

The Hendricks County Board of Commissioners and County Council met in special joint session at 5:30 p.m. on Wednesday, November 23, 2005 in the Commissioners’ Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

Ed Schrier)	Larry Hesson)	
Phyllis A. Palmer)	Commissioners	Paul T. Hardin)
David Whicker)		Kenny Givan)
Todd McCormack	Probation		Richard Thompson)
Nancy Marsh	Auditor		Hursel C. Disney)
Todd McCormick	Adult Probation		Wayne Johnson)
Mike Graham	Administrator to Commissioners			
Judith Wyeth	Secretary to Commissioners			

NOTE: Councilmen Puckett participated in this meeting via speaker phone.

Commissioner Schrier opened the Commissioners’ Meeting with a quorum of three Commissioners. President

Larry Hesson opened the Council Meeting with a quorum of six members present and Councilman Puckett on speaker phone.

Greg Guerrettaz presented bond figures.

Discussion of the Work Release Center:

Discussion:

Commissioner Whicker: My understanding at the last meeting was the action taken by the body was. ..only dealt with the work release center.

Todd McCormack: That’s what I thought to.

David Whicker: No. Nor did it include any action regarding the Community Building for Probation Office nor anything like that. There was no action taken regarding that, there was discussion, but there was no action taken. So I am back to Hursel saying, “I don’t know that we actually took that action that we weren’t going to use the Community Building.”

Ed Schrier: The motion was that we were going to build a new work release as opposed to any sort of remodel of the Community Building.

David Whicker: But we did not address the addition of Probation offices.

Ed Schrier: Did not. So, what are we looking at?

Todd McCormack: My understanding was that you turned it down.

Larry Hesson.: I think the priority was that we move ahead with work release and I guess at the expense of the other structures.

Ed Schrier: So we are looking at roughly nine million dollars o build a building large enough for Probation and a work release?

Larry Hesson: Yes, that’s about right.

Wayne Johnson: The Probation is two and a half million, but that is a separate building. Combined into one building maybe we could save \$500,000.

Todd McCormack: One of the things.....we can always add on additional space, however when the Courts come on line.....

Wayne, But when we build the new facility then we would have this building that has been remodeled and if we would build the work release and probation in one unit up front, then we would be already to move over there with a new judicial center.

Todd: I think one thing about our building as it sits.....

David: I want to open up maybe a little can of worms on the technical question on the decision regarding the work release and probation office. Todd, I am picking on you, but don’t take it that way.

Todd: OK

David: The Commissioners have not made a decision on who is going to run the work release center. Whether it is going to be the Community Corrections or whether it will be the Probation Department. We have kind of been operating on the assumption that the Probation Department is going to do it, which may or may not be the way it is, but I think we have to get that on the table because that is a decision that I think the Commissioners have to make before we move forward whether we are going to build a work release and probation office.

Todd: I think you have to make that decision and I may have misunderstood as I thought that decision had been made. Part of the agreement was that we were going to pay for the feasibility study and we have requested additional appropriation and have a claim submitted. Because if not we have a legal issue of using Probation User Fees.

Ed Schrier: You talking about the 10-5 study? That was all paid for out of the Commissioners' budget wasn't it? When did that change?

Todd: That changed when the initial proposal came through, we were asked if we would pay for it out of Probation User Fees.

Ed: Are you going to pay the \$12,500 or the \$10,500 we negotiated it down to?

Todd: The \$10,500.

Ed: Well, I thought maybe they were going to pick up a buck or two.

Larry Hesson: If the Probation Department is not running it there are several other problems to. One of which is that I am not sure the Judges will be willing to cooperate and Number Two, I'm not sure the Council would be willing to participate.

David Whicker: That may be the case, Larry, but I'm saying that unless somebody can show me where that decision is on record has been made.

Larry It hasn't, but I think it was an assumption.

David: OK, but that decision needs to be made.

Larry: Quickly!

David: That is needed with the discussion that we are having now.

Larry: Right.

Daivd: That is my point.

Ed: You are walking from a half million dollars and that may be the right thing to do. I don't know, but I have never been a part of any discussion or review of that being an option.

Todd: You are going to be walking away from more than a half million, because if you become a Community Corrections the County will lose the per diam of the jail prisoners and you can write that income off and I don't know what that amounts to. How much do they get? Around \$600,000? Now you are up to a million one. You will also lose the funding mechanism that comes with the work release center for a per diam that comes from the State if you are not a Community Corrections facility and that is probably \$300,000.

Ed: Todd, would you be willing to write, and maybe you have something in writing, would you be willing to share that information with us?

Todd: Sure. It actually is all is the Corrections statute, actually it is statute.

Ed: What I am asking you, as potential runner of this operation, would you share that with us?

Todd: Sure.

Ed: In writing, that's what we want is for you to provide this information in writing.

David. Are you asking that as a formal request in a Commissioners' Meeting?

Ed: I am asking him to put what he just said in writing to us so that we can put that into our analysis as to whether we open that can of worms any further or not. You see, you've got to understand something here, You've brought an old German half way into the process and I am convincible, but I am not convinced, so the answer is just what you said, put that in writing. I will check you out and if you are absolutely right, it might make the decision quickly and be

over. But to ask this old German to sign on the bottom line one of these days when we have never looked at it. Everybody just jumped to a conclusion. Driven by whatever. That was the conclusion that we have been going down the pipe with. Everybody agree with that?

Larry: No. We didn't jump to that conclusion. We have been – this has been hashed and rehashed where we are now is the result of a lot of discussion and meetings.

Ed: Did it include an actual analysis, a thorough investigation of a Community Corrections in the process? That is my question.

Larry: I think so. We are not. From a financial standpoint, we could not afford to do this project, as Todd said, if we were going the Community Corrections route the financial dynamics change considerably and they are headed for the worst.

Ed: Share that with me. We need that. Did you ever run a cost analysis on one versus the other?

Greg Guerrettaz: No, Sir, I did not, but Todd did. Todd, you put together, I think, a presentation, a couple of presentations on long range planning over six or nine months ago, this is one to Hendricks County on Long Range Planning – Superior Courts Probation Department and then

Ed: Consolidate that for us, Todd. Help us out here, Todd. OK?

Gregg: You put together, I think, over six months, nine months ago, and you gave them an overview of what you just said, so I guess, the answer is maybe we need to bring that back for a revisit. And bring the current Commissioners up to date, because I think, even, probably Linda was here when we did that exercise.

David: But was there any action taken by the Commissioners or the body to say that this is the route we are going to go?

Greg: Yea, I don't know that a fact.

David: Maybe this is a technical question, but it needs to be a part of public record that this is the route we are going to go, rather than an assumption being made and no official action having been taken.

Larry: Probably everyone would be more comfortable with that.

Ed: I would be more comfortable with that. You know we all need to be closed at the hip on this thing guys that this is the way it is. I'm not in any way discouraging the research that you have done to date. All I'm saying is that I've only been in this job for ten months and there was a lot of decisions and discussions before that I have not been privy to and I'm just asking that you revisit this long enough to give me to a comfort level.

Todd: I will be perfectly blunt about this and that I will talk to the judges about that and I believe that I can honestly say that the intent on their approving my use of resources on this project was with that intent and the reason for that is that we are going in too many directions, too many different directions, too many things are apparently not resolved or unresolved and that from my standpoint and listening to their directive was, if we walk away we could say we are sorry, we gave it our best shot.. We still have the jail overcrowding population staring us in the face and still have all of these other issues. Even though you may not like the proposal that's on the table, I see nothing even close or better.

Ed: I didn't say that. I'm saying no one has shown me a direct comparison that I just ask you to do.

Todd: A direct comparison isn't going to be possible

Ed: Oh, well. So you can't put what you just said in writing? Is that what you're saying?

Todd: I can put it in writing, but you are not going to know what or how much we are going to get from Community Corrections funding without going through the State.

Ed: Or, I understand that.

Todd: So I don't know what dollar figure to use. I don't know – I can show you what I think we will lose if we become a Community Corrections County, because I can base that on what we are getting per diem for the Sheriff's Department right now, and again it is speculative how much of a per diem we're going to get on the work release facility because we don't really know how many of those people, we don't know what the population is going to be, how quickly we are going to reach that population, we don't know how many of those are going to be safe prisoners versus, or that would be the equivalent of safe prisoners versus local people, but.

Ed: Let me just say one thing in your very veiled threat there. I don't care what the judges do. That's their call. They are elected officials, they've got every right to do what they want to do. They can mandate, we know that, we've seen

that n action. They can do a lot of things, but one thing they can't do is take this pen and put it in my hand and force me to sign a bond issue. All I'm asking is for a comfort level and if you or somebody can't give it to me then it is going to have to be the other two sign the bond.. Is there any part of that you don't understand?

Todd: Other than the part this is not a threat or a veiled threat.

Ed: Well, I think it is. You said you feel real comfortable here at the end with the Judges. Well then, you know, if that is what it is, then that to me is – if it's not a threat then make it happen. OK. It's that simple.

Larry: We've been working on this for – seems like forever – one of the primary reasons for pursuing this is to save the County, really millions of dollars by building the jail and paying the expenses of prisoners in the jail when we could have a facility, that would, maybe not pay for itself, but come close to it. And we have, we've considered lots of options and lots of alternatives and we've, we've had conflicts with the judges before, and on this I think we had reached a point.

Ed: The Superior Court Judges, right?

Larry: Right. We have reached a point where I thought we were on track. Where we were cooperating.

Ed: I'm not saying we're not, Larry. Let's make that clear. Can somebody who was here before me summarize this in writing that Mr. Whicker, Mrs. Palmer and I can say, Yep, we see exactly where you are coming from, you know to give us the opportunity to understand that it is the right decision. I'm not saying you're not capable of making the right decision, you're just not in the position to sign the bond.

Larry: Well, you know that's a threat.

Ed: Call it anything you want. I didn't create the constitution.

David: Well, my point in bringing it up is that I thought there was something in the record that this action was taken by the Commissioners whether it was the previous Commissioners or this body. I don't really don't care as long as there is a record that we did take action as who was going to run the Work Release. That was my point of bringing it up.

Ed: I only want to make one other point on this particular issue.. Todd, as competent as you are of running this operation and making, saving the County money, I don't want to say making money, because I really don't think, but that is because operations will continue to increase in price and so on, so let's just say break even and I would be tickled to death. It's never been done in the state. And if it fails, you know it is like by little scenario earlier. I can't really, I can't toot the whistle and I can't clang the bell, but you let this damn Probation thing go crazy and you see who's going to catch Hell. It's going to be the Commissioners that signed the bond, who floated it to make it happen. All I'm asking is why we don't collectively give us enough data, solid, in writing, so that we can make that decision and get on with this thing.

Todd: I think the data has been submitted on whether we need a Work Release Center or not.

Ed: That's not what I'm talking about. I'm talking about the decision, if the decision is perceived as we are all talking about here. Tell me in that decision where we are better off than considering the Work Release because we can eliminate, I mean the Community Corrections, we can eliminate that situation if we've got some good hard data with somebody's name on a letter that we can then put in a file and we got a record. That's, that's what Mr. Whicker and I are after, a record.

David: Could we have that for the first December Commissioners' Meeting?

Todd: As far as I'm concerned you can have it Monday. But again, I have to, I need to check with the Judges.

Larry: Todd, essentially the data you have already prepared.

Todd: It's there.

Larry: OK.

Ed: So.

Larry: Do you have any extra copies that we can provide to the Commissioners or to print off so the Commissioners..

Todd: Yes, the report that he actually has is a draft.

Ed: In any of the reports that you have put together does it mirror the potential ion of if we were to go Community Communications what would happen and if going Probation what would happen. Can't you

Todd: No.

Ed: How in the world can you expect. You mean you want, you want that program and you don't want Community Corrections. Would that be, would that be an absolute statement, fact.

Todd: Yes.

Ed: OK. The bottom line is, is tell the Commissioners at least why you want to go this way and a dollar and cents comparison. That's what I'm after. You tell them we're going to save millions. Show me where you're going to save millions.

Larry: I don't think Todd can give you, I don't think he can tell you what the costs are going to be if we go Community Corrections. He can tell you what we won't have if we go Community Corrections.

Ed: Well, that's part of it.

Larry: And he can tell you about the uncertainty of not being paid anything.

Ed: Well that's data.

Larry: He can tell you that whatever we get from Community Corrections is what we are going to get this year, next year and twenty years from now.

Ed: So, you're

Larry: And he can tell you probably our inmate population is going to increase in twenty years and based on past history we will not get another dollar more per year than what we would get the first year.

Ed: Well, that's that, that's the kind of data I need.

David: Do you have some information you can present to us? We can't put this on the agenda for next Commissioners' meeting as tonight is Thursday, so would be then the next Commissioners' Meeting.

Todd: I can give you the Community Corrections statute and I can even inquire from the State and see if the Community Corrections funding would even be available above and beyond existing programs. for next year. I'm not certain that it would be available, so even if we wanted to become a Community Corrections County because I believe they have a flat line on their budget. Last year was about twenty-five million and I think there is about the same Community Corrections that has been approved for next year so we would literally take cutting somebody else out if we were approved. Not that the State might be willing to do that.

Greg: Ed, one suggestion is that maybe your County Administrator and I could meet with the State. What I was suggesting was that we meet with the State and find out what it would mean from a Community Corrections standpoint numerically. And if we could do it as a team, you know, I could do the numbers

Ed: I don't care personally. You know, I would rather have Staff that's already paid to do it, but the bottom line is I would like to have given to the Commissioners all the data you can pull together to compare the two approaches. That's what I'm talking about. It can be, we can make a decision real quick if we've got that what we can put in the record and

Todd: I can tell you my logic a little bit further on this. If the decision is that everyone agrees that we need a Work Release facility, regardless of who runs it, then the issue to build it, we should proceed with that, because whether the Probation Department runs it, or whether the Sheriff Department runs it, or whether Community Corrections runs it. All of those options are still there. It's not like your going to have a building that you might not be able to use.

Ed: Please understand. I'm 100% of everything I've heard that with the potential of the jail population, with the potential of the mandate of the Federal Government to build on to the jail, and all the other things. There is no question we need a Work Release Facility. Whether we need 200 beds or 128 beds, I don't need. You guys said 128 isn't enough. Those guys did an analysis on 200. You guys are already on the record of what you need here. OK? So, that research is done. What I have never seen is a real legitimate, it's always be in my opinion, from everything I can read the assumption in the beginning that this is the only way to go. And it may very well be, guys. But help me out here. I don't care if it is Mike and you and if you need to bring Greg into it to crunch some numbers, I don't care, but I fee likely the Commissioners need to make that decision before we proceed on with this. In the meantime we are going to be looking to build a Work Release Center. I don't have a dog in this fight as to who runs it, if the Sheriff runs it or if you run it, or Community Corrections runs it, or if anybody else runs it. What I do have is a problem is when 68 out of 92 counties are doing it this way and knowing that if we start it the way we are proposing now the State will never come in is territory that I believe if you are trying to do good policy you need to compare an orange with an orange as much as humanly possible.

Todd: I think the money is availablethe State will come in

Ed: I’ve been told it isn’t, but you may very well be right.

Larry: What do you mean the State come in?

Ed: I’m told, and the research I’ve done to date that if we start a Community Corrections based on the Probation Department that the State would never take it over in the event this particular approach fails. That we would be back to ground “O” having to run it locally.

Todd: Take it over.

Ed: Well, to make it a Community Corrections facility. That’s what I mean take it over.

Todd: They would if it made them money.

Ed: Sure, Well

David: Could we put this item on the Commissioners’ agenda for say, the 22nd?

Ed: If they can do it.

Greg: All right. November 22?

David: Yea.

Greg: I don’t think we can meet with the State by then.

David: All I’m saying is we need to resolve this issue.

Ed: I don’t know that you need to meet with the State. You need to tell us you’re, what you just scenario while ago and if you are willing to put that in writing?

Todd: Absolutely.

Ed: All right, Well then, that to me says it. Doesn’t it.

Paul: Well said.....

Ed: That part he just said about, you know, if we go that route we lose the prisoners and so on and so forth. I don’t know that to be a fact. That’s what I want somebody to tell me. What, if you make the wrong decision here what happens to us. That’s

Todd: The Community Corrections statute is going to help you a lot because you will see that in the statute, the bonding mechanism, and the per diem if we take their funds then we have to locally take care of all the non-violent, in other words if we decide to send them to the Department of Corrections, then what happens is they charge us back, they will bill us that \$35 per day and take that money away.

Ed: Can you play out those scenarios with Mike Graham and give it to us in writing by the 22nd?

Todd: I can’t play out the scenario but I can tell you what the statute says, but I can’t play out the scenario because I don’t have the numbers, I don’t know how many people we are talking about.

Ed: You said while ago, if we went this route, that we would lose whatever prisoners that we’ve got. Yes, That’s what I’m asking for. We know how many are in the jail, we get a report daily. We know exactly who’s in there and for what reason. Which ones are safe and the degree of, you know, class of this that and the other. That’s what we are after. If we can spread that record we can resolve that quickly and move on. And someplace down the pike here if we are criticized in the future for having done something that’s never been done before, I think we ought to have our rear-ends covered as much as humanly possible.

Todd: I’ll do my best. And I will. I do think there’s the potential the Judges may have exception that perhaps I am investigating Community Corrections and they may say. “What are you out doing investigating Community Corrections and use of funds that has nothing to do with that.”

Ed: They will certainly put that in writing, I bet.

Todd: Probably.

David: Well, but, you mean asking you to investigate?

Todd: Yes.

David: Well, I thought we were going with Mike and Greg were going to do that

Todd: I think that's exactly, knock yourself out getting the Community Corrections you know, call them and have them to come in and make a presentation and those type of things

David: Is some of that in here?

Todd: Yes.

David: So, some of what you are talking about is in this report and Greg, this is the report you were referencing?

Greg: Yes. There is one other report, Todd, that maybe I should check with you.

Phyllis: When the idea of the Work Release first came up we were told that for a couple million dollars we could build this facility and that Probation User Fees of \$500,000 would be put toward that, so we were talking about, as far as I was concerned, a manageable amount and now this figure for Work Release Faculty only is five and a quarter million dollars. That's a long way from a couple million dollars. And, you know, that was workable for me and I was excited about it and you know, in Todd's defense, I was on the Council for almost five years and I have a lot of confidence in Todd and in his report. When he came to Council the questions was asked about becoming a Community Corrections County and the information he gave me was kind of like when I was on the School Board and the Federal Government would dangle grants in front of your nose for new programs and that, that sounds good, but then you have to take their mandates so you know you do have to weigh that. I guess I have the confidence of Todd, he has looked at that and feels that it is not, but that's just an editorial comment. I still have the question about the two million dollars up to five and a quarter million.

David: Our action at the last meeting, unless someone wants to rescind the action, was to build a Work Release Center.

Phyllis: Yes, I know, but I wasn't at the last meeting.

David: We made a determination and I am comfortable with that and ready to move on. My issue is the clarification as to who is going to run it and to make it a part of the record. And, I would like to see us have Ed put the Work Release on the Commissioners' agenda for the 22nd. Have Todd in to review some of this, which, you know, we haven't heard you present this. Mike or Greg or both can talk about Community Corrections. I don't think it is fair to you to have you talk about Community Corrections because it needs to be somebody else other than you to talk about that.

Ed: When you are referencing law like you did while ago I think you can easily do that.

Todd: I can make

Ed: That's all I am talking about. And, Todd, if you take this personal, you are reading this totally the wrong way. I don't care if you run it, I don't care if your brother runs it; I don't care if the Judges run it in the end, but when 68 out of 92 counties and 0 out of the other remaining don't have Probation. All I'm saying is show us, show us that we are making the right decision and we might be criticized, whatever we do, and I don't mind that as long as we have looked at options and bedded it down and put it behind us and keep moving on. You guys have been working on this for a long time and, you know, we

Todd: I don't, I take very few things personal, so.

Ed: OK. Well, thank you.

Todd: That's not an issue with me. And you are right, I am pretty confident, and I appreciate what you said, Phyllis. And I think not only am I confident, but I think from the stand point that if I am coming here with a request, to specially deal with comments that you said, I am very, very sensitive to the fact of my obligation to the Council, to the Commissioners and to the taxpayers. And I would not be, for one second, saying that I believe that is this was the best way to go unless I was absolutely convinced that this is the best thing to do, and

Ed: Right.

Todd: I have no cross to bear no, no agenda to push. I really believe that given the research that I have done, the information that I have, this is the right decision.

Ed: Right This report was in 04 you know, so you might want to check if things changed or not. Some things have changed, like we've doubled the cost of the building, we know that. But, if there is anything else. But, some of that was anticipating that we were doing something with the Community Building, was it not? And,

Larry: We were ball parking, and

Ed: Right

Hursel: I would like to add something to this discussion something that I am just positive on, that if you are going to spend money and borrow money, now is the day to do it, because if you look, you are going to spend ten million dollars in interest. That is at today's rate that he figured at 6%, right?

Greg: Yes.

Hursel: My opinion, my opinion, rates are not going to go any lower, but I think they could go higher. I sat in a bank and looked at 21% interest rates not too many years ago, and as long as the federal government is having to borrow, think of the trillions of dollars they have been borrowing. Prior to 1980 the national debt was less than a trillion dollars. Today is right at eight trillion dollars. Somebody is short of money. When they are short of money I am of the opinion the interest rates are going to go up. So if we are going to do anything. I say now is the time to do it.

Ed: I agree with that scenario. The worst thing can happen is they go down and we can refinance.

Hursel: that is exactly right. We can always refinance.

David: Could we address this issue on 1:00 PM on Tuesday, 22nd of November to talk about this or whatever, Todd?

Todd: Tuesday, at 1:00?

David: We could do it in the morning, but right now we have the afternoon open.

Todd: I could do that.

Phyllis: We have more flexibility for discussion in the afternoon.

Larry: And I need to apologize to you, Todd. I remember sitting in your office and, really not all that long ago and telling you that we would have the doors open by January 2006.

David: Well, I don't see why we still can't.

Larry: But no, this coming January?

Ed: Thirty days?

David: Oh, oh, no. That's going to be a little tough.

Greg: You haven't even gotten into design and if we, and I told you last time if we run the design phase we are likely six months out. Remember DLGF takes ninety days.

Ed: Will they still look at this even though it is outside the levy?

Greg: They will look at it because it is outside, unless you decide to do a revenue bond. Then you have taxpayers and yea, it could be subject to remonstrance.

Larry: I apologize if I reacted too strongly, but you know it's just a sense of frustration, but I understand

Greg: Phyllis, on that two to three million, I noticed that was when we ball parked it and the process that we have gone through for many years is that we ball park it and then see which one rises to Priority No. 1 and it did raise to Priority 1 and then my guidance has always been that we get an architect involved so we would know two million, five million or seven.

Phyllis: We knew that Greenfield cost right at one million and

Todd: They were two point five or something like that

Greg: Two point something

Ed: That would be three and a half today, if you did the same thing and didn't make any changes

Larry: That one was much smaller than this would be.

Greg: I guess to bring it back to where it started, if you need another option let me know.

Ed Schrier, President

Phyllis Palmer, Vice President

David A. Whicker, Member

Nancy Marsh, Auditor

Judith Wyeth, Deputy Auditor

Larry Hesson, President

Jay Puckett, Vice President

Kenny Givan, Member

Hursel Disney, Member

Paul T. Hardin, Member

Wayne Johnson, Member

Richard Thompson, Member
