RESOLUTION NO. 2 -2011

**A RESOLUTION DECLARING THE MAXIMUM
LEVY REDUCTION EFFECTED IN 2007 TO BE THE
PRODUCT OF MATHEMATICAL OR DATA ERRORS**

WHEREAS, on July 11, 2011, this Council received a *Comprehensive Financial Plan* (the "Financial Plan") prepared by H. J. Umbaugh & Associates Certified Public Accountants, LLP ("Umbaugh"), analyzing and detailing the dire financial condition presently faced by Clark County; and,

WHEREAS, in 2007 this Council reduced the County's maximum property tax levy by the sum of \$2,754,548 in effort to lower County property taxes for budget year 2008; and,

WHEREAS, the Financial Plan analysis (see pages 3-4 and 3-5 in particular) confirms earlier calculations prepared by Dan Eggermann of Governmental Consulting Services, LLC, utilized in this Council's maximum levy appeal to the Department of Local Government Finance ("DLGF") due to mathematical or data error made by this Council in effecting the maximum levy reduction pursuant to the provisions of Ind. Code § 6-1.1-18.5-14, which calculations conclusively demonstrate that Clark County has lost over \$5.6 million in property taxes through 2010, and that such losses will total more than \$7.2 million through 2011 as the result of the maximum levy formula; and,

WHEREAS, the maximum levy reduction, while perhaps well intentioned at the time, has nevertheless created a permanent structural deficit in the Clark County budget that threatens to prevent this Council as the fiscal body of Clark County government from fulfilling its duty to provide sufficient budgets and appropriations as necessary to fund essential governmental services and functions; and,

WHEREAS, a DLGF memorandum issued on May 16, 2011, describes the effect of the Indiana Legislature's adoption of House Enrolled Act 1288-2011 and House Enrolled Act 1004-2011 regarding changes to a unit's maximum levy calculation in pertinent part as follows: "Civil taxing units ... that do not levy the full max levy will be treated the same in the following year as any of those that do seek the max levy. Further, political subdivisions may reduce property tax levies for a year without decreasing their long-term revenue capacity..."; and,

WHEREAS, the budgetary relief that would undoubtedly result were this Council to utilize the legislative changes in the maximum levy calculation referenced above was not made available to units such as Clark County that had reduced their maximum levy prior to the effective date of the legislation; and,

WHEREAS, Merriam-Webster Dictionary defines the term "error" in pertinent part as "an act or condition of ignorant or imprudent deviation from a code of behavior" or "something produced by mistake", and the term "data" as "factual information (as measurements or statistics) used as a basis for reasoning, discussion, or calculation"; and,

WHEREAS, this Council now adopts this Resolution for purposes of expressing its collective sentiment as the fiscal body of Clark County government with respect to the wisdom and effect of the maximum levy reduction effected by this Council in 2007, effective in 2008 and subsequently.

NOW, THEREFORE, BE IT RESOLVED BY THIS CLARK COUNTY COUNCIL as follows:

1. This Council hereby acknowledges the findings and analysis of the Financial Plan dated July 11, 2011, prepared by Umbaugh as accurately representing the current financial condition of the County, and as a guide for future planning.

2. As demonstrated by the Financial Plan, the direct and proximate result of the above-described maximum levy reduction effected by this Council in 2007, effective in 2008 and subsequently, imminently threatens to prevent this Council, as the fiscal body of Clark County government, from fulfilling its legal duty to provide sufficient budgets and appropriations as necessary to fund essential governmental services and functions. As such, this maximum levy reduction was clearly the product of mathematical or data error(s) made by this Council, as any short-term benefit from property tax reductions is far outweighed by the damage that will be undoubtedly result to public health, safety, and welfare from the Draconian budget cuts now necessitated by this Council's prior imprudent and mistaken deviation from generally accepted budgeting procedures and standards.

3. In order to minimize the financial burden that may result to County tax payers in the event of a favorable ruling in the County's pending Tax Court review of the DLGF's denial of its maximum levy appeal, the Council expressly conditions its approval of this Resolution on a reduction in the amount subject to recovery for the period of 2008 through 2011 pursuant to such appeal and judicial review thereof to \$3,200,000.00. Notwithstanding such reduction, however, this Council fully supports readjustment of the County's maximum levy to the fullest extent that would have been permissible had the levy reduction in 2007, effective in 2008, not been effected.

WHEREFORE, on this 11 day of July, 2011, this Resolution was duly promulgated, passed, and adopted by this Clark County Council.

CLARK COUNTY COUNCIL

By: Kevin Vissing
Kevin Vissing, President

ATTEST:

R. Monty Sneking
R. Monty Sneking, Clark County Auditor