

VIGO COUNTY COUNCIL
Special Call Meeting Minutes
Wednesday, April 23, 2025 at 4:00 P.M.
Council Chambers, Vigo County Government Center

Pledge of Allegiance

President David Thompson called the meeting to order at 4:06 p.m.

Calling of the Roll

Randy Gentry – absent, Nancy Allsup – present, Brenda Wilson – present, Steve Ellis, - absent, Vicki Weger – absent, Brad Anderson – present, David Thompson – present.

Settlement Agreement and Release between Judges of the Vigo County Circuit and Superior Courts and the Vigo County Council

Council Attorney Michael Wright explained the settlement agreement between the Judges of the Vigo County. This meeting was in response to a mandate action filed in October 2024. He said the Council participated in a mediation in February of 2025 with former Indiana Supreme Court judge Steven David serving as mediator. He said after the mediation between the Judges and Council there were follow-up meetings which resulted in the current agreement before the Council. Michael said the Council was being asked to approve the settlement. He opened the floor to questions from the Council.

Brad Anderson asked Michael to explain the mandate. Michael said, under Indiana Trial Rule 60.5, the Supreme Court has developed a rule that governs what courts are supposed to do when they feel they are not getting the resources they need to effectively perform constitutionally mandated functions. He noted trial courts in Indiana is a little complex in that the judges are state court employees funded with the same resources as county employees. He said, in the government system of checks and balances, trial rule 60.5 is their check against not being provided the resources needed to do their job. Michael noted this conversation around Vigo County Judges has been persisting in some way as far back as 2016, and this mandate describes the methods the judiciary took during the course of the Baker Tilly study to try and get their employees properly rated under that system. The mandate outlines the budget process of summer 2024 and the additional steps the judges felt they took to the point of October 2024, up the meeting between the Council and judges to talk about the situation and the issuance of the mandate under the trial rule.

Michael said this mandate action was effectively a case in state court that because of the trial rule has jurisdiction in the Supreme Court. He said the mandate order delineates clearly the steps both parties took over the last 36 to 48 months. Michael said the judges feelings were made clear about the Baker Tilly study.

Brad Anderson said it would take extra time, money, and resources to proceed to court over this case. Michael said both parties were here as part of the Supreme Court's order to mediate the case. Michael said getting to an agreement were both parties felt they were protecting their

interests was burdensome, but he felt like the agreement document provided a system that recognizes the inherent responsibilities of these branches of government. He said there are statutes relevant to the case discussing the judges' rights to set the salaries of their employees. He said the issue is how those rights interact with the County Council's constitutional mandate over financial matters of the County. He said this agreement provides the judges more control over their staff's salaries while also giving the council the control they need to ensure that. He said the agreement prevents judges from unilaterally making everyone's salary \$100,000 or other unreasonable actions from the judiciary. Michael said the Council would not be giving up their financial responsibility to the county with this agreement.

Michael said both sides have been negotiating this agreement in good faith and further litigation would extend time, resources, and money to have both sides of the "same house" fighting against each other. He said both sides of this conflict would be using the same pool of taxpayer resources.

Brenda Wilson asked if the Salary Ordinance needed to be in place before the agreement is effective. Michael said he reached out to the Department of Local Government Finance and the Indiana State Board of Accounts in preparation for the meeting. He said the State Board of Accounts' legal opinion on the matter was once the agreement is in effect, it would essentially be a court order and the State Board of Accounts would not take any exception with an amount paid pursuant to a court order. Michael said there would still need to be a Salary Ordinance and Additional Appropriation approved by the County Council reflecting these changes.

Brenda then asked about the section of the Agreement mandating the payment of the mediator's fees and expenses. She asked how much the payment would be. Michael did not have an exact amount but said a little bit higher than \$50,000.

David Thompson asked if there are any other similar cases currently or recently in the state. Michael said the only other county that had a mandate was Jackson County. He said the mandate action is set for oral arguments before the Indiana Supreme Court. Michael said he reached out to the county's Auditor and said Jackson County's situation is a little different due to Jackson County having been in two mandate actions since 2023. He said the judges of Jackson County filed a mandate in 2023 and the county provided raises that year, and then the judges filed another mandate for the budget process again in 2024. This totaled out to be a 22% raise for the court employees of that County. Michael said one judge was not satisfied with the result and filed a separate mandate for his five employees. He pointed out the difference in the amount of employees in Vigo County compared to Jackson County. He said the legal counsel for Jackson County Courts in this case has billed approximately \$111,000 since January 2024. He said the counsel for the other party has billed \$52,000. Michael said Jackson County also was paying for a mediator. He said Jackson County was a costly case about five employees and there still was no conclusion for an extended period of time. Michael said the hearing officer in that case had ruled in favor of the County Council effectively finding the 22% raises provided over the course of the previous 18 months were necessary and reasonable and the mandate was not justified. Michael said Jackson County case was different due to using a budget surplus to provide additional resources to court staff employees. He said Vigo County has established the courts are

extremely busy with cases involving the department of child services, prosecutor's office, and other civil matters. He said the courts are required to report these numbers to the state and that the State tracks them. Michael said he thought with Vigo County's case, the courts could likely establish they are one of the busiest courts in the state - and they were not being paid at the same level as courts in the state as busy as Vigo County's. Michael said this settlement would do away with the expense of litigating this disagreement.

Brad Anderson noted he has been through three studies in his time in government and studies like this can often create issues. He expressed his desire for the Council to make a decision on this issue.

Counsel for the judges William Barkimer approached the Council and said this agreement was a culmination of years of negotiations between the Council and the judges. He said the agreement was a reasonable compromise and opportunity for the Judges and Council to move forward.

Brenda Wilson made a motion to approve the Settlement Agreement and Release between Judges of the Vigo County Circuit and Superior Courts and the Vigo County Council as presented. Brad Anderson Seconded the motion. **Upon a roll call vote for the pending motion, voting was as follows: Randy Gentry – absent; Nancy Allsup – aye; Brenda Wilson – aye; Steve Ellis – absent; Vicki Weger – absent; Brad Anderson – aye; David Thompson – aye. With a vote of 4-0, the motion passed.**

David Thompson confirmed with Council Attorney Michael Wright the next step would be an Amended Salary Ordinance and Additional Appropriation to fund this agreement. The advertisement deadline to get these items in the May Council meetings had passed, so the next opportunity for these items would be in the June Council Meeting.




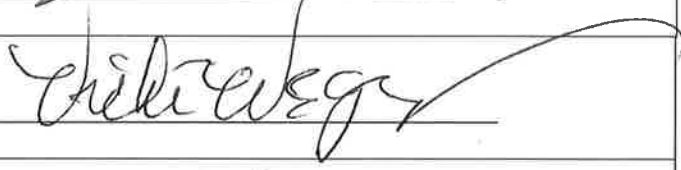


Brad Anderson made a motion to adjourn the meeting. Brenda Wilson seconded the motion. With a vocal vote 4-0 the motion passed.

The meeting was adjourned at 4:43 p.m.

[Signature Page to Follow]

MINUTES OF THE VIGO COUNTY COUNCIL
SPECIAL CALL MEETING
APRIL 23, 2025

Presented to the Vigo County Council, read in full and adopted as written this 13th day of May, 2025.

Aye	<input checked="checked" type="checkbox"/>	Absent	<input type="checkbox"/>	Randy Gentry	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		
Aye	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Nancy Allsup	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		
Aye	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Brenda Wilson	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		
Aye	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Steve Ellis	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		
Aye	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Vicki Weger	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		
Aye	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Brad Anderson	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		
Aye	<input type="checkbox"/>	Absent	<input type="checkbox"/>	David Thompson	
Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>		

Attest:

Larry T. Hutchings, II
Auditor