

Minutes of August 30, 2011 White River Township Board Meeting

Attendees: Mark Messick, Greg Rainbolt, Peggy Young, Dave Pollard

Stephen Buschmann, Jane Blessing, Mary Lou Habicht, Jody Veldkamp, Dann Veldkamp,

Cathy Bailey, Dick Huber

Call to order at 7:00 P.M. – by Greg Rainbolt

I. Pledge of Allegiance – led by Peggy Young

II. Approval of July 26, 2011 WRT Board Meeting Minutes –

Moved by Peggy Young and seconded by Dave Pollard

Vote: Ayes 3 Nays 0. July 26, 2011 Minutes approved.

III. Partnership for a Healthier Johnson County presentation –

Jane Blessing from the Partnership for a Healthier Johnson County gave a presentation about the history and functions of the organization and the benefits provided to residents of Johnson County. Information and pamphlets were given listing the assistance made available and the cost savings by this generally volunteer association. Jane also answered questions about funding and townships participation in the Partnership for a Healthier Johnson County.

IV. Advisement from Township Attorney –

Mr. Buschmann was asked by the township board if the township was allowed under Indiana statute to enter into a contract with Partnership for a Healthier Johnson County. Mr. Buschmann informed the WRT board that Indiana Code 36-6-4-8 subsection B states that with the consent of the township legislative body, the executive may contract with a corporation for health and community services not specifically provided by another government entity. A contract is not permissible if there is another government entity that fully funds them, otherwise under this code it grants the township the authority to contract with a provider for these services.

Indiana Code 36-6-4-8 subsection A states that the executive may use the township share of state, county, and township revenues to start revenue sharing funds for all categories of community services if these funds are appropriated by the township legislative body for these services. The executive may use these funds both for operating and capital expenditures. The key basically in this case it requires a resolution from the township board authorizing it, and the resolution should cite Indiana code which grants the township authority. Mr. Buschmann gave an opinion that the funds should be appropriated from the township general fund and not from the township assistance fund.

Mr. Buschmann answered the question if a lease or any other agreement the trustee enters into during their term still valid after their terms expires. Mr. Buschmann stated there is a general opinion of the Indiana Attorney General in the State Board of Accounts manual under IAG opinions that townships Trustee cannot generally contract beyond the end of their term, but this opinion ignores leases because it doesn't really apply to them.

Mr. Buschmann has held the opinion that a Trustee could contract for one year past the end of their term because that is the budget year that was approved during their term, but clearly a Trustee cannot enter into service contracts that extends years beyond their term that would bind the operation of the next administration.

Mr. Buschmann stated leases are specifically an exception. Indiana Code 36-110-6 provides that a lease cannot exceed 50 years. There is a provision if it is over 10 years it needs DLGF approval, if it is over 3 years it needs the approval of the fiscal body, and there are several other provisions dealing with leases.

Leases of real estate are an explicit exception to that by state statute; they can go up to 50 years. If a lease is to a government entity, that is done thru an inter-local agreement that requires approval of both the legislative and executive bodies.

Mr. Buschmann was asked his opinion on the validity of WRT building leases with Center Grove Community School Corporation and the Johnson County Sheriff. Mr. Buschmann said he would have to research these leases, but his opinion was the building swap agreement was properly executed. Mr. Buschmann said that a lease is a negotiated contract to be approved by the legislative bodies of both entities, because you are dealing with government entities here, that is an inter-local agreement that has to be approved by everyone.

Peggy Young asked since she worked for the Center Grove Community School Corporation if there would be a conflict of interest for her to approve or disapprove a lease agreement with the school corporation. Mr. Buschmann stated that because she wasn't receiving compensation from the lease there was no conflict of interest. Mr. Buschmann said a conflict of interest is where an individual derives an interest from the contract of more than 250 dollars; he informed Peggy that she got nothing based on this lease, the fact that it happens to be with someone who has employed you prior to your service on the board doesn't create a conflict of interest in his opinion.

Greg Rainbolt also stated that he was employed by Center Grove Community School Corporation.

Peggy Young asked Mark Messick since he wanted a new lease with Center Grove Community School Corporation if he has a new lease for the Sheriff's department as well.

Mark Messick said he had asked Mr. Watson (Trustee Attorney) to prepare a lease which he felt was a good document. Mark said that if the school lease worked properly, they would use the school lease as a template for the Sheriff's department lease.

Peggy Young asked about the cost of preparing a new lease, and then she questioned paying for an attorney when we don't even know if we have a valid lease with the school corporation.

Mark Messick stated he believed it cost around 300 dollars and that he was given an opinion from Mr. Watson (Trustee Attorney) that the lease between the township and the Center Grove Community School Corporation was not valid. Mark asked Mr. Watson to prepare a new lease since it was Mr. Watson's opinion that the lease was not valid.

Mark said he would ask Mr. Buschmann and Mr. Watson to work together to review all the documents and lease agreements WRT held with Center Grove Community School Corporation and the Johnson County Sheriff's department.

Greg Rainbolt suggested the township proceed no further with new leases until the township receives confirmation of the validity of the current leases and or agreements.

Mr. Buschmann was asked if the insurance policy in which the township clerks are bonded is sufficient or does the township need to provide a separate bond to protect itself from liabilities. Mr. Buschmann said Indiana Code 5-4-1-18 refers to the amount of bond, also that all elected officials and normally anybody else handling money need to be bonded. Mr. Buschmann stated bonds are required by state law and there is a difference between bonds and insurance.

Peggy Young asked Mr. Buschmann about the township's obligation to pay the reorganization bill when the township did not have any say as to who was going to be hired and whose services were utilized. State statute makes specific provisions if there are expenses of reorganization for the government entities to share. Mr. Buschmann suggested if an invoice is submitted to the township it should contain extreme detail as to what costs went into it, where the costs came from, who authorized the expenditures and how they allocated the fees because it must be allocated according to state statute.

Please refer to tapes and transcripts for further discussion about the reorganization billing, records, etc. associated with the reorganization.

Mark Messick said he had asked the previous trustee (Jay Marks) to provide the township with all of the transcribed notes from all of the meetings that were transcribed by Mary Sue and Mary Lou. Mark also asked Jay to return any other documents that he has related to the reorganization that don't exist in our files. Mark said the township has no tapes or transcripts from the township meetings. Mark said that the minutes kept by the previous

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board which he was the chairman were insufficient; he said those minutes didn't represent everything that went on in those meetings. Mark said the transcribed notes are the real history of those meetings.

Dave Pollard asked Mark Messick since he was chairman of the board at that time wasn't it his responsibility to have those minutes.

Mark Messick said he had those memorandums in the file but they are not approved and he can't find any statute where they have to be approved.

Greg Rainbolt said the township manual requires approval of township meeting minutes. Greg asked Mr. Buschmann if approval was required by statute.

Mr. Buschmann stated there is a provision in state statute that requires the minutes to be approved at the subsequent meeting and then placed in the official minute's book.

V. Trustee Report (Budgetary Questions) –

Trustee Mark Messick gave the board the advertised budget he submitted.

The board and trustee had a question and answer session about the advertised budget.

Please refer to tapes and transcripts for all discussion between the trustee and the board and comments from the public in attendance.

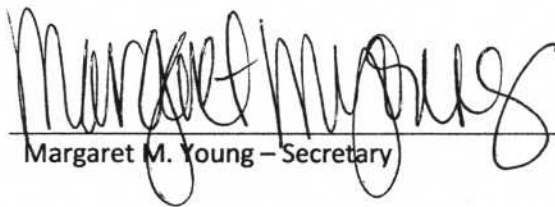
VI. Any other business that may come before the board –

There was no other business for the board to consider.

Peggy Young moved a motion for adjournment and Dave Pollard seconded the motion.

Meeting was adjourned.

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Submitted By:  10/4/11
Margaret M. Young – Secretary Date

Approved By:  10/04/11
Gregory A. Rainbolt – Chairman Date

Approved By:  10-4-11
David S. Pollard – Member Date

*A tape and transcript of the above meeting is housed in the Trustee's Office.