



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton
President*

*Barbara Huston
Vice President*

*Willie Milsap
Member*

LAPORTE COUNTY COMMISSIONERS

MONDAY, March 5, 2012

The LaPorte County Board of Commissioners met in a regular meeting on Monday, March 5, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3.

CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Mr. Dave Decker led the Pledge of Allegiance.

ROLL CALL

All Present

APPROVAL OF AGENDA

Mrs. Huston, please add under Requests, Item F, Bob Young, LaPorte County Highway Superintendent/Request May CREDIT Draw and under Old Business, Item D, Laura Moyer, PKD Foundation/Request \$500 Tourism Funds (Tabled). Please remove, under New Business, Item D, Cory Shoffner, Attorney/Roger & Sandra Teska Petition to Vacate Portion of Cherry Lane, Hudson Lake Beach Subdivision, New Carlisle, IN.

Mrs. Huston made a motion to approve the agenda as amended, seconded by Mr. Milsap, motion carried by voice vote 3-0.

APPROVAL OF MINUTES

February 21, 2012, Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending March 16, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Miscellaneous Claims—\$201,384.13, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Mike McManus, Pine Ford Lincoln, LaPorte, IN. I understand that we are going to be bidding on some county police cars and that we may not be included in that bid.

Mr. Layton, we were told two weeks ago at our meeting that the sheriff's department had accepted the state bid because it was the low bid.

Mr. McManus, how would they know it was the low bid if we didn't get the opportunity to bid?

Mr. Jim Sosinski, we were addressed by the State Board of Accounts several years ago that our best interest would be to go with the state bid. We had always bought from local dealers before. The State Board of Accounts looked into the bidding process and for some reason they didn't feel that our bidding process was fair.

Mr. McManus, I feel we should get the right to bid on those cars.

Mr. Milsap, as part of the bidding process, do you put an ad in the paper?

Mr. Sosinski, the state handles that and we piggy back off that. We would rather buy from local dealers, we always have. Also, it is unfortunate that the local dealers don't get the same incentives that the dealership that is getting the state bid does. They are at a disadvantage through no fault of their own.

Mr. McManus, the dealers should have the opportunity to bid. We live here, pay our taxes here, I think it is our right to have the opportunity to bid.

Mrs. Huston, how does a dealership get to have the state bid?

Mr. Sosinski, I think that is determined by the manufacturers themselves. What dealers they will use for the bidding process.

Mr. Layton, my understanding at the last county council meeting, the funding was not approved for the bids at that time. Since there is no funding for the bid, therefore there is no acceptance of bids. The next council meeting is March 19, does that give you, Mr. Magnuson and Mr. McManus, the opportunity to bid on the squad cars?

Mr. Layton, Mr. Braje, since the council tabled the funding request and there has been no acceptance of any bid, does that make the process still available?

Mr. Braje, if I understand correctly, the process you went through originally was not a bid. It has never been bid locally so they could bid for the first time the vehicles and they would have the option of selecting a bid through their process or going back to the state bid based on what is the lowest and best bid.

Mr. Layton, I was to understand that as far as the state bid was concerned there is a cutoff date.

Mr. Sosinski, it is the order date. For Chevrolet, there is a cutoff date of March 13th for some vehicles.

Mr. Magnuson, the state bid is not necessarily the lowest bid, every dealer looks at their trade-ins of different value.

Mrs. Huston made a motion to allow the local dealers to bid on the sheriff's vehicles.

Mr. Braje, the first thing that has to be done to go through a bidding process is to set the specs.

Mr. Sosinski, that is correct. The state specs can be made available to the local dealers. Historically, we have purchased locally; 2011 was the only year we did not.

Mr. Layton, if we set to open the bids at our first meeting in April, that would put you in front of the county council meeting on April 23rd.

Mr. Sosinski, that would be fine as long as we can meet all the manufacturers dates for ordering.

Mr. Magnuson and Mr. McManus, we can bid tomorrow.

Mr. Layton, what I would like to do, if we are going to open this up to local dealers, then I believe the dealerships in Michigan City should also have the opportunity to bid.

Mr. Sosinski, we will send the specs to them.

Mr. Braje, what I would suggest is to simply have a motion to authorize the sheriff to advertise for bids, set the specifications and have a return date on those bids. So we are not placing any more restrictions on who can bid.

Mrs. Huston retracted her first motion. The next motion is to allow the sheriff to advertise for bids and that they are received here for the April 3rd meeting. They have to be in the Auditor's office by noon on April 3, 2012, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Matthew Bernacchi, I just want to go on record as saying the county council did set up an ordinance to buy American and buy local.

Sheriff Mollenhauer, we have always done local bids until the State Board of Accounts told us that we should use the state bid. We are happy to allow local dealers to bid.

Mr. Layton, on the audit that the commissioners received, we were written up as well, because we didn't fulfill all the obligations of the bid process. It didn't say we only had to accept the state bid. We were in violation of the bid process.

Mr. Terry Garner, LaPorte County Council, at last year's meeting I questioned them on why we didn't have other bids and I was told they didn't need to. I accepted that but they didn't really give an explanation. The council was not aware of that State Board of Accounts thing.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. While we are on this subject, you have copies of the Indiana Sheriff's Assoc. newsletter from the fall of 2011. This is a one page article labeled "Saving Money, Some Sheriffs Changing to a New Vehicle Color". The second paragraph says, "The change is being made for several reasons. A white patrol car is significantly cheaper than the two-tone brown and tan configuration. Sheriffs have found that there is a \$1,000 or greater charge per vehicle to get the two-tone paint package. When purchasing several cars a year, this per cost adds up to a sizable amount. The white law enforcement vehicle is usually always available from all manufacturers. The white vehicle is much easier to keep clean and maintain as well as being cooler inside during the hot summer." We discussed this matter a year ago at budget hearings and we were told they had to be two-toned, it was the law. After a little research, we found that St. Joe County has not bought a two-toned vehicle since 2006. They do have a light golden mist. I personally don't care whether they are white, brown or pink. The bottom line is we should not be wasting county money for two-toning vehicles that then when we trade them in they are worth less in value because they can't be driven as that two tone brown vehicle. I would ask that the commissioners take the position that we go to a solid color. I know that other counties are driving solid colors. If that helps with the bid process, so be it.

Mr. Layton, as you know, I served in the capacity of sheriff and bought many, many cars over the years I served. There was a statute that said the vehicles must be two-toned brown. I don't know if that statute is still in effect or not. I take this very seriously. I took an oath of office to uphold the statutes and the constitution and the way I approach it is to follow whatever the statute is. If that has been relaxed, I am good with it. If it hasn't been relaxed, then I am not good with it. It is law.

Mr. Sosinski, it is still a statute. What has been changed on it is that to remain uniform, they have allowed the white vehicles along with the two-toned vehicles. That is the standard marking for the sheriff's departments.

Mrs. Huston, I think the white cars would be a savings.

Mr. Sosinski, the cost comes in when the cars are two-toned. Last year we paid \$693 per car to have them two toned. There is a state statute that the two toned cars cannot be sold in this state. They take them to an auction to be sold.

DEPARTMENT HEAD COMMENTS

Mr. Jim Sosinski, I would like to report on the 2011 crime statistics. Crime was down overall in LaPorte County by 11%. In violent crime category we were down 100%. Homicides were 0 from 2011 to 1 in 2010. In the rape category we stayed the same at 6. In the robbery category we went down from 9 to 7. In the battery category they went down from 186 to 166. Our total violent crime calls

were down from 202 in 2010 to 179 in 2011 making a 11% decrease in crime. In our major case summary, our burglaries were down 12% from 286 to 253. We are seriously looking to develop a burglary task force. In our thefts, they were up 12% from 435 to 488. We have a lot of scraping thefts going on. Our vehicle thefts were up 2% from 46 to 47. I am happy with these results. As far as arrests go, adult arrests were up 8% 1144 to 1160. Warrant arrests were up big time at 42%. Juvenile arrests were down 21% from 236 to 186. We were up 38% on fatal alcohol related accidents, 18 in 2011 and 13 in 2010. To help combat that we are in the stages of developing a FACT team (Fatal Alcohol Crash Team) This team will be made up of every law enforcement agency in this county with the assistance of the prosecutor's office. Every fatal alcohol related accident will be investigated. Jail bookings were up 12%. Civil process service is down 10% from 20,936 from 23,287. New warrants issued are up 3%. I am happy with the report; there is always room for improvement. I also want to report on the ERT (Emergency Response Team). Sgt. Ron Heeg reports that in 2011 brought many changes to the LaPorte County Sheriff's office ERT. The resignation of Major George Ritter as team leader. Sgt. Heeg along with many others would like to personally thank Major Ritter for his many years of service and dedication to the ERT. His presence will be greatly missed. The addition of two deputies, Deputy Andrew Hahn and Deputy John Burger; the ERT now stands at full strength. Also, the appointment of Sgt. Ron Heeg as the new team leader and the appointment of Deputy Nate Battleday as the training coordinator. New equipment for the ERT in 2011: Deputy Waltz refurbished the entire teams automatic rifles. With Deputy Waltz's diligent work along with trade ins and rebates the team was able to purchase a new Remington 700 sniper rifle with a new scope with no cost to the ERT or the LaPorte County Sheriff's office. In August, with the assistance of the LaPorte County Prosecutor, the ERT received twelve new ballistic vests for all team members. Approximately \$19,800 was spend on these vests with the Prosecutor's office donating \$17,500. In November, new ballistic rated helmets were purchased for all twelve team members. The goals for this year are to improve training with our teams negotiators, to have more night training and to begin a rotation to replace the older sniper rifles. I want to personally thank every team member on the ERT who never hesitates to assist and protect the citizens of LaPorte County. I also want to thank the entire LaPorte County Sheriff's Department for the 2011 crime report for their hard work. From our secretaries to our jailers to our patrol staff to our ranking staff for their diligence in protecting this community.

Mrs. Huston, I didn't see anything on drugs.

Mr. Sosinski, drug cases are way up, drug arrests are up. Cocaine arrests in 2011, 72 to 23 in 2010. Dealing in counterfeit drugs, 5 from 1, dealing in alleged drugs in 2 -1, dealing in marijuana 24 arrests compared to 4 and dealing in scheduled drugs, 73-23. We are going to continue to aggressively attack this drug problem.

Mr. Milsap, where are we today on the housing?

Sheriff Mollenhauer, in November of 2011 we reached our high of 487, today we are housing 427 with a capacity of 368 beds.

Sheriff Mollenhauer, I know the chief mentioned Sgt. Heeg. If you get the opportunity, look at the LaPorte Herald Argus today. This brings to light our citizens academy. The other thing, speaking of the drugs and the things we are trying to do to eliminate them, as we are speaking, the K-9 units are going through LaPorte High School doing a locker search. That is to catch them with drugs and the deterrent factor. We are fortunate to have three dogs in this department.

CORRESPONDENCE

None

REQUESTS

Robert Young, Highway Superintendent/Theodore Malecki Request to Continue County Insurance

Mr. Layton, I am speaking on behalf of Mr. Young, the request is for employee Theodore Malecki, employed by the highway for 34 years and who plans to retire on May 11, 2012. Mr. Malecki is asking to continue to receive his county insurance when he retires. He does comply with the policy that we have.

Mrs. Huston, does he have sick days?

Mr. Layton, I did not check into that. If he does, he will be compensated for them.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, I would like to thank Ted for his service to the citizens of LaPorte County. He has been a great asset to the LaPorte County Highway Department.

Phoenix Services/Release From Highway Bid Bond

Mr. Layton, this is a bid that Phoenix Services provided to the county in 2010. They were not successful and have just now requested that the bid bond be released. There is no reason to hold the bid bond any longer.

Mrs. Huston made a motion to release, seconded by Mr. Milsap, motion carried by voice vote 3-0.

The Country Griller Music Festival/Request \$2,500 Tourism Funds

Mr. Layton, we have a letter from Mr. Tom Lerch. "We shall send a complete expenditure and income statement to the convention bureau as to keep ourselves very transparent. We shall also donate a portion of the profit to the LaPorte County Unity Foundation as to help where we can. Our goal is to bring people to LaPorte County and boost our economy where we can. Our mission is to start a new festival and attract people to LaPorte County, specifically to the International Friendship Gardens, a beautiful hidden treasure."

Mrs. Huston made a motion to approve \$500 and to allow the President to sign on behalf of the board, chair stepped down and seconded the motion, motion carried by voice vote 2-1.

Door Village Harvest Festival/Request \$500 Tourism Funds

Mrs. Huston made a motion to approve and to allow the President to sign on behalf of the board, seconded by Mr. Milsap, motion carried by voice vote 3-0.

St. Joseph Young Men's Society Sumer Festival/Request \$500 Tourism Funds

Mrs. Huston made a motion to approve and to allow the President to sign on behalf of the board, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Robert Young, Highway Superintendent/Request May CEDIT Draw

Mr. Layton, this is an annual request for \$2,000,000 so they can go in front of the County Council.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

OLD BUSINESS

Jeff Wright, Highway Engineer/Design Engineering Contract for the CR 400N Economic Development Project (Tabled)

Mrs. Huston made a motion to leave on the table, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Matt Bernacchi, we have a meeting coming up about this.

Melissa Mischke, GIS Coordinator/Data Exchange Agreement (Tabled)

Mrs. Huston made a motion to take off the table, chair seconded the motion, motion carried by voice vote 2-1.

Mrs. Mischke, last meeting I was before you with the service agreement between the Indiana Office of Technology, State of Indiana and the county. That is to provide web feature services for the county to share their data with the Indiana Homeland Security. We had a lot of questions about the grant

process itself. It is a reimbursement grant through the state and it is \$6,000 over a three year period. We currently participate in this program with the state; however, the previous grant was through Homeland Security. This one is coming strictly through the GIS department. The provider we have for those existing services is going to charge us \$1,000 a year, which would be half of the grant amount. We would get reimbursed that \$3,000.00. I am not sure what other options we have to recover money from the grant since we would have \$3,000 left. We would have to spend the money to get reimbursed on it. We would be sharing our critical information with the state so everyone in the area would have that common operating picture.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Northern Indiana Public Service Co./Corrected Electric Service Contract (Tabled)

Mr. Layton, I would like to request that we leave this on the table. There is some research being done by Mr. Bishop, the county planner.

Mr. Milsap made a motion to leave on the table, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Laura Moyer, PKD Foundation/Request \$500 Tourism Funds (Tabled)

Mrs. Huston made a motion to take off the table, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Ms. Moyer, I put on Cruis'n for a Cure for PKD and I am looking for \$500 for advertising out of the LPCCVB money.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

NEW BUSINESS

Rick Brown, MS4 Coordinator/MS4 Advisory Board Appointment

Mr. Brown, I am in unfamiliar territory as far as MS4 appointments. Recently I have had two retirees. One is from Michigan City and one is from the county as far as representing their entity. I have discussed this with Mr. Kus and I am supposed to have an answer from him around the 20th for our next meeting. The county position is open and we found out it was not an appointed position before. I am here to tell you who I think is a good fit, he comes from the Drainage Board. I have had discussions with Mr. Hendricks, I think drainage and MS4 is a very good fit. I would like to throw out Mike Polan for the board, it is not a paid position, we have monthly meetings and I have had a brief discussion with my liaison.

Mrs. Huston, did the request come from the Drainage Board?

Mr. Brown, no, only that a member from the Drainage Board I think would be a good fit. This is a new process so I wasn't sure what to do.

Mr. Layton, I think it is uncharted territory for all of us and how it was put together previously is unknown to any of us. I have spoken with yourself, Mr. Hendricks, Mr. Perze and Mike and their wishes is that there is a member that represents the Drainage Board on your body and that makes perfect sense. The only request that the Drainage Board had was that they may be given the opportunity to talk among themselves and maybe make a suggestion on who it is.

Mr. Milsap, who is your liaison?

Mr. Brown, Mr. Garner.

Mr. Milsap, Mr. Garner, do you have a problem with Mr. Polan?

Mr. Garner, I do not.

Mr. Milsap made a motion that Mr. Mike Polan be added to the MS4 Board.

Mr. Layton, before I call for a second, are we just going to assume that we have the authority to make this appointment without some type of a policy?

Mrs. Huston, since we have never appointed someone to the board before, how was it done in the past?

Mr. Brown, I believe Commissioner Harmon told Ray who would be on the board. Quite honestly, it doesn't have to be someone from the Drainage Board.

Mrs. Huston, who is on the board now?

Mr. Brown, Long Beach has a member, Trail Creek, Michigan City did have, LaPorte County and LaPorte City. These are the five entities that make up the MS4 Board.

Mrs. Huston, we don't have a problem with Mike, I think the point we are getting at here is that the commissioners have never appointed to the board. Mr. Harmon may have overstepped his bounds and just said "put him on the board" in the past. Appointments are for year to year. If we take this on, we would have to appoint yearly.

Mr. Braje, it would seem to me that if it is a LaPorte County appointment, the authority would fall to the chief executive. Unless there is another process in the language, that appointment would be made by the commissioners.

Mr. Milsap, in reference to Mr. Harmon making that appoint, if the other two commissioners, who he worked with everyday, had an issue with it, they would have addressed it then. With that being said, Mr. Harmon's appointment to that board is valid and I stand behind my motion to put Mr. Polan on the board.

Mr. Layton, I am not sure I understand everything you said but I will call for a second.

Mrs. Huston, I don't have anything against Mr. Polan being on the board. If we don't add it to our appointment list then there could be a problem in years coming since this board is not currently appointed by the commissioners. I will second the motion; motion carried by voice vote 3-0.

Mr. Layton, I have a question in my own mind if this is going to be an annual appointment? I think if we are going to make this an appointment of this board, then it should be no different than any other appointment we make. We need to establish some type of a written policy that this is going to be an annual appointment.

Mr. Milsap, with that being said, there are some more departments that need to be appointed yearly also.

Mr. Layton, I know what you are talking about and we might as well make it public. We have three individuals that are professional hired employees; our HR director, our county planner and the GIS director. As we have been told by counsel, we can't change anything pertaining to the way that those people were appointed because it was a mixed appointment between the commission and the council. Counsel did tell us we could write a policy for future if any of those left us.

Mr. Braje, I don't know if there are any distinctions about professional or otherwise, you are an appointee or an employee. I think in Mrs. Leon's case there is an ordinance already established that secures her position. You could write an ordinance as to other positions as how they would be hired from year to year. They are an employee and they fit the provisions of our handbook which dictates how we can hire, fire or terminate employees. Those particular employees fall under our handbook and would be subject to the rules and regulations of the Human Resource Department.

Pat Pease, EMS Administrator/Request Permission to Advertise for Ambulance

Mrs. Pease, I am approaching the commission to request permission to advertise for one ambulance to replace a 2004 Ford E450 which would require substantial dollars to repair. This ambulance was already slated for trade this year per the attached rotation schedule. I had originally planned on approaching the Council for appropriation later this year, however, an urgency now exists since it will take approximately 6 months to receive a new ambulance if given Council approval and it is difficult to

manage our fleet without this ambulance. I have also included pictures and the repair records on this vehicle as requested by the county council. This vehicle has 98,000 miles and has been in the shop 82 times in the past 7 years which averages once a month. I understand the council would like higher mileage at trade; however, it is a bit difficult to add miles when the vehicle is out of service. I thank you in advance for your consideration.

Mr. Layton, I went to the sheriff's garage and reviewed the vehicle with the mechanics there and this is not just a small item, it is a major engine failure. Estimates on this could be from \$4,000 to \$12,000 to repair.

Mrs. Pease, it is out of service and the mechanics are awaiting my direction.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Pat Pease, EMS Administrator/EMS Council appointment

Mrs. Pease, Commissioner Milsap made the recommendation to appoint Jeff Santana, from the Michigan City Fire Department, to the EMS Council to the slot vacated by Chuck Greis, who retired.

Mr. Milsap made a motion to appoint Jeff Santana from the Michigan City Fire Dept. to be on the EMS Council, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Commissioner Milsap/Ethics Ordinance, First Reading

Mr. Milsap, we are at the end of the tunnel and there is light. The last hurdle that we had to get by was the Open Door policy.

Mr. Braje, the ordinance you have before you is a red line ordinance. It shows the last changes, additions and deletions to form the ordinance. The issue concerning the open door has been resolved. My position was that these hearings are subject to the open door law and we have an agreement from the committee on that. The ordinance now is in its last form for consideration. When it comes up for voting we will take out the red line portions and reduce it to its final draft for your consideration.

Mr. Milsap, I apologize for not getting this in your packets which is why I will bring it back to our next meeting on the 20th, giving you time to digest it.

COMMISSIONERS COMMENTS

Mr. Milsap, looking forward to going to Road School

Mrs. Huston, wish the weather was better.

Mr. Layton, I wish everyone in our area would take the time to remember our fellow citizens in southern Indiana, Kentucky and Ohio that have suffered through this devastation of the storms with the loss of life and property. I have no idea what I would do if I were faced with what those folks are faced with down there. Please keep them in your thoughts and prayers.

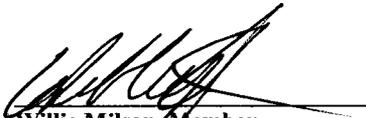
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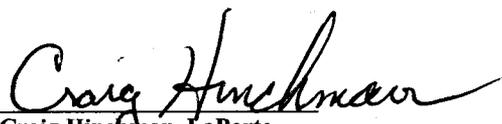
Mr. Layton, President, adjourned the meeting at 11:16 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS



Ken Layton, President
Barbara Huston, Vice President


Willie Milsap, Member

ATTEST: 
Craig Hinchman, LaPorte
County Auditor