

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Hearing Room One, Boone County Courthouse

PRESENT WERE: Presiding Commissioner Don Stamper at 1:49 p.m.
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Auditor June Pitchford
Assistant Prosecuting Attorney John Patton

The budget work session was called to order at 1:45 p.m.

SUBJECT: Budget Work Session

Ms. Pitchford stated she and Mr. Patton met with Director of Court Services Bob Perry and Assistant Director Mary Beth King.

Mr. Patton stated he communicated the concerns expressed by the Commission at the last work session, proposing elimination of all requested positions other than the attorney and proposing the starting salary be lowered to the base of range 26, or approximately \$28,000. Mr. Perry counter proposed withdrawing requests for the food service worker, additional program hours at the Juvenile Justice Center and the deputy clerk and agreed to lower the starting salary of the attorney. However, they want the security officer. They advise the cost sharing arrangement with Callaway County is no different than other cost sharing arrangements with Callaway County.

Ms. Pitchford stated Mr. Perry indicated Callaway County is billed when an existing court security officer is from time to time assigned to the Callaway County Courthouse.

Mr. Patton stated Callaway County would be billed for an officer rather than the aide requested.

Ms. Pitchford clarified an aide would be added, but an officer would be provided.

Mr. Patton stated Mr. Perry also offered to defer \$15,000 of equipment requests for at least one year. The Court's position on the requested deputy clerk is they are willing to accept the position, but will not be bound by a directive on how the clerk is used. Mr. Patton stated the Commission can accept, reject or make a counter proposal to the Court's budget. If the Commission rejects the budget, he will need their reasons for doing so.

Commissioner Stamper arrived at the meeting and Mr. Patton reviewed his statement.

Ms. Pitchford clarified, on the spreadsheet she prepared, where the revised supplemental request is shown as a percentage of the amount available for all supplemental requests, she did not separate one time expenditures from ongoing core expenses. The percentage would be lower for the core budget. Also, she did not reduce the salary of the requested attorney to the base of range 26. The amount should be about \$5,000 lower.

Mr. Patton stated as explanation for requesting the additional security aide, they stated they can cover about 80 percent of the courtrooms. They want to increase it to the 98 percent coverage level they once had. They calculate the 25 hours per week requested would accomplish that.

In response to a question from Commissioner Miller, Mr. Patton replied he does not know if adding the aide will relieve the Circuit Clerk from having to provide her staff to serve as bailiffs.

In response to a question from Commissioner Stamper, Mr. Patton replied Mr. Perry indicated one full time bailiff in Callaway County is funded through the Court budget. Mr. Perry said they have been unable to find someone who possesses the statutory training requirements to work part-time. The Callaway County Sheriff is not willing to allocate a deputy to serve as bailiff without the payment of overtime.

Commissioner Stamper stated the Sheriff does not have a choice.

Mr. Patton replied he is not aware of the budgetary politics in Callaway County.

Commissioner Stamper stated Boone County is being asked to participate in a program which has the potential to grow. He wants to know more about their future plans. He questions the logic of sending security officers to Callaway County when their standard of practice for court security is different than it is here. Is Boone County bound to provide a certain percentage of funding every time Callaway County is willing to provide a percentage?

Ms. Pitchford stated when service is provided to Callaway County, a current security officer--who lives in Callaway County--would report there first.

In response to a question from Commissioner Vogt, Ms. Pitchford confirmed the County would reimburse an employee for mileage if they commuted to Callaway County.

In response to a question from Commissioner Miller, Ms. Pitchford replied when asked whether the aide can be funded from the family court budget, Mr. Perry confirmed there is not enough money. They will do well to have enough for four years of the Family Court Commissioner's salary.

In response to a question from Commissioner Stamper asked Mr. Patton replied the future cost of the family court was not discussed. He did communicate the Commission's disappointment in budgetary requests relating to the family court in light of statements that it would have no impact.

Ms. Pitchford stated the precedent of cost sharing is firmly established. For years, expenses have been budgeted by Boone County with Callaway County providing reimbursement on a per diem basis for the Juvenile Justice Center and through the use of a formula for other shared costs.

Commissioner Stamper commented the Juvenile Justice Center and Juvenile Office programs are described by statute. Court security and court administration are not.

Mr. Patton replied ultimately the decision by the State Supreme Court on the issue of whether the Court has jurisdiction to place such items in its budget would turn on how broadly or narrowly they want to construe the judicial article.

Commissioner Stamper reiterated his belief that the proposed court security structure is bad.

Mr. Patton stated the Auditor can require documentation of time spent for auditing purposes.

Commissioner Vogt asked is documentation of court security service provided to Callaway County in the past available?

Mr. Patton replied they can ask.

Ms. Pitchford stated she does not see requests for reimbursement or remittance submitted to the Treasurer's office. She does see amounts being placed in the "Reimbursement from Callaway County" line item. The reimbursement could be for a number of things. They are spelled out in the budget narrative provided by the Courts.

Commissioner Stamper requested additional information be obtained from the Courts on the history of Boone County providing court security to Callaway County. He will talk with one of the Callaway County Commissioners to determine their understanding of this issue. One of the reasons they cannot provide 100 percent coverage here may be because coverage is being provided to Callaway County.

Ms. Pitchford stated at one point, Mr. Perry adamantly responded it is not the Commission's business to be concerned with how the Court administers the 13th Judicial Circuit.

Commissioner Stamper replied he is requesting information on what he perceives to be a new program. If it is not new, Mr. Perry has a responsibility to provide historical documentation.

Mr. Patton commented there is nothing to prohibit the Commission from obtaining available records. He has the impression that coverage is provided to Callaway County on an as needed basis. Mr. Patton stated the issue needs to be brought to a conclusion. Requests for review by the Judicial Finance Commission are to be filed thirty days before adoption of the budget.

Commissioner Vogt stated her other question is can information be provided on how many hours the Circuit Clerk serves as a bailiff.

Mr. Patton stated Mr. Perry's explanation for withdrawing the request for the deputy clerk was that according to State standards, the office is short thirteen positions and one position, more or less, will not help.

Commissioner Miller stated yet the Court is a few hours short on court security and that is their first priority.

Mr. Patton stated that is because there is something they can do about that. They cannot mandate the State Courts Administrator to fund the thirteen positions when there are over a hundred counties who have the same problem.

Ms. Pitchford stated the Treasurer approached her several months ago about the need for court security when administrative offices move to the new building.

Commissioner Stamper stated Ms. Pitchford suggested approving this request could be taken as an opportunity to negotiate having someone open and close the administrative building and escort those handling money to the bank. He would like to have a better perception of their proposed arrangement before that is negotiated.

The Commission turned to the Public Works Department budget. Director Stan Elmore was present.

Ms. Pitchford stated she performed computations on the amount requested for training. The total amount in the general revenue fund training class, compared to the amount budgeted for salaries and wages is two percent. The same calculation for the Public Works Department also amounts to two percent.

The Commission agreed the training should be provided. The Commission found the maintenance operations and other budgets acceptable as presented.

In response to a question from Commissioner Stamper, Ms. Pitchford replied she believes the sales tax for roads approved by voters in 1993 should generate \$1 million to \$2 million more over the five year period than the amount projected by the County Commission during the campaign.

Commissioner Stamper stated the issues of converting from sales tax to property tax at the end of the five year period and how additional revenue should be allocated need to be discussed.

Commissioner Vogt stated she would like the Department to evaluate the issues and present a recommendation.

Commissioner Stamper stated the budget strategy presented spends twenty percent more than the anticipated level of revenue. No growth is planned for the fund balance. Part of it is being spent.

In response to a question from Commissioner Miller, Ms. Pitchford replied seven payments, or \$359,000, are budgeted in 1995 for the Oakland Gravel Road/Highway 63 interchange construction.

Commissioner Miller stated that amount will not be in the budget next year.

The Commission discussed scenarios regarding renewal or non-renewal of the sales tax in 1998.

Mr. Elmore stated he would like to place the issue before the voters in April, 1998. Mr. Abart advises if \$500,000 is placed in a fund each year, the Department would have enough money in 1999 to fund maintenance operations at eighty percent of their current level. Mr. Elmore stated he would prefer not to do that--to instead spend all the money, bite the bullet in 1998 and try to have the sales tax extended. He recommends setting aside \$500,000 in a sinking fund with the provision that in 1996 they reevaluate whether setting the funds aside is hindering the program.

Commissioner Stamper stated the Commission prepared a five year, \$32 million program, stating a certain scope of work would be accomplished with the funding. The Commission indicated overages would be used for shortfalls in the planned program and for additional projects like the highway interchange. The current method of budgeting will not allow additional projects because the budget is based on the maximum sales tax to be received next year.

Ms. Pitchford stated the estimate is actually conservative.

Commissioner Stamper stated he calculates it to be \$700,000 more than expected. At some point, the Road and Bridge Department needs to receive the same guidelines as other County departments--where there is a core and supplemental budget with planned growth.

Ms. Pitchford stated that can be done and added, the project cost estimates included in the budget by the Department exceed the estimates in the proposal presented during the campaign. The budget narrative submitted by the Department itemizes the cost of the projects budgeted for 1995.

Commissioner Stamper stated the same directive regarding a core/supplemental budget approach should have been given to the Department in July. He hopes that directive will be given for 1996.

Ms. Pitchford stated she advised the Commission and the Department of her approach. She is not opposed to Commissioner Stamper's suggestion.

The Commission did not make a decision about how to handle conversion back to property tax funding upon expiration of the sales tax, but agreed to continue discussion of the matter in 1995.

Ms. Pitchford stated the budget includes \$200,000 for grants to Boone County municipalities. Who will administer the program in 1995? She and the Department agree it would be wise to establish a separate account for the grant funds.

The Commission agreed.

Commissioner Vogt stated the Department should solicit and review all grant requests and handle all associated paperwork. The Commission should decide who receives funding.

Ms. Pitchford stated there is also a need to monitor the projects and funding.

The Commission agreed the Department should do that.

Ms. Pitchford stated the Department turned in an additional supplemental budget request. It is a request to replace a Maintenance Worker II with a Maintenance Worker IV, and replace two Maintenance Worker I positions with two Maintenance Worker II positions.

In response to a question from Commissioner Stamper, Mr. Elmore stated the employees work at the requested levels quite a bit of the time and will continue to in 1995. According to the current contract, if they work at that level for more than two weeks, their pay is raised to the new level.

Commissioner Vogt stated this request was made months ago when there was not a memorandum of understanding.

In response to a question from Commissioner Stamper, Ms. Pitchford outlined the number of workers in each category.

Mr. Elmore stated they would like to transition to a skills based operation.

Commissioner Stamper asked why not wait until that transition is made? The workers are being compensated for the higher level of work.

Commissioner Vogt and Commissioner Miller did not disagree.

Commissioner Vogt stated positions in the Public Works Department have never been evaluated in relation to salary ranges. Should they be included in the Human Resource Director's review?

Commissioner Stamper stated there may be a need to include the management staff, but the skills based strategy should take care of the workers.

Mr. Elmore stated he wants to promote the individuals.

Ms. Pitchford stated the request from the Department outlined a cost of \$8,300. The question is what level of employee is required to perform the required work.

Commissioner Stamper stated in the past Mr. Elmore requested laborers and is now requesting the reverse.

Mr. Elmore commented there are few non-skilled jobs at the Department.

Commissioner Stamper and Commissioner Vogt argued over how the employees should be classified--whether there is a need for a certain number of workers in each category.

Commissioner Vogt stated she agrees with the request.

Commissioner Stamper asked if a Maintenance Worker IV position is added, doesn't the memorandum of understanding give any Maintenance Worker I, II or III the right to apply?

Mr. Elmore replied yes.

Commissioner Stamper stated he disagrees with the request. Approval would place the County in a grievable position.

Mr. Elmore at first stated the changes do not have names attached, but upon having it clarified that position numbers are listed, retracted the statement. Mr. Elmore agreed the positions should be posted.

Commissioner Stamper stated if the position is posted and none of the employees are capable of performing that level of work, the Department would then hire from outside.

Commissioner Vogt stated she does not care who the worker is or where they come from as long as they get the work done.

Commissioner Miller asked who will do the labor jobs? Every time an employee is promoted, they then have the attitude of--that is not my job anymore--when it comes to labor jobs. Although she is not happy about changing the positions, she will agree provided the budget is cut elsewhere.

In response to a question from Mr. Elmore, Commissioner Miller replied he can present a proposal on the matter after the budget is adopted. She will say no to the request at this time.

Ms. Pitchford stated the Department requests contamination storage devices for fuel tanks which are not included in the budget. Mr. Abart indicated he would discuss it with the Commission. She recommends the decision be deferred until the Department is ready to discuss it.

Mr. Elmore stated he believes nine units are requested at \$600. The Environmental Protection Agency changed the rule regarding containment of spillage. There is a fuel tank at the jail and one at each motor grader location. A containment unit is required for the tank at the jail before insurance can be secured.

Ms. Pitchford commented Mr. Abart obtained oral bids on that unit. She advised it should be funded from Facilities Maintenance. That is not where the units for the graders should be funded.

Commissioner Miller stated it is time to move the graders back onto public properties.

Everyone agreed. The Commission indicated the matter will be pursued in a work session with Mr. Elmore.

The Commission turned to the Data Processing budget. At the request of Commissioner Stamper, Data Processing Director Scott Monnig reviewed his request to reclassify employees.

The Commission agreed with the request.

The Commission reviewed the supplemental request.

Ms. Pitchford commented for the purposes of the 1995 budget the requests can be considered as single year enhancements. She believes they need to look at establishing a fairly constant level of fixed asset acquisition in the budget.

Commissioner Stamper asked Mr. Monnig to elaborate on the request for a portable computer for the County Clerk.

Mr. Monnig replied she constantly has one of four computers acquired for use by all departments. The Department is able to meet requests for use of the computers. The County purchased six portable computers in 1994--one for the Presiding Commissioner and five for requesting departments. One was earmarked for use by the Sheriff's Department with crime scene software. The Planning and Building Inspection Department is also a heavy user.

In response to a question from Commissioner Miller, Mr. Monnig replied he expects requests to use the equipment to increase.

The Commission agreed not to acquire additional units at this time. A portable computer should be assigned to the County Clerk and to the Sheriff's Department.

Mr. Monnig continued to review requests.

The Commission approved the request for report imaging software for the Collector, with Commissioner Stamper expressing disagreement with the decision. The Commission approved the request for the certified mail software for the County Clerk.

Ms. Pitchford stated she has not received a request from the Assessor.

Mr. Monnig stated the Assessor requested a portable computer and cellular telephone. It was his understanding the Assessor would include the items in his budget.

The Commission approved the list of requests for the Commission office as presented.

Mr. Monnig stated the fiber connection to the Courthouse is essential if the AS400 in the Prosecuting Attorney's office is moved to the administrative building. It is questionable whether the machine can be moved because the MULES system can access FBI information. To date, the FBI has required machines to be contained in the office which accesses FBI records. Mr. Monnig stated the National Voter Registration Act will necessitate acquisition of the IBM 3930 printer.

Commissioner Stamper asked why couldn't the Recorder fund the Image view station from her special fund?

Mr. Monnig stated he did not discuss that with the Recorder. There were public access machines in the schedule but they were directed for other staff use. He should have inquired about funding the monitor from her special budget.

Commissioner Stamper objected to providing general revenue for the mug shot system at the Sheriff's Department when the original system was purchased with special funds.

Ms. Pitchford stated he is allowed to use the forfeiture fund for anything provided it is related to drug enforcement or investigation activities. Some parolees who will be photographed with the system may have been in prison for drug related crimes, but there is no guarantee of that.

Following of the additional review of the documentation provided by Mr. Monnig, the Commission directed him to determine what equipment is actually replacement equipment and what equipment can be eliminated from the budget and present a revised request to the County Auditor.

The Commission discussed transferring administration of the mail function from the Treasurer to Data Processing. Mr. Monnig supported the transfer, stating most documents produced for large mailings are printed in the Data Processing Department. The documents produced must comply with postal regulations. Therefore, it is logical for the Data Processing Department to provide administrative services.

Ms. Pitchford advised a separate budget would be established for the mail function regardless of who is responsible for it.

Mr. Monnig commented Treasurer Kay Murray is willing to continue to administer the mail function until offices move to the new administrative building.

The County Commission agreed to transfer responsibility for the mail function to the Data Processing Department effective upon relocation to the new building.

Prosecuting Attorney Kevin Crane was present to discuss a replacement for the position vacated by Assistant Prosecuting Attorney John Patton. Mr. Crane presented a written proposal.

In response to a question from Commissioner Stamper, stated Mr. Crane replied half of the cost of the entry level Attorney II position would be \$15,000.

Commissioner Vogt added--and benefits.

Ms. Pitchford stated benefits would amount to about \$2,200.

Mr. Crane stated Mr. Patton is leaving half of the work he does. The office will lose the ability to pay for the position, held by Rose Heim, from the tax collection fund.

Commissioner Stamper stated the office never had the other half of Mr. Patton's time, which consisted of work for the Commission. What he is hearing, is that a full time employee is needed.

Mr. Crane agreed. As a result of Mr. Patton's departure, they will be unable to continue funding Ms. Heim's position. The amount they propose be allocated from the tax fund to supplement the \$20,000 requested from the general fund will be less than the current amount spent from the tax fund, but it will eliminate their ability to fund Ms. Heim's position.

Ms. Pitchford stated she has been concerned about the tax collection fund for some time given the current level of expenditures. The greatest amount she is comfortable recommending as ongoing expenditures from the fund is \$10,000.

Mr. Crane stated it is much more efficient for one person to handle that work load. The proposal will make the tax fund more fiscally responsible and will not increase the number of employees.

Commissioner Stamper disagreed, stating the office will no longer be responsible for the half of the work load Mr. Patton is taking with him.

Mr. Crane reiterated his position.

Commissioner Stamper stated the last time the Commission was in this position, the debate amounted to whether the general fund would pick up employees the tax fund could no longer afford. That happened six months ago, did it not?

Ms. Pitchford stated she does not believe that is the issue on the table.

Commissioner Stamper replied it certainly is. If the Commission agrees to the proposal, a portion of an employee's salary is at risk to the tax fund. If the funding from the discretionary fund is no longer available, Mr. Crane will be back at the table saying he does not want to let anyone go.

Ms. Pitchford stated she thinks her estimates for the tax collection fund are conservative and reasonable. The concern is legitimate. There have been situations where more staff has been added than a fund's resources could provide. She would endorse the proposal presented by Mr. Crane if the Commission sees the need for a full time employee.

Commissioner Stamper stated the Commission is willing to divide Mr. Patton's work load evenly. What will the full time employee do during the other half of their time.

Mr. Crane replied criminal cases.

Commissioner Stamper stated they have discussed before whether attorney assigned to the child support enforcement unit is under challenged.

Mr. Crane stated following that discussion he spoke with Mr. Patton. The attorney could do work which is not related to family support, if they keep track of all their time. If they spend all their time on child support enforcement, they do not have to report their activities. The reporting requirement is arduous, but he is willing to look at it.

Ms. Pitchford stated State reimbursement would be less to the extent the attorney worked less than full time on child support activities.

Commissioner Stamper stated there is an incentive for the position to remain under-challenged. Commissioner Stamper asked what about the clerical position which supports Mr. Patton?

Mr. Crane replied it would remain the same. They would remain with the attorney assigned the work Mr. Patton is leaving and would also pick up additional work associated with criminal cases assigned to the attorney.

Commissioner Stamper stated the Commission also expected to take some of the funding for that clerical position since Mr. Patton is leaving.

Ms. Pitchford stated she advised Mr. Crane that at the last work session the Commission decided to leave the clerical staff as is and reduce the attorney to half time.

Commissioner Miller and Commissioner Vogt agreed that was the decision made.

Commissioner Stamper stated he would vote in opposition to that decision, but if that is what was decided, fine.

Commissioner Miller stated the proposal presented reflects her position at the last work session. She recommends the Commission approve it.

Commissioner Vogt stated her position was to provide a part-time Attorney II. The difference is only \$4,000, but when you add benefits, it raises the amount.

Ms. Pitchford stated according to policy, the part-time position the Commission agreed to at the last work session would be benefited.

Mr. Crane stated a full time position is greatly needed due to the workload in the office.

Commissioner Stamper continued to request an explanation as to why the additional half time position is needed.

Mr. Crane stated he does not know what other explanation he can give.

Commissioner Stamper and Mr. Crane discussed when the need arose. Commissioner Stamper argued that need for the position was not expressed prior to disclosure that Mr. Patton would be leaving the office and therefore he questions the need.

Mr. Crane replied if this opportunity was the catalyst for his proposal he believes he is right in asking for the position at this time. It is a perfect opportunity to strengthen the office. If his credibility is reduced because he did not request more help prior to the time he was advised Mr. Patton was leaving, he is at a loss as to how to respond.

Commissioner Stamper stated Mr. Crane's credibility is not the issue. The issue is Mr. Crane presented a budget with a certain number of hours dedicated to criminal prosecuting. Suddenly, because one section of the budget has changed, the need for criminal prosecutors has risen.

Commissioner Miller stated she does not see it that way.

Commissioner Stamper stated he does. Mr. Patton carried no criminal case load.

Commissioner Miller stated that is what Ms. Heim does.

Commissioner Stamper stated Ms. Heim works with tax collection.

Everyone disagreed.

Commissioner Stamper called for a motion, stating he will vote his conscience.

Mr. Crane stated maybe he was not clear in stating what Ms. Heim's duties are. He apologized if he was not. Attached to his supplemental budget request was a docket which showed what attorneys do what. Ms. Heim fills the gaps. She does do work for Mr. Patton. She also picks up on-call duties. She fills in for people on leave. She performs research. She handles criminal cases.

Commissioner Stamper stated the position could continue in its existing capacity.

Mr. Crane stated it cannot because it is not feasible given the funding available. The level coming from the tax fund has to be reduced.

In response to a question from Commissioner Vogt, Mr. Crane stated Ms. Heim is paid around \$12,000 from the fund. The Auditor advises that level of funding cannot continue. The fund can contribute about \$9,000 on an ongoing basis.

Commissioner Vogt stated she cannot see why one half of an attorney would not be adequate.

Mr. Crane reiterated his position and stated part-time positions do not work in the office.

Commissioner Stamper stated his position from the beginning has been that fifty percent of an entry level position should be left in the budget. He thought both the attorney and the clerical position supporting the attorney would be reduced by fifty percent.

Ms. Pitchford stated at the last meeting--

Commissioner Stamper stated there is no need for clarification on the clerical position. He has been outvoted by the other Commissioners. His perception all along was that fifty percent of an entry level position would be left.

Ms. Pitchford stated that is not what was stated at the last work session--

Commissioner Stamper stated he stated both sides at the last work session. The consensus was that fifty percent of an entry level attorney would be left. He stated that an opportunity probably existed to enter into the current negotiation with Mr. Crane, but he did not know at that time that it would be for fringe benefits and more. He was willing to budget \$20,000 and if Mr. Crane could add an amount to achieve a full time position, fine.

Ms. Pitchford stated when she presented the Commission’s position, Mr. Crane asked if he could present a counter proposal.

Commissioner Stamper stated he prefers to budget fifty percent of an entry level position.

Commissioner Vogt stated her position has always been to budget fifty percent of an entry level position.

Mr. Crane asked why entry level?

Commissioner Stamper stated he perceived that the work being left was not high level work.

Mr. Crane replied post conviction relief is extremely important. Entry level is someone who has been out of law school a year or less. To ask a part-time Attorney II to pick up the case load Mr. Patton is leaving, after thirteen years in the office, is not feasible.

Commissioner Stamper stated he is told a good part of the work Mr. Patton is leaving is done by clerical staff.

Mr. Crane stated there is a lot of work being done by clerical staff. Post conviction relief is a major aspect of the work being left. It is the difference between trying a case over again and putting the person in prison for good. Mr. Patton can do it rapidly because he has done it for a long time.

In response to a question from Commissioner Stamper, Commissioner Miller replied she disagrees with the position of Commissioner Stamper and Commissioner Vogt.

Mr. Crane asked for the opportunity to look for more money to fund his proposal for an opportunity to present it to the Commission.

Commissioner Vogt stated she would be willing to if he can find funding for the benefits. She is willing to provide an additional \$4,000.

Commissioner Miller stated Mr. Crane would have her vote.

In response to a question from Ms. Pitchford, Commissioner Stamper replied he would like to take the matter up before the budget is adopted.

The meeting adjourned at 5:05 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner

June Pitchford
Auditor