

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
JUNE 18, 2007**

The LaPorte County Council met in regular session the 18th day of June, 2007, in the assembly room of the LaPorte County Government Complex. The meeting was called to order at 6:30 P.M. by President Jones, Council President.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Mark Yagelski led those present in the Pledge of Allegiance. President Cooley asked that roll call be taken:

Mrs. Shuter:	Councilman Yagelski:	Present
	Councilman Cooley:	Present
	Councilman Cunningham:	Present
	Councilman Mrozinski:	Present
	Councilman Garner:	Present
	Councilman Jones:	Present
	Councilman Ludlow:	Present

Mrs. Shuter stated, "All members are present, sir."

ADOPTION OF AGENDA: Mr. Yagelski made a motion to move the VanAir Ordinance to the beginning of the agenda before Department Heads and Mr. Jones seconded. Motion carried 7 – 0 by voice vote.

MINUTES: Mr. Yagelski made a motion, since Mrs. Sosinski had been sent the minutes pertaining to 2006, to approve the minutes as presented for the Workshop held on May 21, 2007, Public Hearing held on May 21, 2007, Regular Meeting held on May 21, 2007, Regular Meeting held on November 27, 2006, and the Special Meeting held on December 18, 2006. Mr. Ludlow seconded and the motion carried 7 – 0 by voice vote.

VANAIR ORDINANCE NO. 2007-03: Alan Feldbaum, Barnes & Thornburg, was in attendance representing VanAir. Mr. Feldbaum reported that since the last meeting the LaPorte County Economic Development Commission has met and unanimously approved the recommendation that the bond for VanAir be issued in an amount not to exceed \$2.6 million. A public hearing was also held; therefore all requirements under the State and Federal tax laws have been met. Mr. Feldbaum stated that there is no liability by the County, State or any other governmental unit as the obligations are those of VanAir and the bonds will be secured by a Letter of Credit. The third reading was held by title only. Mrs. Shuter read, "ORDINANCE NO. 2007-03, AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWO MILLION SIX HUNDRED THOUSAND DOLLARS (\$2,600,000) OF THE LAPORTE COUNTY, INDIANA, VARIABLE RATE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2007, (VANAIR PROJECT); DESIGNATING THE BONDS AS LIMITED OBLIGATIONS OF THE COUNTY; APPROVING THE FORM OF, AND AUTHORIZING THE EXECUTION AND DELIVERY OF, THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER

DOCUMENTS RELATED TO THE ISSUANCE AND SALE OF THE BONDS; AND AUTHORIZING PROPER OFFICERS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.” Mr. Ludlow made a motion to approve and adopt Ordinance 2007-03 as presented for the third reading and Mr. Garner seconded. Roll call was taken.

Mrs. Shuter:	Councilman Mrozinski:	Aye
	Councilman Cunningham:	Aye
	Councilman Garner:	Aye
	Councilman Cooley:	Aye
	Councilman Yagelski:	Aye
	Councilman Jones:	Aye
	Councilman Ludlow:	Aye

Motion carried 7 – 0.

REPORTS BY DEPARTMENT HEADS:

AUDITOR:

Mrs. Shuter referred to the financial update distributed to the Council.

COMMISSIONERS:

Mrs. Huston reported that on Wednesday, June 20th, from 12:00 to 2:00 p.m. there will be hot dogs cooked by Treasurer Ken Layton for the opening of the new Commissary. She also stated that the Clerk’s Office has been moved from the third floor of the Complex to the basement, across from Judge Baldoni, and In-House Printing and Emergency Planning have also been moved to the basement. Mrs. Huston commended the Maintenance Department for all they have done in moving these departments. She invited the Council to join with everyone in the opening of the Commissary and also asked that they visit the new offices.

Mr. Cooley referred to a letter received from Attorney Szilagyi regarding the Larson-Danielson walkway project. Mr. Yagelski commented that the Council still hasn’t understood the process and what happened regarding payment to Larson-Danielson when supposedly none of the Commissioners signed the claim but money was paid. Attorney Szilagyi stated that he was asked to have a meeting with Al Ott, himself and DLZ. The meeting was held and since Al Ott seemed happy with what the results were going to be, a letter was sent to the Commissioners and \$40,000.00 retainage was held until the issue regarding the cracks, etc. was taken care of. Mr. Yagelski stated that before the money was paid, the Council had asked the Commissioners not to pay the money because of the issues that still haven’t been addressed. He commented that it has been three (3) months and the questions still aren’t answered. Mr. Szilagyi commented that you can’t stop paying somebody just because you don’t like them. He commented that the doors still haven’t been put in so there won’t be any more payments to Larson-Danielson until the project is completed and found satisfactory.

Mr. Bohacek reported that he has reviewed the cracks in the walkway and was told that these are not a construction issue but an engineering issue. He stated that Larson-Danielson had asked for additional joints to be put in but the architect did not agree. The cracks have been

looked at and it has been determined that they are cosmetic; they have offered to patch the cracks with epoxy. Mr. Bohacek commented that he realizes that Mr. Cooley had some concerns when the light fixtures were being installed when one of the heating coils was punctured. The manufacturer was contacted and a joint was installed from the manufacturer to their specifications and it's not leaking in the tunnel. Regarding the issue of one of the handrails looking higher than the other one, this is an engineering issue as Larson-Danielson did not purchase the railings; it is also an ADA requirement since the railing cannot also function as a handrail if the railing is higher so this why one is higher than the other. Mr. Bohacek spent over an hour with Larson-Danielson addressing the concerns and issues that have been brought to him. In doing so, he found it isn't an issue with the construction done by Larson-Danielson. Larson-Danielson is waiting until the winter season to make sure everything functions properly before requesting the retainage.

Mr. Yagelski stated that the membrane was not up to the specifications that had been discussed and this is the first time in three months there has been any conversation regarding the issues. The cracks and the lack of coils at the bottom of the ramp were also issues along with where the concrete was drilled into, there are still issues. Mr. Yagelski is surprised to hear that Mr. Ott was happy with the project since there was water coming in on a brand new paint job and there is additional water coming out the side which wasn't an issue before. Mr. Yagelski commented that since the project began, the Council has tried to get some feedback and answers and up to this point, they had not seen anything.

Mr. Bohacek stated that the contractor had installed the membrane as specified by DLZ. If an architect designs something, and the contractor builds it to the architect's specifications, then the contractor has done their job.

Mr. Szilagyi commented that the contractor is being blamed for the engineering and a lot of the questions being raised are coming from another administration that doesn't exist anymore. Mr. Yagelski stated that he is asking for some response back in a timely fashion. Mr. Szilagyi stated that you can't beat a dead horse to death when it's gone.

Mr. Garner referred to the bill being paid with no Commissioners signatures and the Commissioners are saying that Mr. Szilagyi authorized payment. Mr. Szilagyi responded that the bill was paid but it should have been signed by the Commissioners and if it wasn't, he can't answer to that. Mr. Garner is wondering, since Mr. Szilagyi was given the authority to submit the payment to the Auditor, how this happened. Mr. Szilagyi responded that after the meeting with Al Ott and the Commissioners, and the Commissioners didn't have any questions, he assumed that the bill could be paid and he told Linda Arnett to do whatever she had to do to pay the bill but the Commissioners still should have signed the purchase order. Mrs. Shuter clarified, for Mr. Garner, that even as of today it has always been the policy for the Commissioners to allow stamped signatures on their purchase orders once they authorize something to be paid and all three signatures were on the purchase order when they came to the Auditor's Office but they were stamped. She stated that we have never been informed to the contrary that this is not acceptable. Mrs. Huston commented that once Linda is told to pay a claim, as with any other bill, she stamps the signatures and this is why they didn't think they signed the purchase order.

Mr. Cooley thanked the Commissioners for coming in and stated that they are right, the walkway was built to the specifications of the engineering firm and the Commissioners should look at the engineering firm. Mr. Bohacek commented that this is an engineering firm that the County doesn't do business with any longer for this and other issues. Mr. Cooley stated that the questions came up when the membrane was being put on from a 5-gallon bucket but it's too late now and hopefully, we've learned a lesson.

COUNTY HOME:

Mr. Mrozinski reported that the Advisory Board Meeting was held on June 8th. The bathroom project is moving very slowly as when they started to work on the bathroom they broke a couple of water pipes and they had to stop their project to fix those. After the meeting, Mr. Hager was asked about the plan to contract the mowing and there isn't anything concrete on that as of yet. Mr. Mrozinski commented that Mr. Hager did talk about purchasing a large mower deck for the Kubota that was purchased. Mr. Mrozinski stated that whichever plan is adopted, some relief is needed since there are only two maintenance guys spending three or four days a week just cutting the grass.

ANIMAL SHELTER:

Mr. Mrozinski reported that the Animal Control Officer for the City of LaPorte resigned and the City is asking the County to take over the duties of being Animal Control for the County and the City. A proposal has been submitted by the Human Resources Director of the City of LaPorte to the Animal Shelter which is under review and will be discussed at a future meeting.

WELFARE FAMILY & CHILDREN:

Mr. Ludlow distributed Terry Ciboch's budget report for Welfare Family & Children commented that the important part of the report is that January through May, he stayed below the projected budgeted figures which Mr. Ciboch tries very hard to do.

SIGNATURE/ORDINANCE NO. 2007-03:

Based upon a request by Mrs. Shuter, Mr. Ludlow made a motion that the President represent the Council and sign Ordinance No. 2007-03 that was just passed on the third reading. Mr. Cunningham seconded and the motion carried 7 – 0 by voice vote.

SHERIFF'S DEPARTMENT:

Mr. Jones commented that further down on the agenda the Council will be hearing a request by the Sheriff for \$20,735.00 for a new squad car. He reminded the Council that in the past, such as the squad car in the tornado, in all cases it was not the fault of the LaPorte County Sheriff's Department and we are recouping insurance money from the other party although our deductible is higher than the purchase price of a vehicle. Mr. Jones also commented that since they are late model vehicles we will only recover a small portion of what a new car would cost. Mr. Jones asked for the Council's support when the time comes to address this matter.

JUVENILE SERVICE CENTER:

Mr. Cunningham reported that the Juvenile Service Center Advisory Board met on June 14th. Mr. Barlag asked that Mr. Cunningham express his sincere thanks for the new washer and dryer; it saves their staff a couple of hours every shift and will properly save on the electrical use as well.

STATE-CALLED MEETING/COUNCIL:

Mr. Cooley attended a State Board of Accounts Conference in Columbus, Indiana, and he had an opportunity to listen to all of the changes that the legislatures have put on the County Councils. The Council will need to do some things by July of next year regarding the taxing board law that went into effect. It was suggested that an ordinance be passed so the responsibility is kept with the County Council where it should be.

Tracking time cards and days off was also discussed at the Conference. Mr. Jones commented that anytime a personnel policy is amended, those items that have to do with financing such as PTO days, etc. should come before the Council. He recently learned that all departments are not recording their time on a State Board of Accounts form as required. He stated that there are loose ends to tie together and he is looking forward to a competent Human Resource Director to oversee this. Mr. Cooley reported that he has asked Mrs. Shuter to ask every Department Head how many comp days their employees have coming. It was suggested at the Conference that comp days be eliminated, as they are a financial burden to the County. If the comp days aren't taken when they are due, they become worth a lot more money as days go by.

HIGHWAY DEPARTMENT:

Mr. Cooley reported that about twenty-five (25) miles of road was lost during the spring thaw; therefore it looks like the County Highway will need extra dollars if we want to keep the program in existence.

PUBLIC COMMENT: John Litz, Long Beach, commented that the Council wanted to hold off paying the bill to Larson-Danielson and the bill was paid. He stated that this is the first he heard of this and he asked what is to prevent this from happening in the future. Mr. Cooley responded that the process in place is that the purchase order has to be signed by three of the County Commissioners to give to the Auditor before it will be paid. Mrs. Shuter stated that she hasn't been informed anything to the contrary that stamped signatures are not acceptable.

Bart Lombard was in attendance representing Access LaPorte County. He understood that there was a request on the agenda last month and there were some questions regarding this request. Mr. Jones stated that this matter was tabled at the last meeting and is on the agenda later in the meeting. Mr. Lombard will address the matter at that time.

TRANSFERS:

Mrs. Shuter stated that the request for transfer from User Fees regarding Superior Court No. 4 is for the position the Council approved last month. Mr. Jones made a motion to appropriate and transfer \$26,348.53 from the User Fee Fund to the General Fund and to allocate as follows: \$5,606.48 for salary (100-10174-000-152), \$1,981.21 for Social Security (100-11007-000-143), \$463.34 for Medicare (100-11009-000-143), \$1,997.18 for PERF (100-11017-000-143) and \$16,300.32 for Insurance (100-11019-000-143). Mr. Cunningham seconded. Roll call was taken.

Mrs. Shuter:	Councilman Cooley:	Aye
	Councilman Cunningham:	Aye
	Councilman Yagelski:	Aye
	Councilman Garner:	Aye

Councilman Jones: Aye
Councilman Ludlow: Aye
Councilman Mrozinski: Aye

Motion carried 7 – 0. Mrs. Shuter reported that this position has been filled by an employee that had been in the Metro Ops Program for LaPorte County for quite some time.

ADDITIONAL APPROPRIATION/COUNTY GENERAL/COUNCIL:

Mr. Jones commented that he isn't sure where the request originated regarding the Waggoner, Irwin, Scheele (WIS) Work Plan to recruit, screen and interview a Human Resource Director. He isn't sure if the Commissioners want the Council to move forward on this or not since it seems that WIS put in this request. The amount advertised is \$12,800.00.

Mrs. Shuter stated that the Work Plan was part of the original discussions with Mr. Hager and Mr. Cooley last fall. Mrs. Shuter commented that Mr. Cooley had asked her last month before the meeting to get a "ballpark" figure on what WIS would charge to do something like this. WIS has based this estimate on another county where they just performed this job; there would be travel time involved as well. Mrs. Shuter commented that WIS would do all of the publications, all of the screening and then before the ten members of the Council and Commission they would present three (3) applicants.

Mr. Jones isn't opposed to the Plan as there is a lot of work to be done. His issue is that this just seems to be floating out there. Mrs. Huston stated that WIS does all of our job descriptions for the County and she feels the amount requested is excessive for a job description. Mr. Ludlow stated that what is proposed is more than a job description.

Mr. Ludlow made a motion to table this request until the next meeting and Mr. Jones seconded. The motion carried 7 – 0 by voice vote.

ADDITIONAL APPROPRIATION/CUM. BRIDGE: Rick McVay reported that the request for \$80,000.00 is to replace a small structure on CR 850 E just south of CR 1125 S by Starke County that hasn't been included in the inventory. The bridge is very narrow. Mr. McVay stated that they plan to use local crews to replace the bridge to keep the cost down.

Mr. Jones made a motion to approve \$80,000.00 and Mr. Ludlow seconded. Mr. Garner commented that the amount requested seems excessive when using local crews. Mr. McVay responded that the local bridge crew can install the structure but the materials are expensive. Mr. Garner asked the timeframe. Mr. McVay replied that they are hoping to have the replacement completed within a month. Mr. Cooley asked if this structure would be like a big culvert. Mr. McVay stated that basically it would be and it is called a small structure since it is under twenty-foot long. Roll call was taken.

Mrs. Shuter: Councilman Cooley: Aye
Councilman Yagelski: Aye
Councilman Cunningham: Aye
Councilman Garner: Aye
Councilman Jones: Aye
Councilman Ludlow: Aye

Councilman Mrozinski: Aye

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/CCD FUND/SHERIFF’S VEHICLE: Mr. Yagelski made a motion to approve the request of \$20,735.00 for a new vehicle and Mr. Cunningham and Mr. Jones seconded. Roll call was taken.

Mrs. Shuter: Councilman Cunningham: Aye
Councilman Mrozinski: Aye
Councilman Garner: Aye
Councilman Jones: Aye
Councilman Cooley: Aye
Councilman Yagelski: Aye
Councilman Ludlow: Aye

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/CCD/BUILDING MAINTENANCE: Mrs. Shuter reported that Mr. Ott has asked that this request be withdrawn from the agenda for Doors and Windows.

ADDITIONAL APPROPRIATION/COMMISSIONERS: Mr. Bohacek asked that the request be amended from \$738,600.00 to \$245,800.00 for Phase 1 and Phase 2 of the proposed interior renovation of the Courthouse. He commented that this project was on the priority list.

As this request was advertised in the River Boat and CCD Funds, Mr. Ludlow made to approve \$245,800.00 out of CCD and Mr. Jones seconded. Roll call was taken.

Mrs. Shuter: Councilman Cooley: Nay
Councilman Cunningham: Nay
Councilman Garner: Nay
Councilman Jones: Aye
Councilman Ludlow: Aye
Councilman Mrozinski: Nay
Councilman Yagelski: Aye

Motion failed 4 – 3.

Mrs. Huston commented that in discussion with Mr. Wall regarding the first two phases in the four month period, they are looking at incorporating all of the Courts to the Complex. Mr. Cunningham asked if \$738,600.00 was advertised and let out to other architectural firms. Mrs. Huston responded that you don’t have to go out for bids when dealing with architectural firms. Mr. Cunningham understands that but is there any law that says you can’t go out for bids. Mr. Bohacek stated that, for consistency since Herceg has done the outside of the building and has knowledge of the structure, the Commissioners felt it best to engage the same firm. Mr. Bohacek commented that Herceg has a great deal of experience with interior restoration of the same type of buildings so it is different than engaging engineers for a road or a bridge for

example. Mr. Cunningham asked what the percentage rate is that Herceg is charging us. Mr. Bohacek responded that it is hard to say based upon the total construction cost since the project hasn't been put out to bid but the range is probably 10 to 15%. Mr. Jones stated that in the workshop it was quoted that the percentage would be 14.4% if the project was \$4 million and 11% at \$5 million.

Mr. Jones commented that an RFP (Request for Proposal) is typically done when dealing with engineering firms on a project this large or simply stay with the firm you trust and negotiate the fee. He stated that if Herceg is anxious to be a part of this project, the Commissioners should negotiate the fee before coming back the Council. Mrs. Huston commented that in talking with Mr. Wall this is the reason for the proposal to do the first two phases. Mr. Wall had also stated that the part-time construction operation, which would amount to approximately \$161,000.00, could also be negotiated down. Mrs. Huston commented that Herceg & Associates do want to go forward with this project as it is a job that needs to be done and she believes the Commissioners can work well with them.

Mr. Cooley commented that he doesn't think the County has the money to do the project at this time. He thinks the project needs to be done but he doesn't know how we are going to pay for it. There are too many projects already in process. Mr. Cooley stated that the Commissioners could come back next month but they need to look at exactly what Herceg will be doing and what they will be hired for before bringing it back.

ADDITIONAL APPROPRIATION/CCD/COMMISSIONERS: A motion was made by Mr. Yagelski to take \$20,000.00 advertised for Equipment (ALCO) off of the table. The motion was seconded by Mr. Ludlow and carried 7 – 0 by voice vote.

Bart Lombard introduced Mike Werner, Studio Engineer and Sound Technician, if there were any questions regarding the equipment. Mr. Lombard commented that Don Barta had put the sound system together. He stated that the microphones can only operate when they are turned on. Mr. Barta had informed Mr. Lombard that when the microphones were selected, there were more expensive microphones that were preferred but the prior administration chose to go in the direction of the microphones now in place. Mr. Lombard reported that two of the microphones are disabled as they have been broken; one had a pen stuck in the back of it since there is no security to the doors and they are not locked. Mr. Lombard stated that ALCO hasn't had any money to purchase equipment for going on two (2) years and equipment has been brought in from the home studio.

ALCO received a letter from the Commissioners dated May 24th regarding the proposal as the Commissioners want prior approval of all equipment purchases. Therefore, the Commission must be addressed for approval prior to making purchases or they may become ALCO's responsibility.

Mr. Yagelski stated that when the equipment was installed, the Council disagreed with it and now we are in the same situation as happened with the telephone system. Mr. Yagelski commented that \$20,000.00 is too much for microphones. Mr. Lombard responded that the amount requested is for any equipment such as the upgrade of cameras, etc. Mr. Yagelski stated if Mr. Lombard has a list of items broken, he has no problem with it but he has a problem

halfway through the year replacing something that was promised to work from the beginning and the Council didn't agree to in the first place.

Mr. Lombard stated that he believes the entire system was done for \$12,000.00 and that is what the Commission wanted to go with. The next lowest estimate was around \$40,000.00. ALCO just went with what they were told to purchase.

Mr. Barta stated that, as far as the system goes, the one thing that needs to be upgraded are all of the microphones. Other than that, the sound system is terrific and it was done for one-third the cost.

Mr. Ludlow commented that \$20,000.00 is a line item and the Council isn't giving ALCO \$20,000.00 to go out and buy whatever they want; they must present a bill for approval. Mr. Lombard responded that any purchases that ALCO wants to make on behalf of the County for an annual \$20,000.00 appropriation should be submitted to the Board of Commissioners for their review and approval prior to purchase. Mrs. Shuter stated that this line item would be handled the same way as the Fair Association and the Barker Woods projects. She commented that the Commissioners will sign off on the equipment and send it to the Auditor's Office; this won't be a blanket \$20,000.00 to ALCO-TV.

Mr. Garner asked if the people in the back can hear the Council since he can't hear the Commissioners at their meetings when he has sat in the back. Mr. Lombard stated that there have been a couple of instances when the amplifier wasn't turned on in the other room which acts in tandem to the sound system in this room. Once the amplifier is turned on, then the individual microphones have to be turned on.

Mr. Lombard reported that under the old franchise agreement for Comcast, ALCO was to receive a monthly stipend from cable revenues. The Commission filed all of the appropriate paperwork in 2005 and also purchased, in advance of receiving those funds from Comcast, this sound system. During the legislative period last year, the legislator allowed cable companies to do state-wide franchising and dissolved local franchise agreements. Therefore, Comcast took the option of doing a state-wide franchise and dissolved the local agreements. Mr. Lombard stated that for the year and a half they were waiting for money to come, they haven't gotten one penny so the Commission was approached in February and asked if they would be willing, like the City of Michigan City does, to authorize out of the cable revenues an additional \$7,500.00 quarterly for a one-year period that would be used above and beyond the contractual payment for the management contract in order for ALCO to purchase equipment. Mr. Lombard stated that since the time the Commission approved the contract in March, correspondence has been received regarding stipulations before purchasing equipment. This is what bring ALCO here tonight, to answer any questions the Council may have.

Mr. Cunningham stated that there is a lock on the door. Mr. Lombard commented that ALCO doesn't have a key. Mr. Cunningham asked who has the key since this should be straightened out. Mr. Bohacek stated that he was unaware that there was a problem and a key will be made for the lock. Mr. Bohacek commented that he has been unhappy with some of the broadcast quality. He commented that this isn't a recurring \$20,000.00; it is based upon the performance ALCO provides and the value they bring to make sure they do what they say they are going to do.

Mr. Mrozinski, as a musician, understands microphones. He has watched the cable station and sees that the microphones aren't on, someone is leaning way back in there chair or they don't speak up or mumble. Mr. Mrozinski is amazed when he visits the veterans in the nursing homes how many people watch the shows on ALCO. Mr. Lombard is happy to hear they watch it but he wants to make sure they can also hear. Mr. Mrozinski suggested that some instruction be given to the panels, specifically the Drainage Board. Mr. Werner commented that most people don't have experience and a training session on usage could be held.

Mr. Barta stated that the better microphones, which would be screwed to the table, were priced around \$279.00 each. Mr. Werner commented that if the microphones were upgraded, the cell phone noise experienced a tonight's meeting, would go away.

Mr. Ludlow made a motion to approve \$20,000.00 and Mr. Cunningham seconded. Roll call was taken.

Mrs. Shuter:	Councilman Cunningham:	Aye
	Councilman Garner:	Aye
	Councilman Jones:	Aye
	Councilman Ludlow:	Aye
	Councilman Mrozinski:	Aye
	Councilman Cooley:	Aye
	Councilman Yagelski:	Aye

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/WIN TAX/HIGHWAY: Mr. Yagelski made a motion to take this request to approve \$27,000.00 for maintenance and repairs (Tiffany Woods) off of the table and Mr. Cunningham seconded. All approved.

Mr. Cooley commented that the Highway has determined that this request can be taken from another fund. Mr. McVay reported that it is possible that the amount can be paid from drainage improvement funds. He stated that at this point, the Highway Department can't move on the project until fall since the farmer needs to get his crops out.

Mr. Ludlow made a motion to withdraw the request and Mr. Garner seconded. All approved.

ADDITIONAL APPROPRIATION/E-911 SURCHARGE: Mr. Cunningham made a motion to appropriate \$500.00 in the E-911 Surcharge Fund for Office Equipment/Furniture as requested. Mr. Ludlow asked, for clarification, if this money was donated by Wal-mart and isn't surcharge money. Mrs. Shuter replied that a donation was given by Wal-mart and E-911 is asking for approval to spend it. Mr. Mrozinski seconded. All approved by voice vote.

OLD BUSINESS:

HUMAN RESOURCES DEPARTMENT ORDINANCE:

Mr. Jones made a motion to hear Ordinance No. 2007-04 on the second reading by title only and Mr. Ludlow seconded. All approved. Mrs. Shuter read, "ORDINANCE CREATING

LAPORTE HUMAN RESOURCES DEPARTMENT AND ESTABLISHING THE POSITINO OF DIRECTOR.” Mr. Cunningham moved to amend the title to read LaPorte County rather than LaPorte and Mr. Ludlow seconded. All approved. Mr. Jones then made a motion to adopt Ordinance No. 2007-04 and Mr. Mrozinski seconded.

Mr. Yagelski questioned the Commissioners since this job was to be created as an HR person, one person, but there has been talk about secretarial staff and other issues of that nature. Mr. Bohacek responded that this job will be a tough one as an HR Department will be originated where one does not exist; can one person handle it by themselves, they don't know but his "gut" tells him "no." Mr. Bohacek stated that the pre-screening and additional question process for applicants will be a big job for one person to do plus creating 600+ personnel files is a pretty big task. Mr. Yagelski stated that those areas could be "subbed" out but to add more employees wasn't the idea of the HR Director. Mr. Yagelski commented that there are a lot of employees bidding for a job that isn't even there yet. Mr. Yagelski cannot support this if there will be a whole administrative staff; has there been any statement at all about more than one person. Mr. Bohacek stated that the Commissioners cannot create position as the Council must approve the position. Mr. Bohacek commented, "Could a consultant be hired to come in and do our HR. Sure, but it could be very expensive." Mr. Bohacek commented that there will be things going on all of the time since there will be issues with COBRA, explanation of benefits, questions about PERF and medical insurance plus discipline. He stated currently discipline is handled by the Department Head. Mr. Bohacek commented that attendance needs to be monitored to make sure that people are where they are supposed to be; payroll should be spot-checked to see if there are issues with consistent use or abuse of overtime. Mr. Bohacek stated it depends upon how much control you want. Right now the intent is to create a department with an HR Manager. Mr. Bohacek isn't in favor of increasing employees; on the contrary, he is more in favor of consolidating some of the positions in some of the offices.

Mr. Yagelski stated that he has asked numerous times through Commissioners meetings, and Mitch Bishop the HR person based upon his job description. He asked with those jobs taken away, is he going to be reclassified. Mr. Bohacek responded that this would be his goal; Mitch is the County Planner and not an HR person. Mr. Bohacek commented that to run HR properly it is a full-time job. He stated that there may be more duties added to Mr. Bishop's job. Mr. Bohacek asked that Mr. Yagelski not discuss the employee's performance any further at this point. Mr. Yagelski responded that he only wants to discuss the classification of the job. Mr. Bohacek agrees that the position needs to be reclassified.

Roll call was taken.

Mrs. Shuter:	Councilman Cooley:	Aye
	Councilman Cunningham:	Aye
	Councilman Yagelski:	Aye
	Councilman Mrozinski:	Aye
	Councilman Ludlow:	Aye
	Councilman Jones:	Aye
	Councilman Garner:	Aye

Motion carried 7 – 0.

ADOPTION OF HUMAN RESOURCES WORK PLAN:

The Work Plan was tabled under the request for additional appropriations in the General Fund. Mrs. Huston was provided a copy of the Work Plan.

MICHIGAN CITY LIBRARY BOARD APPOINTMENT:

Mr. Jones asked if any other letters were received. Mrs. Shuter stated that advertisement was made in both newspapers and the only letter received was from last month's packet.

Mr. Ludlow made a motion to appoint Senior Judge Donald D. Martin, Retired, and Mr. Mrozinski seconded. Motion carried by voice vote 7 – 0.

COMMENTS BY THE COUNCIL:

Mr. Cunningham thanked Mr. Litz from Long Beach for pointing out that unless some action is taken, there is nothing to prevent what happened regarding three rubber stamps and no one wanting to take responsibility for payment.

Attorney Baugher's first comment is that payments are to be approved at public meetings. If approved at a public meeting, you know what was and what was not approved. He isn't sure of the validity of a payment being made when there was no public approval by a public agency.

Attorney Baugher stated that he realizes there is a reluctance to send money to hire somebody to search out and find a Human Resource person, which is a natural inclination, but it is hard to overstate the importance of getting the right person when you are starting up a new department like this. He doesn't know where the proposal came from but he does know that when it has been discussed with the Commissioners how we were going to handle this and get back on track with it, an ordinance where both sides had an equal say, there was a conversation about bringing in a professional and attempting to remove politics when you hire the first HR person. He would concur on those thoughts. If you get someone who knows what they are doing, they are professional and they will keep you out of the courtroom and keep it out of politics, this is the way to go. Attorney Baugher suggested whether it is this plan or some other plan, if you can keep elected officials out of the initial process so that anyone that comes to you is a "pro" you are much better off. This is his opinion.

Mr. Garner commented that all three (3) Commissioners stood before the Council and said that none of them signed, even though their stamp was on it, or said that they approved payment. The Commissioners put it back on Mr. Szilagyi. After three months they can say what they want to, but he remembers that all three (3) said they weren't in agreement. Mr. Garner stated that something needs to be done so that it is made known in a public meeting.

Mr. Garner stated that he was asked by a policeman how the grants Mr. Jones had applied for was proceeding to the fire departments and police departments. Mr. Johns replied that the MDT (Mobile Data Terminals) grant is to be submitted by June 29th. There has been a minimal amount of the \$600,000.00 appropriated spent; we could wind up not spending that money if this grant goes through in its entirety.

Mr. Yagelski stated that there is a month and a half to go before the budget hearings. There still isn't a project to date regarding space for the Extension Office, etc. He stated that nothing will be built in a month and a half.

Mr. Jones clarified that he agrees totally with Attorney Baugher on all of the issues brought up. His only concern is that the Commissioners were not familiar with the Work Plan presented. He would encourage that we work in a professional manner to get the top three (3) candidates screened prior to the political portion of it.

Mr. Cunningham agrees with Mr. Baugher and he suggested that the Council ask Attorney Baugher to research that claims are approved in public meetings and the purchase orders should be signed, not stamped. He commented that maybe an amount should be set over \$300.00 or \$500.00 where signatures are required. If spending over \$20,000.00 it should be worth someone signing their name or approving it in a public meeting.

Mrs. Shuter commented that once the Council has given permission for appropriation, if it is accepted practice within the department, such as in the Auditor's Office Mrs. Layton does the purchase orders and she is trusted to stamp or sign her signature to it, it has always been policy through the Commissioners Office. She stated that this is the first time it has ever been an issue where the Commissioners gave permission and all three (3) of them are denying that they gave permission and it has come back on Mr. Szilagyi. Mrs. Shuter stated that as of this date, no one has said to the contrary you take two signatures and one stamp. The Commissioners should let Mrs. Shuter, Mrs. Layton and Vicki Mrozinski, Head of Accounts Payable, know that the procedure has changed if that is the case.

Mr. Cunningham said if the Commissioners haven't changed the procedure, the same type of situation will occur again. Mr. Cunningham commented that he would have no problem with two signatures and a stamp as it takes two (2) Commissioners to be a majority. Mr. Cunningham stated that he is new in January, but it seems as though someone who can't defend themselves is being brought into this and there is only one guy; one of the others had to be in agreement or it shouldn't have been paid.

Mr. Yagelski commented that the Council agreed to pay the amount for the walkway and there is no legal basis to hold back the money until the Commissioners answer the questions which makes for a hard situation.

Attorney Baugher stated that the Commissioners are a body and they can only act as a body except for some administrative things they are allowed to do. They are only allowed to act at a public meeting. Attorney Baugher has been County Attorney more than once or twice and it was common practice that the bills would be brought before the Commissioners and they would approve them at a public meeting on a public vote. He commented that how the paperwork processed after that no one much cared if it was a rubber stamp or anything else as long as the vote was taken in public and recorded in public. Attorney Baugher stated that this was typical as there were so many claims and so much work that there would be lines of bills to be paid; there was public accountability because they were approved at a public meeting. Mrs. Shuter commented that this still does happen.

Mr. Cooley asked if another draw on the project had to come before the Council. Attorney Baugher responded that the Council appropriated the money set aside for the contract and the contract will set up pay periods to be certified by the engineer and approved by the Commissioners before payment is made. Mrs. Shuter stated that the printout Mr. Baugher referred to is a warrant register for any payment anticipated which is published in the newspapers and presented for approval at a Commissioners Meeting.

Attorney Baugher suspects that what happened is that the Commissioners publicly voted to pay the claim some time ago and then the issue of withholding payment may have come up. Mr. Litz asked what amount was paid. Attorney Baugher will review the information.

The Council signed the PERF form presented to them by Mrs. Shuter.

Mr. Cooley will not be here for the next meeting so Mr. Yagelski will be running the meeting. A workshop will be held before the meeting at 5:00 p.m. Mr. Cooley commented that the budget hearings will be held on August 13th, 14th and 15th.

ADJOURNMENT: Mr. Ludlow made a motion to adjourn at 8:15 p.m. and Mr. Mrozinski seconded. All approved.