

MINUTES OF THE
SPECIAL MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
October 27, 2011

The special meeting of the St. Joseph County Council was called to order at 5:33 p.m., on October 27, 2011, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Mark Catanzarite
Mr. Dale DeVon
Mr. Michael J. Hamann
Mr. Daniel G. Herbster
Mr. Michael J. Kruk
Mr. Robert J. McCahill
Mr. Rafael Morton
Mr. Corey D. Noland
Mr. Mark Root - Absent

Present from the Auditor's office was Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present were Mr. Michael A. Trippel, Attorney and Ms. Joan M. Pawlowski, Executive Secretary.

Unfinished Business:

On October 25, 2011 the Board of Commissioners vetoed the following Ordinances (2-1 Thomas, Kovach). There will be a Council discussion and a vote to Sustain/Override these bills.

BILL NO. 91-11 - ORDINANCE NO. 108-11

AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY, INDIANA FOR THE YEAR 2012.

Mr. Morton made a clarification regarding the Commissioners' Meeting. He stated that there was a discussion regarding tabling the bill. He stated that they are working with a deadline as far as the state is concerned (11/1/11). He asked Commissioner Kostielney to comment.

Andy Kostielney, Commissioner, stated that there were a couple of discussions at the Commissioners' Meeting on Tuesday. One of them was from a budget time line standpoint. He felt that the Commissioners received the budgets in a timely manner from the Auditor's Office. The Council voted on Monday, 10/17/11 and the Commissioners received the passed Ordinances on Tuesday morning in time for their Tuesday, 10/18/11 vote. They decided to table the budget bills at that point because they needed more clarification to look at the amendments that the Council made. He stated that they were then ready to take action on Tuesday, 10/25/11. At that point it was suggested initially that the vote be tabled the budget vote, which in essence by the rules that the ten (10) days would expire before they could have taken action and by default the budget would have passed. They chose not to do that and actually vote on the budget. From a State time line standpoint and if they would veto the ordinances, they did not know what would happen if the budget did not pass, since the budget has to be submitted by 11/1/11 to the State. If it gets vetoed, he stated that he did not know what happens. He said that they did receive clarification from the State Board of Accounts.

Teresa Shuter, Chief Deputy Auditor, explained that the Department of Local Government and Finance stated that the budget must be adopted by 11/1/11. If it is not adopted you would revert back to the 2011 budget as was submitted and approved by the Department of Local Government and Finance and would lose the 2.9% growth levy, which is calculated on the working maximum levy, \$1.2M.

Mr. Kostielney stated that in essence they would have to reduce the budget that they had looked at passing, reducing the levy. Would the raises even be possible then?

Motion to Override the Commissioners veto of Bill No. 91-11 - Ordinance No. 108-11 was made by Mr. Hamann and seconded by Mr. McCahill. The veto of Ordinance No. 108-11 was overridden by a vote of 8-0.

BILL NO. 92-11 - ORDINANCE NO. 109-11

AN ORDINANCE APPROPRIATING MONEYS FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SEVERAL DEPARTMENTS OF THE COUNTY GOVERNMENT OF ST. JOSEPH COUNTY, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012, AND ENDING DECEMBER 31, 2012, INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

Motion to Override the Commissioners veto of Bill No. 92-11 - Ordinance No. 109-11 was made by Mr. McCahill and seconded by Mr. Kruk. The veto of Ordinance No. 109-11 was overridden by a vote of 8-0.

New Business:

Privilege of the floor:

Adjournment:

Mr. Morton stated that the meeting was adjourned at 5:41 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council