

LAPORTE COUNTY COMMISSIONERS

TUESDAY, JUNE 3, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, June 3, 2008 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

Present at the meeting were, Commission Vice President Michael Bohacek, Commission Member Barbara Huston. Commission President Bill Hager was absent. Also present were, Executive Secretary Linda Arnett, LaPorte County Attorney Robert Szilagyi and Executive Secretary Reathel Noveroske.

PLEDGE OF ALLEGIANCE

Lisa Bohacek led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bohacek made a modification on the agenda under New Business, Item D, engagement of a property tax consultant. Mrs. Huston made a motion to accept the agenda as modified, second by Mr. Bohacek, motion carried with a voice vote 2-0.

APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of May 13, 2008 as presented, second by Mr. Bohacek, motion carried with a voice vote 2-0.

WEEKLY REPORTS

The Commissioners review and sign the reports during the meeting.

CLAIM

Mrs. Huston made a motion to approve Payroll Ending June 13, 2008, second by Mr. Bohacek, motion carried with a roll call vote 2-0.

Mrs. Huston made a motion to approve Miscellaneous Claims in the amount of \$891,409.63, second by Mr. Bohacek, motion carried with a roll call vote 2-0.

CORRESPONDENCE

None

REQUESTS

Country Christmas Prairie Style – Rolling Prairie/ Request Tourism Funds in the amount of \$500.00.

Mr. Bohacek, we are out of tourism money, request denied.

OLD BUSINESS

Attorney Ryan Beall/ Petition to Vacate Public Roadway

Attorney Szilagyi, they are not here.

Mrs. Huston made a motion to take off the table, second by Mr. Bohacek, motion carried 2-0 with a voice vote.

Mrs. Huston made a motion to approve on the first reading to vacate public roadway by an Ordinance to Vacate a portion of Manistee Trail, Saugany Lake, LaPorte County, Indiana, second by Mr. Bohacek, motion carried with a roll call vote 2-0.

Mr. Szilagyi, the final reading will be at the next Commissioner's meeting.

Amendment to Ordinance #2008-04 Active Military Duty

Mrs. Huston made a motion to approve as amended, second by Mr. Bohacek, motion carried with a roll call vote 2-0. Mrs. Huston read amended section 5 of the ordinance.

Ordinance tabled for final vote at next meeting.

George Hayes/ Request to Purchase County Property

Mrs. Huston made a motion to take off table, second by Mr. Bohacek, motion carried with a roll call vote 2-0.

Mrs. Huston made a motion to deny, second by Mr. Bohacek, motion carried with a voice vote 2-0.

Tom & Deloris Maloney/ Request Street Name Change

Mrs. Huston made a motion to take off the table, second by Mr. Bohacek, motion carried with a voice vote 2-0.

Attorney Szilagyi will bring ordinance to the next meeting so the street name can be changed.

Mrs. Huston made a motion to table, second by Mr. Bohacek, motion carried with a voice vote 2-0.

NEW BUSINESS

Rick McVay .LaPorte County Highway Engineer/Bridge 185 and 186 Bid Opening

Mrs. Huston made a motion to close the bids, second by Mr. Bohacek, motion carried by voice vote 2-0.

Mr. Szilagyi opened the bid from LaPorte Construction Company, Inc. for \$715,490.39 and from JCI Bridge Group, Inc. for \$770,798.38.

Mrs. Huston made a motion to turn the bids over to Rick McVay, county highway engineer, second by Mr. Bohacek, motion carried by voice vote 2-0.

Kent Carpenter, Maintenance Department/ New Call Pilot 600r System/ Additional Appropriation of \$42, 059.00 from Riverboat/WinTax fund.

Mr. Carpenter asked for advice from the Commissioners.

Mrs. Huston , this would take care of the virtual operator. The system is made by the same company we have and is totally compatible, it would be a smooth transition. Mrs. Huston, have you checked into a lease of the system?

Mr. Carpenter, it is actually cheaper to buy than to lease.

Mr. Bohacek , what will the service be on this system ?

Mr. Carpenter, it will be part of our maintenance package on our telephone contract and this year that amount is \$22,000.00.

Mrs. Huston made a motion to pass this request on to the County Council, second by Mr. Bohacek, motion carried by roll call vote 2-0.

Mr. Carpenter, can we turn the virtual operator back on and go from two people per shift to one person per shift?

Mr. Bohacek, yes, that will be fine.

John Sullivan, Assistant Coroner/Approval to purchase vehicle out of CCD fund

John Sullivan, I have three different bids from local dealerships. For a brief history of this vehicle, it was manufactured in 1996, it was used by the EMS, it has 150,000 miles, I do not feel comfortable putting my deputies in this vehicle. The county mechanics do not want any more money put into this vehicle. My work load is up compared to a few years ago. We are doing 24% more Fort Wayne runs and that is due to availability of forensic pathologists that are not available in South Bend. Our department needs a road worthy, dependable vehicle. There will be Federal bid assistance for this purchase and I have a ball park figure of around \$30,000.

Mr. Bohacek made a motion to table until the next meeting because of no bids, second by Mrs. Huston, motion carried by voice vote 2-0.

Engagement of a Property Tax Assessment Consultant

Mrs. Huston made a motion to engage a property tax assessing consultant to comply with the DLGF retrending order. Scope of work to be approved by the DLGF prior to selection. This motion involves the hiring of a consultant other than The Nexus Group, second by Mr. Bohacek, motion carried by voice vote 2-0.

Attorney Szilagyi, this will have to go through a bid procedure.

Mrs. Huston, if it has to go through a bid procedure, so move that it go out to bid, but if not, my motion still stands.

PUBLIC COMMENTS

Attorney Mark Phillips, speaking on behalf of my client, Ted Reese. I would like to congratulate the board on two points. First, the amendment of Military Ordinance 2008-04. Second, I also congratulate the board on the reassessment order of DLGF. It is important to take the steps necessary to get our tax situation corrected. On behalf of Mr. Reese, I voiced an objection to the action that was taken by this board in initiating legal action in the Indiana Tax Court against DLGF. We believe that action was initiated in violation of the Indiana Open Door Law and we ask that there be a halt to that action. We have filed a complaint with Indiana Public Access Counselor and we are waiting for a ruling on that. We are asking the County Commissioners to put a halt to unlawful expenditure of tax payer funds.

Mrs. Huston, we had an executive session last week and that has been taken care of.

Al Landing, can you reiterate about the hiring? Did you say it would exclude Nexus from the bidding process?

Mrs. Huston, it is our understanding that Nexus Group has said that they would do it for free and we have no objection to that. However, we want our own consultant, that is why we are putting it out to bid and have another consultant work along side the Nexus Group to check this work.

Bill Wendt, I brought action against DLGF. Do not let Nexus touch one thing in that data base. I am asking you to forbid Nexus to touch the data base.

Mrs. Huston, Mr. Bohacek and I have talked and we do want a fresh pair of eyes on this, we want to know everything being done and it will be checked and rechecked. The order did not say the Nexus Group could not work on this.

Mr. Bohacek, the reason for the reassessment is potential manipulation of the assessment elements. I would be ok with excluding Nexus altogether.

Mark Phillips, I understand that this is only public comment. I understood the motion to be that they were not going to be allowed to do it. Now with the explanation that Commissioner Huston has given

me, I guess I should not really congratulate you if The Nexus Group is not going to be removed. I think you need to take the next step and keep the Nexus Group away from this because they've already screwed it up enough. We believe they are in breach of contract and that they should be held accountable.

Mr. Wendt, I would like to ask Mr. Szilagyi that by letting Nexus in any way participate any further in the corruption of the data base, as a county, would we give up any of our rights?

Attorney Szilagyi, if they are willing to mitigate for free and then you bill someone else, we may have an issue there.

Mike Conner, I believe we need an autonomous company to conduct the reassessment. Let Nexus bid on the work again.

Mr. Bohacek, we want to see how Nexus' numbers compare with the vendor that we hire.

Mrs. Huston, when we first discussed this, we wanted a second consultant and a fresh pair of eyes. I personally want to see a comparison what is right and what is wrong.

Mr. Conner, what is the cost of the work being done? Now we have to issue provisional bills, refunds, issuing correction of error, tax bills, costs of the Assessor's, Auditor's and Treasurer's offices.

Mr. Wendt, what has the county paid for Nexus' expenses to defend Nexus?

Mr. Bohacek, that will be covered in the Commissioner's comments.

COMMISSIONER'S COMMENTS

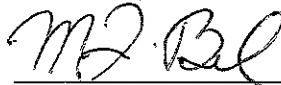
Mr. Bohacek, I have a couple of letters I want to read for the record. On Monday, June 2, 2008, I inquired to the Nexus Group in regards to some legal bills. They responded today, after discussing this issue with their attorney and LaPorte County's attorney. We believe invoices issued were in error and The Nexus Group will send a certified check for \$18,381.29 as a reimbursement for the erroneous payment. They also agreed to remove some \$9,000.00 for legal fees on the Michigan Township lawsuit included in a recent invoice. Additionally, I sent a letter to Mr. Layton, Mrs. Shuter, the commissioners, the county attorneys, in regard to the breach of contract by The Nexus Group and to recover money the county has paid the firm for it's legal fees. The county should be able to recover more than \$25,000.00 in legal fees Nexus submitted to County Assessor Carol McDaniel for defending itself against claims by Bill Wendt and a group of Michigan Township taxpayers.

ADJOURN

Commissioner Bohacek adjourned the meeting at 6:37 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

William Hager, Commission President



Michael Bohacek, Commission Vice President



Barbara Huston, Commission Member

ATTEST: 

Teresa Shuter, LaPorte County Auditor